

JOURNAL
OF THE
SENATE

OF THE
STATE OF KANSAS

FOR THE

2014 Legislative Session
January 13 through May 30, 2014

HELD AT THE

STATE CAPITOL
TOPEKA, KANSAS

COREY CARNAHAN, *Secretary of the Senate*

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Governor

SAM BROWNBACK, Topeka

Lieutenant Governor

JEFF COLYER, Overland Park



OFFICERS OF THE SENATE

2014 Regular Session



Susan Wagle, Wichita	President
Jeff King, Independence	Vice President
Terry Bruce, Hutchinson	Majority Leader
Anthony Hensley, Topeka	Minority Leader
Corey Carnahan, Topeka	Secretary
Charles (Nick) Nicolay, Topeka	Sergeant at Arms

STATE SENATORS
2014 LEGISLATIVE SESSION
Members Listed Alphabetically

Name and City	Occupation	Party	Dist.
Abrams, Steve , Arkansas City.....	Veterinarian	Rep.	32
**Apple, Pat , Louisburg.....	Electrician	Rep.	37
Arpke, Tom , Salina.....	Travel Agent, Consultant	Rep.	24
**Baumgardner, Molly , Louisburg.....	Professor	Rep.	37
Bowers, Elaine S. , Concordia.....	Auto Dealer	Rep.	36
Bruce, Terry , Hutchinson.....	Attorney	Rep.	34
Denning, Jim , Overland Park.....	Health Care Administrator	Rep.	8
Donovan, Les , Wichita.....	Auto Dealer	Rep.	27
*Emler, Jay Scott , Lindsborg.....	Attorney	Rep.	35
Faust-Goudeau, Oletha , Wichita.....	Community Activist	Dem.	29
Fitzgerald, Steve , Leavenworth.....	Retired	Rep.	5
Francisco, Marci , Lawrence.....	Space Analyst	Dem.	2
Haley, David , Kansas City.....	Public Affairs Counsel	Dem.	4
Hawk, Tom , Manhattan.....	Retired School Superintendent	Dem.	22
Hensley, Anthony , Topeka.....	Teacher	Dem.	19
Holland, Tom , Baldwin City.....	Business Owner	Dem.	3
Holmes, Mitch , St. John.....	Computer Programmer	Rep.	33
Kelly, Laura , Topeka.....	Association Executive	Dem.	18
Kerschen, Dan , Garden Plain.....	Farmer	Rep.	26
King, Jeff , Independence.....	Attorney	Rep.	15
Knox, Forrest J. , Altoona.....	Farmer/Rancher	Rep.	14
LaTurner, Jacob , Pittsburg.....	Small Business Owner	Rep.	13
Longbine, Jeff , Emporia.....	Auto Dealer	Rep.	17
Love, Garrett , Montezuma.....	Small Businessman	Rep.	38
Lynn, Julia , Olathe.....	Business Owner, Tech. Services	Rep.	9
Masterson, Ty , Andover.....	Small Business Owner	Rep.	16
McGinn, Carolyn , Sedgwick.....	Agriculture Producer	Rep.	31
Melcher, Jeff , Leawood.....	Executive	Rep.	11
O'Donnell, Michael , Wichita.....	Communications Director	Rep.	25
Olson, Robert (Rob) , Olathe.....	Banking/Real Estate	Rep.	23
Ostmeyer, Ralph , Grinnell.....	Farmer/Rancher	Rep.	40
Petersen, Mike , Wichita.....	Industrial Electrician	Rep.	28
Petty, Pat , Kansas City.....	Retired Educator	Dem.	6
Pilcher-Cook, Mary , Shawnee.....	Publisher	Rep.	10
Powell, Larry , Garden City.....	Rancher	Rep.	39
Pyle, Dennis , Hiawatha.....	Farmer	Rep.	1
Schmidt, Vicki , Topeka.....	Pharmacist	Rep.	20
*Shultz, Clark , McPherson.....	Title Insurance Agent	Rep.	35
Smith, Greg , Overland Park.....	School Teacher	Rep.	21
Tyson, Caryn , Parker.....	Software Engineer	Rep.	12
Wagle, Susan , Wichita.....	Business/Real Estate Investor	Rep.	30
Wolf, Kay , Prairie Village.....	Business Owner	Rep.	7

*Clark Shultz sworn in February 3, 2014 to replace Jay Scott Emler, resigned.
**Molly Baumgardner sworn in April 30, 2014 to replace Pat Apple, resigned.

**SENATE COMMITTEE ASSIGNMENTS
2014 LEGISLATIVE SESSION**

Standing Committees

8:30 a.m. Tues/Wed **Agriculture (11)** **Room 159-S**
Love, *Chairperson*; Kerschen, *Vice Chairperson*; Abrams, Bowers, Holmes, Knox,
McGinn, Ostmeier, Powell.
Francisco, *Ranking Minority Member*; Hawk.

9:30 a.m. **Assessment and Taxation (11)** **Room 548-S**
Donovan, *Chairperson*; Tyson, *Vice Chairperson*; Apple*, Bruce, Lynn, Melcher,
Petersen, Pilcher-Cook, Powell.
Holland, *Ranking Minority Member*; Hensley.

8:30 a.m. **Commerce (11)** **Room 548-S**
Lynn, *Chairperson*; Wagle, *Vice Chairperson*; Apple*, Denning, Longbine, Melcher,
Olson, Pilcher-Cook, Shultz.
Holland, *Ranking Minority Member*; Faust-Goudeau.

On Call **Confirmation Oversight (6)**
Bruce, *Chairperson*; Hensley, *Vice Chairperson*; Apple*, King, Masterson, Olson.

1:30 p.m. **Education (11)** **Room 144-S**
Abrams, *Chairperson*; Arpke, *Vice Chairperson*; Kerschen, Melcher, Ostmeier, Pyle,
Schmidt, Tyson, Wolf.
Hensley, *Ranking Minority Member*; Pettey.

9:30 a.m. Wed/Thur **Ethics and Elections (9)** **Room 159-S**
Holmes, *Chairperson*; O'Donnell, *Vice Chairperson*; Arpke, Fitzgerald, Love, Smith,
Wolf.
Faust-Goudeau, *Ranking Minority Member*; Haley.

10:30 a.m. **Federal and State Affairs (9)** **Room 144-S**
Ostmeier, *Chairperson*; Shultz, *Vice Chairperson*; Holmes, LaTurner, Longbine,
Olson, Tyson.
Faust-Goudeau, *Ranking Minority Member*; Holland.

9:30 a.m. **Financial Institutions and Insurance (9)** **Room 546-S**
Olson, *Chairperson*; Longbine, *Vice Chairperson*; Bowers, Denning, Kerschen,
LaTurner, Schmidt.
Hawk, *Ranking Minority Member*; Kelly.

On Call **Interstate Cooperation (7)**
Wagle, *Chairperson*; Bruce, *Vice Chairperson*; King, Love, Lynn.
Hensley, *Ranking Minority Member*; Holland.

Joint Committees of the Senate and House

Administrative Rules and Regulations

On Call (5 Senate – 7 House)

Schmidt, *Chairperson*; Faust-Goudeau, Hawk, Love, Ostmeyer.
House Members: Schwartz, *Vice Chairperson*; Huebert, Kahrs, Lunn, Pauls, Trimmer, Winn.

Corrections and Juvenile Justice Oversight

On Call (7 Senate – 7 House)

McGinn, *Chairperson*; Abrams, Faust-Goudeau, Fitzgerald, Haley, LaTurner, Smith.
House Members: Rubin, *Vice Chairperson*; Alford, DeGraaf, Henry, Hildabrand, Pauls, Ward.

Information Technology

On Call (5 Senate – 5 House)

Petersen, *Chairperson*; Francisco, Holland, Love, Melcher.
House Members: Esau, *Vice Chairperson*; Johnson, Jones, Lane, Whipple.

Kansas Security

On Call (5 Senate – 5 House)

Vacant, *Chairperson*; Hensley, Holmes, Petersen, Pettey.
House Members: Goico, *Vice Chairperson*; Bridges, Frownfelter, Mast, O'Brien.

Legislative Coordinating Council

On Call (3 Senate – 4 House)

Wagle, *Vice Chairperson*; Bruce, Hensley.
House Members: Merrick, *Chairperson*; Davis, Mast, Vickrey.

Legislative Post Audit

On Call (5 Senate – 5 House)

Longbine, *Chairperson*; Hensley, Kelly, Lynn, O'Donnell.
House Members: Barker, *Vice Chairperson*; Burroughs, Mast, Peck, Trimmer.

Robert G. (Bob) Bethell Joint Committee on

Home and Community Based Services and KanCare Oversight

On Call (5 Senate – 6 House)

Pilcher-Cook, *Vice Chairperson*; Denning, Francisco, Kelly, O'Donnell.
House Members: Crum, *Chairperson*; Ballard, Dove, Edmonds, Ryckman, Jr., Ward.

Special Claims Against the State

On Call (3 Senate – 4 House)

Kerschen, *Chairperson*; Bruce, Haley.
House Members: Todd, *Vice Chairperson*; Carlin, Houser, McPherson.

State Building Construction

On Call (5 Senate – 5 House)

Wolf, *Chairperson*; Francisco, Kelly, Knox, Powell.
House Members: Brunk, *Vice Chairperson*; Alcalá, Alford, Hutton, Ward.

State Tribal Relations

On Call (5 Senate – 5 House)

Ostmeyer, *Vice Chairperson*; Bowers, Haley, Knox, Pettey.

House Members: Macheers, *Chairperson*, Burroughs, Ewy, Kinzer, Victors.

Telecommunications Study Committee

On Call (8 Senate – 11 House)

(Vacant), *Co-Chairperson*; Francisco, Hawk, Knox, Longbine, Lynn, Olson, Petersen.

House Members: Seiwert, *Co-Chairperson*, Bruchman, Carpenter, Doll, Garber, Gonzalez, Kuether, Ryckman, Sr., Schwab, Thimesch, Whipple.

**SENATE MEMBERS SHOWING COMMITTEE ASSIGNMENTS,
RANK, TIME AND COMMITTEE ROOM, PARTY AND
DISTRICT NUMBER, OFFICE ROOM AND TELEPHONE**

Abrams, Steve

Republican, District 32
Room 224-E
(785) 296-7381

Committee	Rank	Time	Room
Education	Chair	1:30 pm	144-S
Agriculture	Member	8:30 am Tues/Wed	159-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Apple, Pat (*Resigned April 10, 2014*)

Republican, District 37
Room 224-E
(785) 296-7368

Committee	Rank	Time	Room
Utilities	Chair	1:30 pm	548-S
Assessment and Taxation	Member	9:30 am	548-S
Commerce	Member	8:30 am	548-S
Confirmation Oversight	Member	On Call	
Organization, Calendar and Rules	Member	On Call	

Arpke, Tom

Republican, District 24
Room 135-E
(785) 296-7369

Committee	Rank	Time	Room
Education	Vice Chair	1:30 pm	144-S
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Natural Resources	Member	8:30 am Thur/Fri	159-S
Ways and Means	Member	10:30 am	548-S

Baumgardner, Molly (*Appointed to replace Pat Apple; began serving April 30, 2014*)

Republican, District 37
Room 224-E
(785) 296-7368

Bowers, Elaine S.

Republican, District 36
 Room 223-E
 (785) 296-7389

Committee	Rank	Time	Room
Public Health and Welfare	Vice Chair	1:30 pm	118-N
Agriculture	Member	8:30 am Tues/Wed	159-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Senate Select Committee on KPERS	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

Bruce, Terry

Majority Leader

Republican, District 34
 Room 330-E
 (785) 296-2497

Committee	Rank	Time	Room
Confirmation Oversight	Chair	On Call	
Interstate Cooperation	Vice Chair	On Call	
Organization, Calendar and Rules	Vice Chair	On Call	
Assessment and Taxation	Member	9:30 am	548-S
Judiciary	Member	10:30 am	346-S
Legislative Coordinating Council (Joint)	Member	On Call	
Special Claims Against the State (Joint)	Member	On Call	

Denning, Jim

Republican, District 8
 Room 541-E
 (785) 296-7394

Committee	Rank	Time	Room
Ways and Means	Vice Chair	10:30 am	548-S
Commerce	Member	8:30 am	548-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Public Health and Welfare	Member	1:30 pm	118-N
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
Senate Select Committee on KPERS	Member	On Call	

Donovan, Leslie D. "Les"

Republican, District 27
 Room 123-E
 (785) 296-7385

Committee	Rank	Time	Room
Assessment and Taxation	Chair	9:30 am	548-S
Transportation	Member	8:30 am Tues- Fri	546-S

Faust-Goudeau, Oletha

Democrat, District 29
 Room 124-E
 (785) 296-7387

Committee	Rank	Time	Room
Ethics and Elections	*RM Member	9:30 am Wed/Thur	159-S
Federal and State Affairs	*RM Member	10:30 am	144-S
Local Government	*RM Member	9:30 am Mon/Tues	159-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Commerce	Member	8:30 am	548-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	

Fitzgerald, Steve

Republican, District 5
 Room 135-E
 (785) 296-7357

Committee	Rank	Time	Room
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Local Government	Member	9:30 am Mon/Tues	159-S
Transportation	Member	8:30 am Tues-Fri	546-S
Ways and Means	Member	10:30 am	548-S

Francisco, Marci**Assistant Minority Leader**

Democrat, District 2
 Room 134-E
 (785) 296-7364

Committee	Rank	Time	Room
Agriculture	*RM Member	8:30 am Tues/Wed	159-S
Natural Resources	*RM Member	8:30 am Thur/Fri	159-S
Utilities	*RM Member	1:30 pm	548-S
Information Technology (Joint)	Member	On Call	
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Telecommunications Study (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Haley, David

Democrat, District 4
 Room 134-E
 (785) 296-7376

Committee	Rank	Time	Room
Judiciary	*RM Member	10:30 am	346-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Local Government	Member	9:30 am Mon/Tues	159-S
Public Health and Welfare	Member	1:30 pm	118-N
Special Claims Against the State (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

Hawk, Tom

Caucus Chair

Democrat, District 22
 Room 124-E
 (785) 296-7360

Committee	Rank	Time	Room
Financial Institutions and Insurance	*RM Member	9:30 am	546-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture	Member	8:30 am Tues/Wed	159-S
Natural Resources	Member	8:30 am Thur/Fri	159-S
Telecommunications Study (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Hensley, Anthony

Minority Leader

Democrat, District 19
 Room 318-E
 (785) 296-3245

Committee	Rank	Time	Room
Confirmation Oversight	Vice Chair	On Call	
Education	*RM Member	1:30 pm	144-S
Interstate Cooperation	*RM Member	On Call	
Assessment and Taxation	Member	9:30 am	548-S
Kansas Security (Joint)	Member	On Call	
Legislative Coordinating Council (Joint)	Member	On Call	
Legislative Post Audit (Joint)	Member	On Call	
Senate Select Committee on KPERS	Member	On Call	
Transportation	Member	8:30 am Tues-Fri	546-S

Holland, Tom

Democrat, District 3
 Room 134-E
 (785) 296-7372

Agenda Chair

Committee	Rank	Time	Room
Assessment and Taxation	*RM Member	9:30 am	548-S
Commerce	*RM Member	8:30 am	548-S
Federal and State Affairs	Member	10:30 am	144-S
Information Technology (Joint)	Member	On Call	
Interstate Cooperation	Member	On Call	

Holmes, Mitch

Republican, District 33
 Room 237-E
 (785) 296-7667

Committee	Rank	Time	Room
Ethics and Elections	Chair	9:30 am Wed/Thur	159-S
Agriculture	Member	8:30 am Tues/Wed	159-S
Federal and State Affairs	Member	10:30 am	144-S
Kansas Security (Joint)	Member	On Call	
Local Government	Member	9:30 am Mon/Tues	159-S
Public Health and Welfare	Member	1:30 pm	118-N
Senate Select Committee on KPERS	Member	On Call	

Kelly, Laura

Democrat, District 18
 Room 125-E
 (785) 296-7365

Minority Whip

Committee	Rank	Time	Room
Public Health and Welfare	*RM Member	1:30 pm	118-N
Ways and Means	*RM Member	10:30 am	548-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Legislative Post Audit (Joint)	Member	On Call	
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
Senate Select Committee on KPERS	Member	On Call	
State Building Construction (Joint)	Member	On Call	

Kerschen, Dan

Republican, District 26
 Room 225-E
 (785) 296-7353

Committee	Rank	Time	Room
Special Claims Against the State (Joint)	Chair	On Call	
Agriculture	Vice Chair	8:30 am Tues/Wed	159-S
Natural Resources	Vice Chair	8:30 am Thur/Fri	159-S
Education	Member	1:30 pm	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Ways and Means	Member	10:30 am	548-S

King, Jeff

Republican, District 15
 Room 341-E
 (785) 296-7361

Vice President

Committee	Rank	Time	Room
Judiciary	Chair	10:30 am	346-S
Senate Select Committee on KPERS	Chair	On Call	
Confirmation Oversight	Member	On Call	
Interstate Cooperation	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Transportation	Member	8:30 am Tues-Fri	546-S

Knox, Forrest

Republican, District 14
 Room 234-E
 (785) 296-7678

Committee	Rank	Time	Room
Utilities	Vice Chair	1:30 pm	548-S
Agriculture	Member	8:30 am Tues/Wed	159-S
Judiciary	Member	10:30 am	346-S
Senate Select Committee on KPERS	Member	On Call	
State Building Construction (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	
Telecommunications Study (Joint)	Member	On Call	

LaTurner, Jacob

Republican, District 13
 Room 135-E
 (785) 296-7370

Committee	Rank	Time	Room
Corrections and Juvenile Justice	Member	On Call	
Oversight (Joint)			
Federal and State Affairs	Member	10:30 am	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Public Health and Welfare	Member	1:30 pm	118-N
Transportation	Member	8:30 am Tues-Fri	546-S

Longbine, Jeff

Republican, District 17
 Room 235-E
 (785) 296-7384

Committee	Rank	Time	Room
Legislative Post Audit (Joint)	Chair	On Call	
Financial Institutions and Insurance	Vice Chair	9:30 am	546-S
Senate Select Committee on KPERS	Vice Chair	On Call	
Commerce	Member	8:30 am	548-S
Federal and State Affairs	Member	10:30 am	144-S
Telecommunications Study (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Love, Garrett

Republican, District 38
 Room 237-E
 (785) 296-7359

Majority Whip

Committee	Rank	Time	Room
Agriculture	Chair	8:30 am Tues/Wed	159-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Information Technology (Joint)	Member	On Call	
Interstate Cooperation	Member	On Call	
Judiciary	Member	10:30 am	346-S
Local Government	Member	9:30 am Mon/Tues	159-S
Public Health and Welfare	Member	1:30 pm	118-N

Lynn, Julia

Republican, District 9
 Room 445-S
 (785) 296-7382

Assistant Majority Leader

Committee	Rank	Time	Room
Commerce	Chair	8:30 am	548-S
Assessment and Taxation	Member	9:30 am	548-S
Interstate Cooperation	Member	On Call	
Judiciary	Member	10:30 am	346-S
Legislative Post Audit (Joint)	Member	On Call	
Telecommunications Study (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Masterson, Ty

Republican, District 16
 Room 545-S
 (785) 296-7388

Committee	Rank	Time	Room
Ways and Means	Chair	10:30 am	548-S
Confirmation Oversight	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Senate Select Committee on KPERS	Member	On Call	
Utilities	Member	1:30 pm	548-S

McGinn, Carolyn

Republican, District 31
 Room 223-E
 (785) 296-7377

Committee	Rank	Time	Room
Corrections and Juvenile Justice Oversight (Joint)	Chair	On Call	
Agriculture	Member	8:30 am Tues/Wed	159-S
Judiciary	Member	10:30 am	346-S
Natural Resources	Member	8:30 am Thur/Fri	159-S

Melcher, Jeff

Republican, District 11
 Room 541-E
 (785) 296-7301

Committee	Rank	Time	Room
Assessment and Taxation	Member	9:30 am	548-S
Commerce	Member	8:30 am	548-S
Education	Member	1:30 pm	144-S
Information Technology (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

O'Donnell, Michael

Republican, District 25
 Room 225-E
 (785) 296-7391

Committee	Rank	Time	Room
Ethics and Elections	Vice-Chair	9:30 am Wed/Thur	159-S
Local Government	Vice-Chair	9:30 am Mon/Tues	159-S
Legislative Post Audit (Joint)	Member	On Call	
Natural Resources	Member	8:30 am Thur/Fri	159-S
Public Health and Welfare	Member	1:30 pm	118-N
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Olson, Robert "Rob"

Republican, District 23
 Room 236-E
 (785) 296-7358

Committee	Rank	Time	Room
Financial Institutions and Insurance	Chair	9:30 am	546-S
Commerce	Member	8:30 am	548-S
Confirmation Oversight	Member	On Call	
Federal and State Affairs	Member	10:30 am	144-S
Organization, Calendar and Rules	Member	On Call	
Telecommunications Study (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Ostmeyer, Ralph

Republican, District 40
 Room 136-E
 (785) 296-7399

Committee	Rank	Time	Room
Federal and State Affairs	Chair	10:30 am	144-S
State-Tribal Relations (Joint)	Vice Chair	On Call	
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture	Member	8:30 am Tues/Wed	159-S
Education	Member	1:30 pm	144-S
Natural Resources	Member	8:30 am Thur/Fri	159-S
Organization, Calendar and Rules	Member	On Call	

Petersen, Mike

Republican, District 28
 Room 345-S
 (785) 296-7355

Committee	Rank	Time	Room
Information Technology (Joint)	Chair	On Call	
Transportation	Chair	8:30 am Tues-Fri	546-S
Assessment and Taxation	Member	9:30 am	548-S
Judiciary	Member	10:30 am	346-S
Kansas Security (Joint)	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Telecommunications Study (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Petty, Pat

Democrat, District 6
 Room 125-E
 (785) 296-7375

Committee	Rank	Time	Room
Transportation	*RM Member	8:30 am Tues-Fri	546-S
Education	Member	1:30 pm	144-S
Judiciary	Member	10:30 am	346-S
Kansas Security (Joint)	Member	On Call	
State Tribal Relations (Joint)	Member	On Call	

Pilcher-Cook, Mary

Republican, District 10
 Room 441-E
 (785) 296-7362

Committee	Rank	Time	Room
Public Health and Welfare	Chair	1:30 pm	118-N
Robert G. (Bob) Bethell Committee on Home and Community Based Services and KanCare Oversight (Joint)	Vice Chair	On Call	
Assessment and Taxation	Member	9:30 am	548-S
Commerce	Member	8:30 am	548-S
Judiciary	Member	10:30 am	346-S
Organization, Calendar and Rules	Member	On Call	

Powell, Larry

Republican, District 39
 Room 237-E
 (785) 296-7694

Committee	Rank	Time	Room
Natural Resources	Chair	8:30 am Thur/Fri	159-S
Agriculture	Member	8:30 am Tues/Wed	159-S
Assessment and Taxation	Member	9:30 am	548-S
State Building Construction (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Pyle, Dennis

Republican, District 1
 Room 234-E
 (785) 296-7379

Committee	Rank	Time	Room
Local Government	Chair	9:30 am Mon/Tues	159-S
Education	Member	1:30 pm	144-S
Natural Resources	Member	8:30 am Thur/Fri	159-S
Special Claims Against the State (Joint)	Member	On Call	

Schmidt, Vicki

Republican, District 20
 Room 445-S
 (785) 296-7374

Committee	Rank	Time	Room
Administrative Rules and Regulations (Joint)	Chair	On Call	
Education	Member	1:30 pm	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Transportation	Member	8:30 am Tues-Fri	546-S

Shultz, Clark

Republican, District 35
 Room 541-E
 (785) 296-7354

Committee	Rank	Time	Room
Federal and State Affairs	Vice Chair	10:30 am	144-S
Commerce	Member	8:30 am	548-S
Utilities	Member	1:30 pm	548-S

Smith, Greg

Republican, District 21
 Room 441-E
 (785) 296-7367

Committee	Rank	Time	Room
Judiciary	Vice Chair	10:30 am	346-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Local Government	Member	9:30 am Mon/Tues	159-S
Natural Resources	Member	8:30 am Thur/Fri	159-S
Utilities	Member	1:30 pm	548-S

COMMITTEES OF THE SENATE

Tyson, Caryn

Republican, District 12
 Room 236-E
 (785) 296-6838

Committee	Rank	Time	Room
Assessment and Taxation	Vice Chair	9:30 am	548-S
Education	Member	1:30 pm	144-S
Federal and State Affairs	Member	10:30 am	144-S
Natural Resources	Member	8:30 am Thur/Fri	159-S

Wagle, Susan

Republican, District 30
 Room 333-E
 (785) 296-2419

President

Committee	Rank	Time	Room
Interstate Cooperation	Chair	On Call	
Organization, Calendar and Rules	Chair	On Call	
Commerce	Vice Chair	8:30 am	548-S
Legislative Coordinating Council (Joint)	Vice Chair	On Call	

Wolf, Kay

Republican, District 7
 Room 235-E
 (785) 296-7390

Committee	Rank	Time	Room
State Building Construction (Joint)	Chair	On Call	
Transportation	Vice Chair	8:30 am Tues-Fri	546-S
Education	Member	1:30 pm	144-S
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Local Government	Member	9:30 am Mon/Tues	159-S

*Ranking Minority Member

**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 then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sunday 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; 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.

**Rules
of the
Kansas Senate**



State of Kansas

2013-2016

January 2014

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RULES OF THE SENATE
2013-2016

Rule 1. Time of Meetings. The Senate on the first day of a session shall convene at 2:00 p.m., and at all other times shall convene at 2:30 p.m., unless otherwise ordered by the Senate.

Rule 2. Convening – Quorum. The President shall take the chair at the hour fixed for the convening of the Senate, and the roll shall be called in order to ascertain if a quorum is present. A majority of the Senators then elected (or appointed) and qualified shall constitute a quorum, and, in the absence of a quorum, the Senators present, by majority vote, may take such measures as they shall deem necessary to secure the presence of a quorum.

Rule 3. Absence of Member. No Senator shall fail to attend when the Senate is in session without first obtaining leave of the Senate, unless prevented from attending by sickness or other sufficient cause.

Rule 4. Order of Business and Session Proforma. The order of business, following the roll call and prayer by the Chaplain, shall be as follows:

1. Introduction and reference of bills and concurrent resolutions.
2. Consideration of messages from the Governor.
3. Communications from state officers.
4. Consideration of messages from the House of Representatives.
5. Consideration of motions to concur or nonconcur.
6. Reports of select committees.
7. Consent Calendar.
8. Final Action on bills and concurrent resolutions.
9. Introduction of original motions and senate resolutions.
10. Correction and approval of the Journal.
11. Consideration of motions and senate resolutions.
12. Reports of standing committees.
13. General orders.

The Senate may meet from time to time for the sole purpose of processing routine business of the Senate. These sessions shall be known as Session Proforma.

(1) 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.

(2) Order of Business. The only orders of business that may be considered during Session Proforma are:

- (a) Introduction and reference of bills and concurrent resolutions.
- (b) Receipts of messages from the Governor.
- (c) Communications from state officers.
- (d) Receipt of messages from the House of Representatives.
- (e) Reports of select and standing committees.
- (f) Presentation of petitions.

(3) Motions. No motion shall be in order other than the motion to adjourn.

(4) Objections. Any objection by any member shall require the Session Proforma to adjourn to the next day, Saturday and Sunday excluded, at 2:30 p.m.

(5) 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.

(6) Effect of Certain Rules. If a legislative day referred to in Rule 11, 12, 28, 32, 33, 53, 56, 68 or 69 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.

The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.

Rule 5. Business in Order at Any Time. Messages from the Governor, messages from the House of Representatives, introduction and reference of bills and concurrent resolutions, reports of standing committees and reports of select committees may be received and considered under any order of business.

Rule 6. Special Order. Whenever any bill or other matter is made the special order for a particular day, and shall not be reached or completed on that day, it shall be returned to its place in the General Orders, unless it shall be made the special order for another day. When any special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order shall be taken up immediately after the previous order has been disposed of. Notation of a special order shall be placed before the first order of business on the calendar for that day, giving the subject to be considered and the time fixed for its consideration. When that time arrives, other business shall be suspended until the special order has been considered.

Rule 7. Standing Committees. There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of three members, the chairperson of which shall be the president of the senate, and the vice chairperson of which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee.

No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

The following shall be the other standing committees:

	Number of members
1. Agriculture.....	11
2. Assessment and Taxation.....	11
3. Commerce.....	11
4. Confirmation Oversight Committee.....	6
5. Education.....	11
6. Ethics and Elections.....	9
7. Federal and State Affairs.....	9
8. Financial Institutions and Insurance.....	9
9. Interstate Cooperation.....	7
10. Judiciary.....	11
11. Local Government.....	9
12. Natural Resources.....	11
13. Public Health and Welfare.....	9

14. Transportation..... 9
 15. Utilities..... 11
 16. Ways and Means..... 13

The President of the Senate, with the advice of the Vice President and the Majority Leader of the Senate, shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairperson thereof and shall designate the ranking minority member of each committee. The Minority Leader shall submit recommendations for the appointment of minority members to the standing committees of the Senate to the Committee on Organization, Calendar and Rules. The Committee on Organization, Calendar and Rules shall have a standing subcommittee on the calendar which shall be the President of the Senate, the Vice President of the Senate and the Majority Leader of the Senate. The Majority Leader shall be the chairperson of the subcommittee. The Committee on Organization, Calendar and Rules may establish such other committees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

The Committee on Organization, Calendar and Rules shall have a standing subcommittee on rules which shall be the President of the Senate, the Vice President of the Senate, the Majority Leader of the Senate, one member of the Senate from the majority party appointed jointly by the President of the Senate, the Vice President of the Senate and the Majority Leader of the Senate and one member who shall be the Minority Leader of the Senate or the designee of the Minority Leader. The chairperson of the subcommittee on rules shall be the Vice President of the Senate. The subcommittee on rules shall be the Vice President of the Senate. The subcommittee on rules shall consider rules questions arising during a convening of the Senate.

The Committee on Organization, Calendar and Rules and all of its subcommittees may close their meetings.

Rule 8. Special and Select Committees. Special and Select committees of the Senate and the Chairperson thereof shall be appointed by the President.

Rule 9. Standing Committees – Duties of Chairperson, etc. (a) The chairperson of each committee shall preside at all meetings of the committee. The chairperson may designate another member to preside in the absence of the chairperson and vice chairperson.

(b) The chairperson of each committee may call a special meeting of the committee when necessary.

(c) The chairperson shall have full charge of the committee.

(d) The chairperson of each committee shall cause minutes of each meeting of the committee to be prepared, subject to approval of the committee within 14 session days or by sine die adjournment, whichever is earlier. Minutes shall show the action taken by the committee upon each bill or resolution considered and the amendments if any voted upon and the disposition of each, whether adopted or not. At the request of the author of a bill or resolution or any amendment to a bill or resolution, or on request of any member of the committee, the intent of the author shall be stated in the committee minutes. At the conclusion of each legislative session, copies of all committee minutes shall be filed with the Director of Legislative Administrative Services.

Rule 10. Vote in Senate Committee. At the time of taking any action upon any bill or resolution, any member of a committee may demand a division of the vote and the chairperson shall be required to record the results of the vote as a part of the minutes.

Rule 11. Committee Action on Bills and Resolutions. (a) A committee may recommend that the Senate act favorably, unfavorably or without recommendation upon any measure or 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 Senate. Committee reports shall be signed by the chairperson, and shall be transmitted to the Senate not later than the second legislative day following the action of the committee.

(b) When a committee fails to report on any bill or resolution following reference to such committee, it may be withdrawn from the committee by an affirmative vote of 24 members of the Senate on a motion made as provided in this subsection. 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 Senate resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the reading 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 Senate resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

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

Rule 12. Adversely Reported Bills and Resolutions. All bills or resolutions adversely reported shall go upon the Calendar for one day, under the head of Bills Adversely Reported. A motion to place an adversely reported bill (or resolution) under the order of business General Orders on the Calendar shall be made when the bill (or resolution) is upon the Calendar and shall be made when Introduction of Original Motions and Senate Resolutions is in order, and that motion shall then lie over until the next legislative day when the order of business Consideration of Motions and Senate Resolutions is reached, but if such motion is defeated once it shall not be renewed. If an adversely reported bill or resolution has been previously referred separately under Rule 32 (authorizing the reference of the same bill or resolution to two or more standing committees), then the motion shall be to return the adversely reported bill (or resolution) with the committee report attached to the next committee to which it was referred. If the motion to place the bill (or resolution) on the Calendar under the order of business General Orders or to return the bill (or resolution) to the next committee of reference shall prevail, then the words "Adversely Reported" shall be printed in a line underneath the title of the bill or resolution, and to prevail such motion shall require an affirmative vote of 24 members of the Senate.

Rule 13. When Bill or Concurrent Resolution Placed on General Orders. When a bill or a concurrent resolution to amend the constitution has been reported to the Senate by a committee with the recommendation that it pass or be adopted, it shall immediately be placed on the Calendar under the order of business General Orders.

Rule 14. Address the President – To Be Recognized – Speak But Twice on the Same Subject. Every Senator rising to debate or to present any matter shall address the President and shall not proceed until recognized. When two or more Senators shall address the President at the same time, the President shall name the Senator who is to speak first. No Senator, except for the Senator who is carrying a bill, resolution or report, shall speak more than twice on the same day on the same subject without leave of the Senate.

Rule 15. No Senator Shall Be Interrupted. No Senator, when speaking shall be interrupted except by a call to order by the presiding officer, or by a Senator through the presiding officer, desiring to ask a question. If a Senator speaking yields to a question, the interruption shall be confined solely to such question. Senators shall be referred to as “the Senator from _____” (naming the Senator’s home county) followed by the Senator’s title and name.

Rule 16. Personal Privilege. Senators raising a point of personal privilege shall confine themselves to remarks which concern themselves personally and shall not address or debate matters under consideration by the Senate.

Rule 17. Questions of Order – How Determined. A question of order may be raised at any time and when a Senator shall be called to order the Senator shall stop speaking until the presiding officer has determined whether the Senator was in order. Every question of order shall be decided by the presiding officer, subject to an appeal to the Senate by any member. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal on a question of order shall be taken without debate.

Rule 18. Explaining Votes. Senators may explain their votes only upon the call of their names upon any roll call vote, but not more than two minutes shall be allowed for any explanation. The explanation shall be inserted in the Journal if the Senator makes a request at the time of voting or makes a request of the Secretary of the Senate prior to adjournment, and the written explanation is presented to the Secretary of the Senate during or within two hours following that day’s adjournment on the same legislative day. No Senator in explaining a vote may use the name of or otherwise identify any other Senator as part of the explanation without the consent of the other Senator. No written explanation shall contain more than 200 words.

Rule 19. Vote Unless Excused – Contempt. Any Senator, who is directly interested in a question, may be excused from voting, even though there is a call of the Senate. The Senator, who is requesting to be excused from voting, shall state the reasons for the request, occupying not more than five minutes. Such statements shall be made either immediately before or immediately after the vote is called but before the result is announced. The question on excusing any Senator from voting shall be taken without debate and a majority of those voting shall be necessary to excuse the Senator. If a Senator refuses to vote, when not excused, such refusal shall constitute contempt and the President shall, in such case, order the offending Senator before the bar of the Senate and all privileges of membership shall be refused such Senator until the contempt is corrected as determined by the vote of the Senate.

Rule 20. When Not Permitted to Vote. No Senator shall be allowed to vote unless the Senator is seated in the Senator's assigned seat within the Senate chamber when the vote is taken.

Rule 21. Vice President and Filling Certain Vacancies. (a) In the absence of the President, the Vice President shall assume the duties of the President. The President or Vice President may also name any Senator to temporarily perform the duties of the chair, but the Senator so named shall not act as President beyond adjournment, unless by leave of the Senate. A Senator shall not lose the right of voting on any subject while serving or acting as President.

(b) When a vacancy occurs in the office of President and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the Senate shall meet within 30 days and elect a member to fill the vacancy. The Vice President shall within 10 days of such occurrence issue a call for the meeting at a time not less than 10 days and not more than 20 days after the date of the call.

(c) When a vacancy occurs in the office of Vice President or majority leader of the Senate, and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the President shall appoint an acting Vice President or acting majority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting interim appointment had not been made.

(d) When a vacancy occurs in the office of minority leader of the Senate and the Legislature is adjourned to a date more 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 as though the acting minority leader had not so served.

(e) It is the intention of this rule that any person elected, appointed or designated to serve in accordance herewith to fill a vacancy shall exercise all of the duties and powers of the office so filled.

Rule 22. Party Affiliation – Change. If any Senator changes political party affiliation (1) from the political party of such Senator at the time of the Senator's election, or (2) if the Senator was appointed, from the political party of the district convention which elected such person to be so appointed, the following shall apply:

(a) Such Senator shall be removed from all memberships on standing and other committees, from all positions of chairperson or vice chairperson of a standing or other committee, and from any office of the Senate held at the time of such change. The Committee on Organization, Calendar and Rules shall appoint a Senator to fill any vacancy which arises under this subpart (a).

(b) The proportion of Senators from major political parties on each standing committee originally determined under Rule 7 (providing for proportional representation of members of political parties upon standing committees) shall not be altered. The Committee on Organization, Calendar and Rules shall fill each standing committee member position vacated by such Senator by appointing a Senator of the political party from which such Senator changed.

Rule 23. Open Meeting Provisions. The open meeting law (K.S.A. 75-4317 et seq., and amendments thereto) shall apply to meetings of the Senate and all of its standing committees, select committees, special committees and subcommittees of any of such

committees. Caucuses of Senate majority and minority parties and meetings of the Committee on Organization, Calendar and Rules and its subcommittees may be closed.

Rule 24. Motions in Writing. All motions to amend bills and resolutions shall be made in writing, and upon request of any Senator shall be read by the reading clerk before being voted upon. All other motions shall be reduced to writing when desired by any Senator.

Rule 25. Motions Withdrawn. Any motion may be withdrawn by the maker before amendment or decision is made thereon except as the foregoing is modified by Rule 41 (relating to procedure in the committee of the whole).

Rule 26. Motions in Order When Question Under Debate. When a question is under debate, no motion shall be in order, except:

Not Debatable

1. To fix time to which to adjourn.
2. To adjourn.
3. To lay on the table.
4. For the previous question.

Debatable

5. To postpone to a day certain.
6. To commit to a standing committee.
7. To commit to a special committee.
8. To commit to the Committee of the Whole.
9. To amend.
10. To postpone indefinitely.

The several motions specified in this rule shall have precedence in the order named and the first four shall be decided without debate.

Rule 27. Division of Question. (a) If the question in debate contains several points, any Senator may have the same divided, but a motion to strike out and insert shall be indivisible. When a bill or resolution is under consideration in the Senate and after debate is concluded and final action has been announced on the bill or resolution, a request for division of question shall not be in order.

(b) A request for division of question shall be in writing specifying the manner in which the question is to be divided.

(c) The rejection of a motion to strike out and insert 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 28. Reconsideration of Pending Matters. When a question has been once put and decided it shall be in order for any Senator who voted with the prevailing side to move for a reconsideration thereof, but no motion for reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken or the next legislative day. No question shall be reconsidered more than once.

Rule 29. Previous Questions. Five Senators shall have the right to move the previous question on any bill, resolution, message, report, amendment, or motion. If no amendment is pending the previous question shall be as follows: "Shall the main question be now put?" If the previous question is decided in the affirmative by a majority vote of those present the main question shall be put without further amendment or debate. If amendments are pending a motion for the previous question shall concern only the last amendment that is pending on which, if the previous question is adopted, the debate will be closed only upon such amendment. The previous question on other questions than the main question shall be as follows: "Shall the question on the (amendment, amendment of an amendment, substitute or other motion affecting same as the case may be) now be put?"

Rule 30. Endorsement on Bills, etc. Before any bill, resolution or petition, addressed to the Senate, shall be received or read, the title of the bill or resolution or a brief statement of the contents of the petition shall be typed on the jacket, with the name of the Senator or committee introducing it.

Rule 31. Introduction of Bills and Concurrent Resolutions. Every bill and concurrent resolution shall be introduced by a Senator, by a committee, on the report of a committee, by message from the House of Representatives, or by proper prefiling as provided by law. For the purpose of introduction, every bill and concurrent resolution shall be placed in the possession of the secretary and the reading clerk shall read the title, except citations of statutes amended or repealed. The reading clerk shall also read the name of the sponsor of the bill or resolution if it has a single sponsor. If the bill or resolution has two sponsors the reading clerk shall read the names of both sponsors, but if the bill or resolution has more than two sponsors the reading clerk shall read the name of the first sponsor together with the words "and others."

Rule 32. Reference of Bills and Resolutions. All bills shall be referred or rereferred to appropriate standing committees, special or select committees appointed under Rule 8 or the Committee of the Whole by the President. Upon the day of its introduction or upon the next legislative day, the President shall refer every bill and each concurrent resolution to be referred to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole. Bills or resolutions prefiled under K.S.A. 46-801 et seq. and amendments thereto may be referred by the President to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole at any time subsequent to the prefiling of such bill or resolution with the secretary of the senate. Bills introduced by committees, if germane to the purpose and scope of the committee, may be referred to the Committee of the Whole; otherwise to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole. All bills making an appropriation shall be referred to the Committee on Ways and Means. The President may refer a bill or resolution to two or more standing committees; or any combination thereof, jointly or separately, in such order as the President may direct, and such bill or resolution, when so referred, shall be considered by the committees in joint meeting, or by each of the committees separately in the order named in the reference, and when the reference is made jointly, the chairperson of the committee named first shall be chairperson of the joint committee.

Rule 33. Consent Calendar and Recording Reports. Whenever a standing committee is of the opinion that a bill or resolution upon which it is reporting is of non-controversial nature, it shall so state in its committee report. Whenever a bill or resolution is so reported, it shall be placed upon a separate calendar, to be known as the Consent Calendar. Each bill or resolution appearing on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. At any time prior to the call for the vote under the order of business Final Action on a bill or resolution on the Consent Calendar, any member may object to the same as being controversial and the same shall be stricken from the Consent Calendar and take its place on General Orders in the usual order. If no such objection is made prior to the call for such vote on the bill or resolution, it shall be voted upon with other bills and resolutions under the order of business Final Action but before consideration of other bills or resolutions appearing on the calendar under such order of business.

Rule 34. Final Action on Bills and Concurrent Resolutions. On final action on any bill or concurrent resolution, the reading clerk shall read the title, except citations to statutes amended or repealed. If the bill is reported for final action without debate, the question shall be at once put: "Shall the bill pass?" No debate shall be allowed, and no motion shall be in order except the motion to adjourn, or for a call of the Senate, unless in case where a bill has been ordered to be placed on final action subject to amendment, or to amendment and debate or unless by the unanimous consent of the Senate, amendments may be made and considered. Like procedure shall apply to concurrent resolutions except that the question put shall be: "Shall the resolution be adopted?" On final action, bills and resolutions may be bulked together for roll call unless objection be made by any Senator.

Rule 35. Final Passage by Yeas and Nays. The question upon the final passage of a bill and every concurrent resolution for amendment of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be taken by a roll call vote of the yeas and nays, which shall be entered on the Journal, and unless the bill or concurrent resolution receives the number of votes required by the constitution to pass it, it shall be declared lost, except in cases provided for in Rule 36 (relating to the absence of a quorum).

Rule 36. No Quorum on Final Vote – Effect. If, on taking the vote on final action on a bill or concurrent resolution, it shall appear that a quorum is not present, then the bill or concurrent resolution shall retain its place on the Calendar and shall again be considered for final action when that order of business is again taken up by the Senate.

Rule 37. Roll Call Vote. A roll call vote shall be taken upon all questions upon the demand of five Senators.

Rule 38. Call of Senate – When Made – How Enforced. A call of the Senate may be had upon the demand of five Senators, pending a roll call on the final passage of any bill or resolution, or on any motion to strike the enacting clause, or indefinitely postpone any bill or resolution, and before the result is announced. When a call is demanded, the President shall order the doors of the Senate to be closed, and direct the Secretary to call the roll of the Senators and note the absentees, after which the names of the absentees shall be again called, and those for whose absence no sufficient excuse

is given may be sent for and taken into custody by the Sergeant at Arms, or by Assistant Sergeants at Arms appointed for the purpose, and brought before the bar of the Senate, where unless excused by a majority of the Senators present, they shall be reprovved by the President for the neglect of duty.

Rule 39. Dispense with Further Proceedings under Call of Senate. No motion to dispense with further proceedings under the call of the Senate shall be entertained until the President shall be satisfied that the Sergeant at Arms has made diligent effort to secure the attendance of the absentees.

Rule 40. Roll Call Votes. Every Senator in the Senate chamber when a roll call is taken shall respond when the Senator's name is called. If there is a call of the Senate, the Senator must vote Yea or Nay, except as provided in Rule 19 (senators excused from voting if directly interested in the question). When there is no call of the Senate, the Senator may pass and shall be recorded in the Journal as present and passing. After the roll is completed and before the roll is closed, a Senator may change such Senator's vote. No vote shall be recorded and no change in vote may be made without unanimous consent of the Senate after announcement by the presiding officer that the roll is closed.

Rule 41. Committee of the Whole. On motion the Senate may go into Committee of the Whole. The President shall appoint a chairperson to preside over the Committee of the Whole. The rules of the Senate shall be observed in the Committee of the Whole, so far as applicable except that there shall be no limit on the number of times of speaking and Rule 38 (authorizing a call of the senate) shall not apply. A motion to lay on the table or a call for the previous question shall not be in order. No substitute motion to amend a bill or resolution shall be in order. A substitute motion to report a bill or resolution to the full Senate once made shall be decided subject only to debate and Rule 51 (motion to strike the enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37.

Rule 42. No Quorum in Committee of the Whole – Procedure. If at any time, when in Committee of the Whole, it be ascertained that there is no quorum present, the chairperson shall immediately vacate the chair and report the fact to the President.

Rule 43. How Bills or Resolutions Considered – Committee of the Whole. Bills or resolutions shall be considered in Committee of the Whole in the following manner: The standing committee report shall first be considered and if it is adopted the bill or resolution 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, the bill or resolution, 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 considered, no amendment thereto shall be in order until the whole bill or resolution has been read through. After the original bill or resolution, together with standing committee amendments, has been considered section by section the chairperson shall announce "Amendments to the bill (or resolution) generally are in order," and amendments not before offered may be made to any part of the bill or resolution. A motion to amend the bill or resolution shall not be in order while a motion to strike the enacting clause or resolving clause is pending.

Rule 44. Amendments. (1) Amendments to bills shall be germane to the subject of the bill being amended, and the fact that an amendment is to a section in the same chapter of the Kansas Statutes Annotated as an existing section in the bill shall not automatically render the amendment germane. Amendments to concurrent resolutions for amendments of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be germane to the subject of the resolution being amended.

(2) All amendments to bills or resolutions shall be submitted in writing on a form provided by the Senate or on a form substantially similar. All amendments to printed bills or resolutions shall specify the page and line number as shown on the printed bill or resolution. If a bill or resolution has not been printed, amendments must refer to the typed bill or resolution. All amendments offered, whether adopted or rejected, together with the action taken thereon, shall be recorded in the Journal. When a bill or resolution has been amended, it shall be engrossed before it is enrolled.

(3) In the case of amendment by substitute bill or by substitute concurrent resolution, motion shall be made to substitute a written bill or concurrent resolution for the bill or concurrent resolution under consideration.

Rule 45. Report of Committee of the Whole Subject to Amendment – Time for. The report of the Committee of the Whole is subject to amendment to correctly reflect what has occurred in the Committee of the Whole by motions made at the time the report is offered for adoption by the Senate. When a bill is reported with the recommendation that the enacting clause be stricken, and the report is agreed to by the Senate, the bill shall be considered killed.

Rule 46. Motion for Committee of the Whole to Rise and Report Progress. A motion that the Committee of the Whole shall rise and report progress on any bill shall always be in order and shall be decided without debate, and the matter being considered shall be the first order of business at the next session of the committee, subject to such postponement as the subsequent Committee of the Whole may determine. After a motion to rise and report progress has been adopted, the Subcommittee on Calendar of the Committee on Organization, Calendar and Rules may change for the resumption of the current session of the Committee of the Whole the order of consideration of bills and resolutions.

Rule 47. Division of the Senate. Whenever a voice vote has been taken upon any question in either the Senate or the Committee of the Whole, any Senator may call for a division of the Senate or Committee of the Whole.

Rule 48. Bills and Resolutions to Final Action. When the Committee of the Whole shall favorably report a bill or resolution, and the report is adopted by the Senate, the bill or resolution shall be considered as ordered to the order of business Final Action. The vote upon the final passage of the bill shall not be taken on the same day on which the bill is placed on Final Action. Bills and resolutions to be sent to the House shall be properly corrected under the supervision of the Secretary of the Senate. The Secretary of the Senate is authorized to correct misspelled words, punctuation and “doublets” or repeated words when preparing bills, resolutions or other documents for signature by officers of the Senate and House.

Rule 49. Bills and Resolutions – Inclusion of Amendments. When a bill or resolution is amended, the Secretary of the Senate shall attach to the original copy all amendments made in the Senate. Substitute bills and substitute concurrent resolutions shall accompany the bill or concurrent resolution for which each is substituted. Upon passage, Senate bills or resolutions, including the original copy and amendments, shall be transmitted to the House.

Rule 50. Reports of Transmittals in Journal – Committee – Reports. Report of transmittal of bills and resolutions to the House shall be immediately entered upon the Journal.

Rule 51. Motion to Strike Enacting or Resolving Clause – Debate Limited. No Senator may speak more than twice on a motion to strike the enacting clause of a bill or the resolving clause of a resolution, and no other motion, except a motion to adjourn, shall be in order until the motion to strike the enacting clause or resolving clause has been decided by roll call vote.

Rule 52. Two-thirds Vote Not Necessary Except on Final Passage of Resolution. When a resolution requiring a vote of 2/3 of the Senate for adoption is under consideration, a vote of 2/3 shall not be needed to decide any question short of its final passage, except as provided by these rules.

Rule 53. Bills and Resolutions Considered in Regular Order. The Subcommittee on Calendar of the Committee on Organization, Calendar and Rules shall designate from day to day and from time to time the bills and resolutions to be considered that day and on the next legislative day, and the order of consideration fixed by this subcommittee shall not be changed, except by unanimous consent or by a 2/3 vote of all the members of the Senate then elected (or appointed) and qualified, if unanimous consent is refused, or as provided in Rule 46.

Rule 54. Changing Order on Calendar. Not more than one bill or resolution may be named in a motion to change the order of the Calendar, and on each motion no Senator except the Senator making the motion shall speak more than once, nor longer than two minutes.

Rule 55. Resolutions – Classes – Procedures Thereon. Resolutions shall be of the following classes: (1) Senate resolutions; and (2) Senate concurrent resolutions. In acting on them, the Senate shall observe the following procedure:

(1) Senate resolutions shall be in writing, shall be read and shall lie over one day. Senate resolutions other than resolutions for the amendment of rules of the Senate shall not be printed unless ordered by the Senate. There shall be no roll call unless ordered. With the consent of the majority of Senators present and voting, either the requirement to read Senate resolutions or the requirement to lie over one day, or both, may be dispensed with.

(2) Senate concurrent resolutions shall be in writing, shall be read by title, and shall lie over one day. All Senate concurrent resolutions shall be printed, and shall require a roll call on motion to adopt. Propositions to amend the constitution shall be made by concurrent resolution and referred to the proper committee. Other concurrent resolutions may be referred to a proper committee by the President.

All House concurrent resolutions, when in the Senate, shall follow the same procedure as Senate concurrent resolutions.

This rule shall not apply to resolutions relating to the business of the day, nor to resolutions for organization or adjournment.

Rule 56. Confirmation of Appointments by Governor or Other State Official. All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in either executive or regular session except that no final action thereon may be taken in executive session. When nominations or appointments are made by the governor or other state official for confirmation by the Senate, they shall, unless otherwise ordered by the President, be referred to appropriate committees by the President. Nominations or appointments referred to committees shall be returned to the Senate within 20 legislative days after the same are referred, together with a report thereon, unless additional time be granted by a majority vote of senators present. If the nomination or appointment is not returned to the Senate within the period of time specified for its return and additional time has not been granted, the nomination or appointment shall be considered to be returned to the Senate without recommendation on the next legislative day following the last day of the period of time specified for its return. Any such appointment may be considered and acted upon by the Senate at any time after the nomination or appointment is returned to the Senate. No motion to confirm any such appointment or nomination shall be in order without the unanimous consent of the Senate until the nomination or appointment is returned to the Senate, unless one day's previous notice thereof is given in open session or by posting the appointments or nominations to be considered near the entrance to the Senate Chamber. Appointments shall be confirmed by the Senate only by an affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified.

Rule 57. Admittance to Floor – Lobbying on Floor – Galleries. No person shall be admitted to the floor of the Senate except elective state officers; members of the Legislature; friends of the members of the Senate, upon invitation signed by the President and the Senator extending the invitation; former members of the Senate, officers and employees of the legislative branch, and members of the news media who are actually employed, and who have a card of admission from the President. The Senate by resolution, may issue such invitations as it desires. Persons so admitted must stay in the perimeter of the Senate chamber except with the express permission of a member of the Senate. No one registered with the Secretary of State as an agent or lobbyist may be on the floor of the Senate during the hours of 9:30 a.m. to 4:30 p.m. nor at the time the Senate is in session. No person, other than a state officer or employee of the legislative branch or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate chamber and thereafter be denied admission. No employee shall lobby for or against any measure pending in the Senate, and any employee violating this rule shall be forthwith discharged. Former members of the Senate may be introduced when on the floor, but no other introductions shall be made during the session of the Senate, except the President may announce the attendance of school students or other groups visiting the Senate.

Visitors shall be allowed in one or both galleries of the Senate in accordance with directions to the Sergeant at Arms from the President.

Rule 58. Electronic Devices; Photographic Record of Vote. The use of telephones and the making of telephone calls in the galleries of the Senate are prohibited. Except for security personnel, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a committee room during any time when a committee or subcommittee is in session in the room, in the galleries during any time when the Senate is in session and in the Senate Chamber during any time the Senate is in session is prohibited. The use of video recorders or other video equipment in the galleries is prohibited. No photographic or similar record shall be made of the vote of any member upon any measure on which a division of the Senate has been called.

Rule 59. Chairs of Senators. No person except a member of the Senate, shall occupy the chair of any Senator at any time except with the approval of and in the presence of a member of the Senate.

Rule 60. The News Media. Employees of the news media displaying a card of admission from the President may occupy space designated for them in the Senate chamber. They shall be subject to all the rules of the Senate and shall conduct themselves with proper decorum while in the Senate chamber. They shall not lobby, directly or indirectly, for or against any measure pending before the legislature.

Rule 61. Secretary of Senate – Duties. The Secretary of the Senate shall be appointed by the President. It shall be the duty of the Secretary to call the roll; report correctly the result of all votes; correct the Journal as may be directed by the Senate; read all bills, resolutions, petitions or other papers which the Senate may require; deliver all messages to the House of Representatives; certify all enrolled bills and present same to the President or Vice President of the Senate for signature; endorse upon every paper presented in the Senate the successive stages of action had thereon, and see that proper records are made of the transmission of every paper from one house to the other, or from one office to another; and attend generally to such other matters as the office may require. The Secretary of the Senate shall deliver to the printer all bills and other documents ordered to be printed and take the receipt of the printer therefor. In order to secure a uniform and systematic procedure, the following clerks and their assistants shall be under the supervision of the Secretary: Assistant Secretary of the Senate, Journal Clerks, Calendar Clerks, Enrolling Clerks, Bill Status Clerk, Reading Clerk and Bill Clerk.

Rule 62. Impeachment. The provisions of this rule shall apply to impeachment, and nothing in the rules of the Senate or in any statute shall impair or limit the powers of the Senate with respect to impeachment. In addition to other powers, the President shall possess the powers and perform the duties in this rule.

(1) The President shall call the Senate into session within 30 days of the receipt by the President of any request by a board of managers of the House of Representatives to lay articles of impeachment before the Senate.

(2) The Senate by a majority vote of the members then elected (or appointed) and qualified may adopt, amend or suspend rules applicable to trial of any impeachment.

(3) The President 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 Senate.

Rule 63. Sergeant at Arms – Duties. The Sergeant at Arms shall be appointed by the President, and shall serve under the President’s direction, control and supervision and at the President’s pleasure and shall execute all orders of the President or Senate. The Sergeant at Arms shall have the general supervision of the Senate Chamber, the cloak rooms, gallery and lobby, and shall preserve order within the chamber at all times. The Sergeant at Arms may arrest and take into custody any person gaining admission to the floor of the Senate through false representations or violation of Rule 57 (listing persons authorized to be admitted to the floor of the Senate). All violations shall be immediately reported to the President for action by the Senate. No person except those entitled to admittance on the floor of the Senate pursuant to Rule 57 (listing persons authorized to be admitted to the floor of the Senate) shall lounge or loaf in the Senate chamber when the Senate is not in session, and the Sergeant at Arms shall detail at least one assistant to remain in the chamber at all times when the same is open. The President may appoint and remove Assistant Sergeants at Arms to serve under the supervision of the Sergeant at Arms. All doorkeepers and night watchmen shall be assistant Sergeants at Arms.

Rule 64. Requisitions for Printing. All requisitions upon the Director of Printing for calendars, bills, documents, and printed matter of any nature whatsoever, must be approved by the Director of Legislative Administrative Services.

Rule 65. Employees – Duties. All employees shall report each day to their respective supervisors. The Director of Legislative Administrative Services or some person designated by the director shall keep a record of the attendance of each employee. The supervisor of an employee may discharge the employee at any time. The word “employee” as used in this section shall include all persons employed by the Senate, except the secretaries of each of the members of the Senate and except the Secretary of the Senate and Sergeant at Arms, which officers may be removed by the President of the Senate.

Rule 66. Pages. Not more than 20 pages shall serve during any legislative day. Appointments shall be restricted to boys and girls of junior high or high school age.

Rule 67. Secretaries to Members. Each Senator shall be entitled to select a secretary and shall inform the Director of Legislative Administrative Services of the selection. The secretaries shall not be paid for time they are not in attendance unless excused by their respective Senators. From the convening of the Senate until adjournment on any day, except during recesses, no Senator’s secretary shall be stationed at the Senator’s desk, except that this provision shall not apply to the administrative assistant designated by the President.

Rule 68. Suspension of Rules. (a) A motion to suspend the rules may be made and considered under any order of business. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption. The motion shall be decided without debate.

(b) A motion to declare an emergency, suspend the rules, and advance a bill to Final Action shall be considered as one motion. It may be made and considered immediately

under any order of business, and be debatable on the question of the emergency. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption.

(c) A bill advanced to Final Action under subsection (b) which is not considered during the legislative day on which it is advanced to Final Action shall be placed on the next legislative day on the Calendar under the order of business General Orders.

Rule 69. Amendments to Rules. No rule of the Senate shall be adopted, amended or revoked without a 2/3 affirmative vote of all members of the Senate then elected (or appointed) and qualified, and no motion to adopt, amend or revoke any rule of the Senate shall be in order without the unanimous consent of the Senate, unless one day's previous notice thereof shall be given in open session.

Notwithstanding any provision of the rules of the Senate to the contrary, no notice shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the Senate 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 Senators then elected (or appointed) and qualified, subject to the following conditions: (1) The resolution is sponsored by the President or any three Senators, and (2) either (a) a copy thereof is e-mailed to each Senator 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 e-mailing copies of the resolution are made available to Senators on the first day of the legislative session and Final Action is taken on the second legislative day.

Rule 70. Robert's Rules of Order. In all cases where these rules or the joint rules of the Senate and House of Representatives do not apply, the rules of parliamentary law in Robert's Rules of Order Newly Revised, 11th edition, shall govern.

Rule 71. Number Designation of Substitute Bills and Substitute Concurrent Resolutions. (a) Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill shall be printed as provided for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for Senate bills, "Substitute for Senate 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 House bills, "Senate Substitute for House Bill No. _____," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(b) Whenever a substitute concurrent resolution is recommended by a committee report, and whenever a substitute concurrent resolution is approved by amendment from the floor, the substitute concurrent resolution shall be printed as provided for concurrent resolutions introduced, and the resolution number designation shall be substantially as follows:

(1) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "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.

(2) In the case of concurrent resolutions substituted for House concurrent resolutions,

“Senate 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.

Rule 72. General Rule Not to Read Amendments. Amendments to bills or resolutions shall not require readings as for bills introduced or resolutions introduced, except as otherwise provided in Rule 73 (subject matter of bill or resolution materially changed by senate amendment) or 74 (subject matter of senate bill or resolution materially changed by house amendment).

Rule 73. Subject Change by Senate. Whenever an amendment adopted by the Senate has materially changed the subject of a bill or resolution, the title of the bill or resolution so amended shall be read in the manner prescribed for the introduction of bills or resolutions, and take its place upon the Calendar under the order of business Final Action.

Rule 74. Subject Change by House. Whenever the House adopts amendments to a Senate bill or senate concurrent resolution which materially changes its subject, upon return of such bill or resolution to the Senate, the title of such bill or resolution shall be read in the manner prescribed for the introduction of bills or resolutions and such bill or resolution shall be referred as provided in Rule 32 (reference of bills and resolutions).

Rule 75. Determination of When Subject of Bill or Resolution Materially Changed. The President may determine when a bill or resolution is subject to Rule 73 (subject matter of bill or resolution materially changed by senate amendment) or 74 (subject matter of senate bill or senate concurrent resolution materially changed by house amendment). The President's determination under this rule, that a bill or resolution has been materially changed is subject to an appeal to the Senate by any member. A 2/3 vote of the members of the Senate present and voting shall be required to overturn the ruling of the chair. The vote on an appeal to the Senate under this rule shall not be a roll call vote. Every appeal under this rule shall be taken without debate.

Rule 76. Executive Reorganization Orders. When an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the President. The committee to which an executive reorganization order is referred shall report its recommendations thereon, by recommending adoption of a Senate 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 occurs first. If a committee fails to report upon an executive reorganization order within the time specified in this rule, such committee shall be deemed to have returned the same to the Senate without recommendation. When a report or return of an executive reorganization is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business in accordance with Rule 6 (special order of business) at a time not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. The Senate shall act to approve or reject every reorganization order unless at the time set for such action the House of Representatives shall have already rejected such executive reorganization order.

Rule 77. Censure or Expulsion. Whenever three or more Senators desire to lodge a complaint against any other Senator requesting that the Senator be censured or expelled for misconduct, the complaining Senators shall sign and file a written statement of such complaint with the Secretary of the Senate. In such event, the President shall appoint a select committee for consideration thereof composed of five Senators, no more than three of whom shall be members of the same political party, and none of whom shall have signed the complaint to be considered. The select committee may dismiss the complaint after inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the Senator against whom a complaint has been filed. Select committees meeting under authority of this section shall be authorized to meet and exercise compulsory process without further authorization, subject only to the limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated. Upon completing its hearing and deliberations thereon the select committee may dismiss the complaint or may submit a recommendation to the full Senate for censure or expulsion, and upon receiving such report the Senate may without further hearing or investigation censure or expel the member against whom the complaint was filed. Censure or expulsion of a Senator under this rule shall require a 2/3 majority vote of those members elected (or appointed) and qualified.

Rule 78. Taking from the Table. The affirmative vote of a 2/3 majority of all Senators then elected (or appointed) and qualified shall be required for the adoption of a motion to take any question or proposition from the table after the adoption of a motion to table or lay such question or proposition on the table. The provisions of this rule shall apply to motions both in standing committees and the Senate.

Rule 79. Placing Material on Members' Desks. No items or material shall be placed upon the desk of any member of the Senate unless any such item or material bears the signature or name of the Senator responsible for its distribution. This Rule 79 shall not apply to items or material provided by legislative staff, the Governor or state agencies.

Rule 80. Decorum. During the time the Senate is in session professional dress is required on the floor of the Senate.

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



State of Kansas

2013-2014

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JOINT RULES OF THE SENATE AND
HOUSE OF REPRESENTATIVES
2013-2014

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 $\frac{2}{3}$ 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 and the motion to concur may be renewed but not on the same legislative day. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has not been appointed and such motion fails, the bill or concurrent resolution shall be deemed to be killed.

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

(d) *House of origin refusal to concur or nonconcur; request for conference; procedure.* When a bill or concurrent resolution is returned by either house to the house of origin with amendments, and the house of origin refuses to concur or to nonconcur therein, a conference may be requested by a majority vote of the members present and

voting. Such request shall be transmitted to the other house by message which shall include the names of the conferees on the part of the requesting house. Upon receipt of any such message, the receiving house may, in like manner, approve such conference, and shall thereupon notify the requesting house by message stating the names of its conferees.

(e) *Membership; appointment; chairperson; house of origin of substitute or materially changed bill or concurrent resolution; meetings of conference committee.* Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the speaker of the house of representatives. The president or the speaker may replace any conferee previously appointed by such person. Not less than one member appointed from each house shall be a member of the minority political party of such house except when such representation for such house is waived by the minority leader of such house. In all cases, the first-named member of the house of origin of the bill or concurrent resolution assigned to the committee shall be chairperson of the conference committee. The house of origin of a substitute bill or substitute concurrent resolution shall be the house in which the bill or concurrent resolution in its original form was introduced. The chairperson of a conference committee on a bill or concurrent resolution the subject matter of which has been ruled to be materially changed shall be a member of the house which amended the bill or concurrent resolution to materially change the subject matter. Each conference committee shall meet on the call of its chairperson. All meetings of conference committees shall be open to the public and no meeting shall be adjourned to another time or place in order to subvert such policy.

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

vote of $\frac{2}{3}$ of the members present in the house at the time of consideration of the report shall be sufficient to dispense with distribution of copies of the conference committee report to all members of that house. Reports of conference committees may be received and considered under any order of business.

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

(h) *Vote to adopt conference committee report final action; effect of failure of motion to adopt conference committee report.* The vote to adopt the report of a conference committee, other than a report of failure to agree coupled with a recommendation for appointment of a new conference committee, shall be considered final action on the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion fails, the bill or concurrent resolution shall be deemed to be killed. If the motion on a conference committee report which is an agreement to disagree coupled with a request that a new conference committee be appointed fails, the bill or concurrent resolution shall not be deemed to have been killed thereby and remains in conference.

(i) *Report of conference committee unable to agree; effect of failure to request new conference committee; effect of failure of motion to adopt report requesting new conference committee.* If a conference committee upon any bill or concurrent resolution is unable to agree, it shall report that fact to both houses. Such report may request that a new conference committee be appointed thereon. If the committee so reports but fails to request the appointment of a new conference committee thereon, the bill or concurrent resolution shall be deemed to have been killed upon the adoption by either house of such report. If the motion to adopt a report requesting the appointment of a new conference committee fails, the bill or concurrent resolution shall be deemed to be killed.

(j) *Bills or concurrent resolutions under consideration by conference committees and reports thereof; carryover from odd-numbered to even-numbered year.* Bills or concurrent resolutions under consideration by a conference committee, or a report of which has been filed but no action taken thereon in either house, at the time of adjournment of a regular session of the legislature held in an odd-numbered year shall remain alive during the interim and may be considered by the committee and legislature as the case may be at the regular session held in the following even-numbered year.

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

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

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on February 4, 2013, during the 2013 regular session and on February 3, 2014, during the 2014 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 13, 2013, during the 2013 regular session and on February 12, 2014, during the 2014 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, the committee on assessment and taxation 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 11, 2013, during the 2013 regular session and on February 10, 2014, during the 2014 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, the committee on assessment and taxation 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 15, 2013, during the 2013 regular session and on February 14, 2014, during the 2014 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, the committee on assessment and taxation 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 March 1, 2013, during the 2013 regular session and on February 28, 2014, during the 2014 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, the committee on assessment and taxation 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 27, 2013, during the 2013 regular session and March 26, 2014, during the 2014 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 in 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 5, 2013, during the 2013 regular session and after April 4, 2014, during the 2014 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.

Joint rule 6. Floor amendments to bills making appropriations. Unless by majority consent to correct an error in drafting, no amendment from the floor in either house of the legislature 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. Notwithstanding any rule in either house of the legislature, those portions of a motion to amend a bill as described in this rule shall be indivisible.

SENATE JOURNAL

PROCEEDINGS

OF THE

Senate

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2014 REGULAR SESSION

January 13 through May 30, 2014

COREY CARNAHAN, *Secretary of the Senate*

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

SB 1.....	Senate Bill No. 1
SCR 1601.....	Senate Concurrent Resolution No. 1601
SP 1.....	Senate Petition No. 1
SR 1701.....	Senate Resolution No. 1701
HB 2001.....	House Bill No. 2001
HCR 5001.....	House Concurrent Resolution No. 5001

EXPLANATION OF PAGE NUMBERING

The Senate and House Journals are printed in separate volumes. Paging in both journals is consecutive for the 2013-2014 biennium. The 2014 Senate Journal begins with page 1490 and is consecutive throughout the remainder of the volume.

Under the section "History of Bills" SJ page numbers prior to page 1490 and HJ page numbers prior to page 1566 refer to the 2013 Senate and House Journal books.

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 13, 2014, 2:00 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with forty senators present.

President Wagle welcomed Father Don Davidson, St. David's Episcopal Church of Topeka, who will again be serving as the Senate Chaplain.

Invocation by Father Don Davidson:

Holy Creator, we implore your blessing upon this chamber, this legislative body and people of Kansas as we begin anew this day. Bless our Senators in their deliberation and collaboration as they reflect the common hope of those they represent. Give them good health, clear minds, and sensitive hearts that they may use the gifts you have given them. Bless all those who assist them in their work and stay with all of us each and every day. In your life-giving spirit we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF GUESTS

President Wagle introduced Dr. Mary Beth Miller, President of the Kansas Academy of Family Physicians. Dr. Miller is currently the Chief of Staff at Cheyenne County Hospital. The Academy sponsors the Doctor of the Day program and provides daily assistance for health concerns in the Capitol during the session.

SPECIAL REMARKS

President Wagle introduced new staff serving in the Senate: Corey Carnahan, Secretary of the Senate; Nick Nicolay, Sergeant at Arms; Joyce Hladky, Desk Clerk; Roger Williams, Dean Glatt and Bud Weiler, Doormen; Don Cackler, who will again be representing the Kansas Highway Patrol in the Senate; and Ben McFarlane, Reading Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Wagle, Bruce and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1772—

A RESOLUTION relating to the organization of the Senate.

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

officers:

Susan Wagle, president,
 Jeff King, vice-president,
 Terry Bruce, majority leader,
 Anthony Hensley, minority leader,
 Corey Carnahan, secretary,
 Charles (Nick) Nicolay, sergeant at arms,

and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Bruce **SR 1772** was adopted by voice vote.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 248, AN ACT concerning the secretary of corrections; relating to victim notification prior to release of certain inmates; amending K.S.A. 2013 Supp. 22-3727 and repealing the existing section, by Senator Faust-Goudeau.

SB 249, AN ACT concerning hair braiding; amending K.S.A. 65-1928 and repealing the existing section, by Senator Faust-Goudeau.

SB 250, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing of certain persons to mandatory minimum term of imprisonment of 50 years; amending K.S.A. 2013 Supp. 21-6620 and 22-3717 and repealing the existing sections, by Senators Bruce, King and Smith.

SB 251, AN ACT concerning health care predetermination requests relating to health insurance benefits coverage, by Senator Denning.

SB 252, AN ACT concerning the court of appeals; relating to appointment of judges; public information; amending K.S.A. 2013 Supp. 20-3020 and repealing the existing section, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk and Pettey.

SB 253, AN ACT concerning elections; enacting the Kansas protection against voter suppression act; amending the crime of perjury; amending K.S.A. 2013 Supp. 21-5903 and 25-2309 and repealing the existing sections, by Senator Faust-Goudeau.

SB 254, AN ACT concerning certain administrative rules and regulations; relating to the medical assistance recovery program; relating to the children's health insurance program; amending K.S.A. 38-2002 and K.S.A. 2013 Supp. 39-709 and repealing the existing sections, by Joint Committee on Administrative Rules and Regulations.

SB 255, AN ACT concerning crimes, punishment and criminal procedure; relating to capital murder; attempt; sentencing; amending K.S.A. 2013 Supp. 21-5301, 21-5401 and 21-6620 and repealing the existing sections, by Committee on Judiciary.

SR 1773, A resolution relating to the rules of the Senate for 2013-2016; amending Rule 7, relating to standing committees, by Senators Bruce, Hensley and Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **SB 251**.

Judiciary: **SB 248**, **SB 250**, **SB 252**.

Public Health and Welfare: **SB 249**.

MESSAGE FROM THE GOVERNOR

December 9, 2013

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Member, State Banking Board, Norman Pishny, Topeka, pursuant to the authority vested in me by KSA 74-3004 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, Kansas Human Rights Commission: Marilyn Wilder (U), Hesston, pursuant to the authority vested in me by the KSA 44-1003 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2014, to succeed Joshua Ney.

December 12, 2013

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Member, State Board of Indigent Defense Services, Jeffrey Leiker (U), Kansas City, pursuant to the authority vested in me by the KSA 22-4519 effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2015, to succeed James Colgan.

Member, University of Kansas Hospital Authority, Deryl Wynn (U), Kansas City, pursuant to the authority vested in me by the KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2017, to succeed himself.

Secretary, Department of Agriculture, Jackie McClaskey (R), Manhattan, pursuant to the authority vested in me by the KSA 74-560 effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Dale Rodman.

Member, Central Interstate Low-Level Radioactive Waste Commission, John Mitchell (R), Lawrence, pursuant to the authority vested in me by the KSA 65-34a02 effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed John Mitchell.

Member, University of Kansas Hospital Authority, Jack Newman, Jr. (R), Leawood, pursuant to the authority vested in me by the KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term to expire March 15, 2016, to succeed Betty Keim.

Member, State Board of Indigent Defense Services, Jaime Rogers (R), Overland Park, pursuant to the authority vested in me by the KSA 22-4519 effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 14, 2016, to succeed John Poertner.

JANUARY 13, 2014

1493

January 8, 2014

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Executive Director, Kansas Lottery Commission, Terry Presta (R), Overland Park, pursuant to the authority vested in me by the KSA 74-8703 effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Dennis Wilson.

Commissioner, Kansas Corporation Commission, Jay Emler (R), Lindsborg, pursuant to the authority vested in me by the KSA 74-601 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2015, to fill the unexpired term created by the resignation of Mark Sievers.

Member, State Board of Indigent Defense Services, Ronald Wurtz (U), Topeka, pursuant to the authority vested in me by the KSA 22-4519 effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2017, to succeed Penny Moylan.

COMMUNICATIONS FROM STATE OFFICERS

January 13, 2014

The Honorable Susan Wagle
President, Kansas Senate
State Capitol
Topeka, Kansas 66612

Dear President Wagle:

As provided in KSA 75-105, I have received from the Honorable Sam Brownback, Governor of the State of Kansas, since the adjournment of the 2013 session of the legislature the following communications:

Executive Directives Nos. 13-442, 13-443, 13-444, 13-445, 13-446, 13-447, 13-448, 13-449 all relating to Authorizing Expenditure of Federal Funds and Authorizing Fund Transfers.

Executive Order 13-02, declaring a drought watch or drought warning or drought emergency for the counties listed and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning, or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team.

Executive Order 13-03, for governor's reward.

Executive Order 14-01, conditional and temporary relief from Motor Carrier Rules and Regulations.

Sincerely,
Corey Carnahan
Secretary of the Senate

January 13, 2014

The Honorable Susan Wagle
President, Kansas Senate
State Capitol
Topeka, Kansas 66612

Dear President Wagle:

This letter is to advise you that the Office of the Secretary of the Senate received the following communications during the interim since adjournment of the 2013 Special Session of the Legislature:

The Johnson County Education Research Triangle Authority, Ed Eilert, Chairman, submitted its annual report concerning the financial activities of the Authority.

The Kansas Attorney General, Derek Schmidt, submitted the 2013 Annual Report of the Kansas State Child Death Review Board.

The Kansas Public Employees Retirement System submitted the Comprehensive Annual Financial Report for Fiscal Year 2013.

The Kansas Department of Administration submitted the 60th Annual Financial Report of the State of Kansas for Fiscal Year 2013.

The Kansas Department of Health and Environment provided the inspection results and recommendations for insuring proper sanitary conditions and adequate health supervision for state children's institutions as directed by KSA 65-176.

The Pooled Money Investment Board, in compliance with KSA 75-4222(h), submitted a copy of the Annual Report of the Pooled Money Investment Board for Fiscal Year 2013.

Sincerely,

Corey Carnahan
Secretary of the Senate

President Wagle announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6038**, 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:

Ray Merrick, Speaker,
Peggy Mast, Speaker Pro Tem,
Jene Vickrey, Majority Leader,
Paul Davis, Minority Leader,
Susan Kannarr, Chief Clerk,
Hal Hudson, Sergeant at Arms,
and awaits the pleasure of the Senate.

Announcing adoption of **HCR 5021** a concurrent resolution creating a committee to inform the Governor that the legislature is organized and ready to receive communications. Representatives Ryckman, Jr., Seiwert and Meier are appointed to wait upon the Governor.

Announcing adoption of **HCR 5022** 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 and for the purpose of hearing a message from the Supreme Court.

The following escorts are appointed for the State of the State:

To escort the Governor: Reps. Ryckman, Jr., Seiwert and Ballard

to escort the Lt. Governor: Reps. Schwab, O'Brien and Henry

to escort the Supreme Court: Reps. Crum, Johnson and Carlin

to escort the Senators: Reps. Hedke, Shultz and Vectors

On motion of Senator Bruce, an emergency was declared, the rules suspended and **HCR 5021** was adopted by voice vote.

The President appointed Senator Lynn and Senator Haley to wait upon the Governor.

On motion of Senator Bruce, an emergency was declared, the rules suspended and **HCR 5022** was adopted by voice vote.

The President appointed Senator Petersen and Senator Hawk to escort the Governor; Senator Emler and Senator Francisco to escort the Lieutenant Governor; and Senator Smith and Senator Pettey to escort the Supreme Court.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 14, 2014.

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 14, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-eight senators present.
Senators Holland and Pyle were excused.
Invocation by Father Don Davidson:

Every great decision, O God, begins with a dream which aligns itself with hope and craves a sprinkling of creativity and a dash of ingenuity. All the gifts necessary for the making of the best decisions are held within the minds and hearts of the members of this body. Please help all of us to remember our blessings, seek your guidance and be aware of the mystery and wonder of your presence in all we do. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 256, AN ACT concerning criminal procedure; relating to appeals; costs charged by attorney general; amending K.S.A. 22-3612 and repealing the existing section, by Committee on Judiciary.

SB 257, AN ACT concerning crimes, punishment and criminal procedure; relating to review and appeal of convictions resulting in a sentence of death; limitations and procedure for motions to correct sentence; amending K.S.A. 60-1507 and K.S.A. 2013 Supp. 21-6619 and repealing the existing sections, by Committee on Judiciary.

SB 258, AN ACT concerning the Kansas juvenile justice code; relating to time limitations; sex crimes; amending K.S.A. 2013 Supp. 38-2303 and repealing the existing section, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 253**.

Judiciary: **SB 254**, **SB 255**.

REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committees as indicated:

Member, State Board of Indigents Defense Services:

Ronald Wurtz, to serve Term ends January 15, 2017.
(Judiciary)

Member, State Board of Indigents Defense Services:

Jaime Rogers, to serve Term ends January 15, 2016.
(Judiciary)

Member, Kansas Human Rights Commission:

Marilyn Wilder, to serve Term ends January 15, 2018.
(Federal and State Affairs)

Member, State Banking Board:

Norman Pishny, to serve Term ends March 15, 2016.
(Financial Institutions and Insurance)

Secretary, Department of Agriculture:

Jackie McClaskey, to serve At the pleasure of the governor.
(Agriculture)

Member, Central Low-Level Radioactive Waste Commission:

John Mitchell, to serve At the pleasure of the governor.
(Utilities)

Member, State Board of Indigents Defense Services:

Jeffrey Leiker, to serve Term ends January 15, 2015.
(Judiciary)

Member, University of Kansas Hospital Authority:

Deryl Wynn, to serve Term ends March 15, 2017.
(Public Health and Welfare)

Member, University of Kansas Hospital Authority:

Jack Newman, to serve Term ends March 15, 2016.
(Public Health and Welfare)

Member, State Corporation Commission:

Jay Emler, to serve Term ends March 15, 2015.
(Utilities)

Executive Director, State Lottery Commission:

Terry Presta, to serve At the pleasure of the governor.
(Federal and State Affairs)

COMMUNICATIONS FROM STATE OFFICERS

KANSAS CORPORATION COMMISSION

January 14, 2014

Executive Director Kim Christiansen and Director Ryan A. Hoffman, Conservation Division, submitted a report on the Remediation Site Status Report and the Conservation Division Abandoned Oil and Well Status Report.

President Wagle announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Abrams and Fitzgerald introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1774 –

A RESOLUTION congratulating and commending the members of the
2014 Kansas Teacher of the Year team.

WHEREAS, The Kansas state department of education sponsors the Kansas Teacher of the Year program which identifies, recognizes and utilizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the program is to build and utilize a network of exemplary teachers who are leaders in the improvement of schools, student performance and the teaching profession; and

WHEREAS, Two teachers – one elementary and one secondary – in each of the state's four United States congressional districts were selected as finalists for recognition as Kansas Teacher of the Year; the Kansas Teacher of the Year being chosen from among the eight finalists. The Kansas Teacher of the Year is awarded the Hubbard Foundation Kansas Teacher of the Year Ambassadorship which enables the person selected to devote significant time during the second semester to activities to support the mission of the program. The 2014 Kansas Teacher of the Year and finalists were honored at an awards banquet on November 23, 2013. All members received a cash award as well as mementos of the events; and

WHEREAS, The Kansas Teacher of the Year is nominated to represent Kansas in the National Teacher of the Year program, a project of the Council of Chief State School Officers sponsored by Target in partnership with the ING Foundation, the University of Phoenix and People to People Ambassador Programs; and

WHEREAS, The 2014 Kansas Teacher of the Year is Jeff Baxter, Leavenworth USD 453, and the regional finalists are Jennifer M. Bailey, Valley Center USD 262; Marney Hay, Maize USD 266; Brandi Leggett, De Soto USD 232; Mary Lonker, Wamego USD 320; Jenny M. Nash, Paola USD 368; Katie Perez, Hutchinson USD 308; and Jennifer R. Smith, Blue Valley USD 229: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the 2014 Kansas Teacher of the Year team and wish Mr. Baxter success in the national competition; and

Be it further resolved: That the Secretary of the Senate shall send eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2014 Kansas Teacher of the Year team.

On emergency motion of Senator Abrams **SR 1774** was adopted by voice vote.

Senators recognized the teachers with a standing ovation.

CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

SR 1773, A resolution relating to the rules of the Senate for 2013-2016; amending Rule 7, relating to standing committees.

On motion of Senator Bruce **SR 1773** was adopted by voice vote.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 15, 2014.

Journal of the Senate

THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 15, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with thirty-nine senators present.

Senator Holland was excused.

Invocation by Father Don Davidson:

Although the camel may disagree, we know O Lord, that Wednesday is not truly any different than any other day. Each day is a gift that you have given us. What an amazing change in our world if your children would pause each day and give thanks for the day they have been given, the chance to do your will and the opportunity to make your creation just a little better. Help us to give you thanks no matter what day it is. In your holy name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 259, AN ACT concerning the state child death review board; relating to records of the board; disclosure of information; amending K.S.A. 22a-243 and repealing the existing section, by Committee on Judiciary.

SB 260, AN ACT concerning liens on personal property; relating to filing statements; enforcement and foreclosure; amending K.S.A. 58-201 and 58-202 and K.S.A. 2013 Supp. 28-115 and repealing the existing sections, by Committee on Judiciary.

SB 261, AN ACT concerning the uniform trust code; relating to trust distribution to spouse or relative of the grantor; creditor claims against settlors; amending K.S.A. 58a-505 and 59-103 and K.S.A. 2013 Supp. 58a-105 and repealing the existing sections; also repealing K.S.A. 58a-818, by Committee on Judiciary.

SB 262, AN ACT concerning the promoting employment across Kansas act; amending K.S.A. 2013 Supp. 74-50,212 and 74-50,213 and repealing the existing sections, by Committee on Commerce.

SB 263, AN ACT concerning the adjutant general; establishing the military funeral honors fund, by Committee on Federal and State Affairs.

SB 264, AN ACT concerning school districts; requiring storm shelters as a part of certain construction projects, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 256, SB 257, SB 258.**

MESSAGE FROM THE GOVERNOR

January 14, 2015

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 14-02.

SAM BROWNBACK
Governor

Vice President King announced Executive Order 14-02, concerning Conditional and Temporary Relief from Motor Carrier Rules and Regulations, is on file in the office of the Secretary of the Senate and is available for review at any time.

REPORT ON ENROLLED BILLS

SR 1772, SR 1773, SR 1774 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 15, 2014.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Commissioner, State Corporation Commission: K.S.A. 74-601

Jay Emler, to serve a term expiring on March 15, 2015

On motion of Senator Bruce, the Senate recessed until 5:45 p.m., for the purpose of a Joint Session to hear the Governor's State of the State address.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 16, 2014.

Journal of the Senate

FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 16, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-nine senators present.
Senator Holland was excused.
Invocation by Father Don Davidson:

Dear God, we have so many questions. Not just questions in committees or questions of individuals, but questions about life and living and why things are the way they seem to be. We are all made in your image and yet we are all so very different and in that difference we glimpse your magnificence. Help us, Creator God, to marvel and wonder at the diversity of your people and thank you for giving us the mindfulness of thanksgiving. In your holy name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to recognize the life and legacy of Dr. Martin Luther King:

Fellow Members of the Kansas Senate: You know, I just realized that this address today marks my twentieth to the Legislature; 6 in the House and 14 here on the Senate floor imploring you and many of our predecessors to make something meaningful of this weekend; something exemplary of this Holiday, and not just treat it as some “another day off,” post Christmas and New Year’s. Maybe to punctuate the sincerity and, as always, the urgency, maybe we should probably refer to this appeal as the first time since the completion of the beautifully remodeled Statehouse dome that’s just been finished prior to the start of this Session; and its reminder underneath of the precepts of “liberty and justice” for all.

So thank you for allowing today for me to try to not only salute but to implore a responsible implementation of the true meaning of the holiday weekend before us: the celebration of human equality and civil rights represented by the legacy of Dr. Martin Luther King Jr. Mr. Vice President, remembering the first such appeal (which was promoted during my very first week in the Kansas Legislature by former House Speaker Tim Shallenburger and House Minority Leader Tom Sawyer BOTH of whom I visited together with fondly about this “anniversary” last night after the State of the State address), I remember the “tag” team of the remembrance (which would continue those 6 years) with the gentle and committed Rep. Mike Farmer (whose memory is indelibly

engraved in my heart) who would recount the biographical events of Dr. King's life and I would follow with some remarks.

Michelle and my first (now of four!) born, Mariah (who is with us today on the Senate floor; still home on break from her first year at Wellesley), was half-way through gestation but not even near birth when I nervously stood before so many strangers in the big House Chamber, again during the very first week of elected service, and asked of you, to honor this hard fought for truly unique AMERICAN Holiday with joy and thanksgiving; to share among our constituencies as leaders that this is ALL of our Holiday...that it doesn't belong to your political party or to mine, or to your religion or to mine, or to any of the tenets that are often used to divide AMERICANS but the Martin Luther King Holiday belongs to us ALL. It belongs to us ALL. And, it is fitting to share that ownership, with pride, to those we are elected to speak for, and speak TO.

The Senate Chaplain just bade us pray for the marvel of our diversity. We are to address the Senate on this occasion as I do every year. While it is an annual affair, it is not one to be merely observed. We must use this holiday as an opportunity to remember the legacy of Dr. King while we move forward and follow the example he set.

As we begin this new year and this new legislative session, I implore you, my colleagues, to reflect upon Dr. King's values and leadership; to remember him as a passionate and empathetic leader; one who emphasized love above hate, and compassion above selfishness. He knew how to unite people through our similarities rather than further find ways to divide us by perceived differences.

When my truck broke down after midnight last night on a near freezing highway, the multi-hued collective: brown, white and black pulled together to help; as we can all, irrespective of color, as AMERICANS pull together to advance our collective well-being.

Late last year, the world lost another great leader who shared that message. Similar to Dr. King, Nelson Mandela grew up in a divided society during a time of deep racism and hatred that permeated through nearly every aspect of life. Mandela fought to end forced racial segregation in South Africa and for that advocacy, he'd serve 27 years as a political prisoner. But he did not hold animosity towards his captors; he forgave them and would go on to lead all South Africans in a peaceful and democratic nation; one no longer openly divided by apartheid: "For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others."

The message of these great leaders is as relevant today as it ever was. We can move away, not towards, the often times polarization of our politics. This weekend is a celebration not of a man as much as a movement and also a celebration of every man and woman who holds the values of freedom and of equal respect for all. As Senators, we can continue to move forward with the dream of a world defined not by our differences, but by what brings us together. "Take the first step in faith. You don't have to see the whole staircase, just take the first step." Have a safe and reverent Martin Luther King Holiday.

SPECIAL REMARKS

Senator Faust-Goudeau recognized Joseph Elmore, Wichita, Pastor Tony Stanley, Topeka, and Shur'dell Drath'at, who were the Governor's escorts for the special ceremony in recognition of Martin Luther King's life and legacy. The Senators recognized them with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 265, AN ACT concerning income tax; relating to homestead refund; income defined, eligibility; amending K.S.A. 2013 Supp. 79-32,263 and 79-4502 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 266, AN ACT concerning severance tax; relating to tax payment and return filing date; amending K.S.A. 79-4220 and 79-4221 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 267, AN ACT concerning insurance; relating to security deposits, acceptable assets for deposit; forms, handwritten signatures required; amending K.S.A. 2013 Supp. 40-229a and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 268, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurers; amending K.S.A. 2013 Supp. 40-2c01 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 269, AN ACT concerning the rules of evidence; relating to erroneous admission of evidence and timely objection; amending K.S.A. 60-404 and repealing the existing section, by Committee on Judiciary.

SB 270, AN ACT concerning criminal procedure; relating to mental status defenses; notice and procedure; amending K.S.A. 22-3219 and repealing the existing section, by Committee on Judiciary.

SB 271, AN ACT concerning the Kansas medicaid fraud control act; relating to penalties and fines; amending K.S.A. 2013 Supp. 21-5926, 21-5927, 21-5933 and 75-7508 and repealing the existing sections, by Committee on Judiciary.

SB 272, AN ACT concerning wildlife, parks and recreation; relating to controlled shooting areas; amending K.S.A. 32-945 and repealing the existing section, by Committee on Natural Resources.

SB 273, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the rotary international license plate, by Committee on Transportation.

SB 274, AN ACT concerning campaign finance; amending K.S.A. 25-4153b and repealing the existing section, by Committee on Federal and State Affairs.

SB 275, AN ACT concerning elections; dealing with improper use of public funds and equipment; amending K.S.A. 2013 Supp. 25-4169a and repealing the existing section, by Committee on Federal and State Affairs.

SB 276, AN ACT concerning wildlife; enacting the state sovereignty over non-migratory wildlife act, by Committee on Federal and State Affairs.

SB 277, AN ACT concerning school districts; relating to the calculation of local property tax and the local option budget under the school finance formula; amending K.S.A. 2013 Supp. 72-6433d and repealing the existing section, by Committee on Ways and Means.

SB 278, AN ACT concerning the state board of veterinary examiners; relating to the veterinary examiners fee fund; powers of the board; establishing the board within the animal health division of the Kansas department of agriculture for a two-year period; amending K.S.A. 2013 Supp. 47-820 and 47-821 and repealing the existing sections, by Committee on Ways and Means.

SB 279, AN ACT concerning utilities; relating to electric transmission, by Committee on Utilities.

SB 280, AN ACT concerning utilities; relating to net metering; amending K.S.A. 2013 Supp. 66-1264, 66-1265 and 66-1266 and repealing the existing sections, by Committee on Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 262**.

Federal and State Affairs: **SB 263, SB 264**.

Judiciary: **SB 259, SB 260, SB 261**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1775—

A RESOLUTION remembering the Piatt plane crash.

WHEREAS, Tragedy struck Wichita on the cold Saturday morning of January 16, 1965. While many children were watching cartoons at 9:31 a.m., a fuel-laden KC-135A jet tanker from McConnell Air Force Base crashed into the neighborhood of 20th and Piatt Streets, killing seven air crewmen and 23 residents, including an unborn child. In addition, numerous family pets were lost; and

WHEREAS, The events of the tragic day united Wichitans in the spirit of helping their fellow citizens, including response teams of emergency workers, medical personnel, ministers and counselors; and

WHEREAS, A local committee of citizens responded by organizing a memorial service on June 9, 2001, at McConnell Air Force Base in Wichita, Kansas. Members of this committee included Claude L. Daniels, Jr., Victor S. Daniels, Evonne W. Dugan, Timmi Jackson, Dorothy Nixon and other members of the community; and

WHEREAS, After September 11, 2001, security on the base was tightened for safety, and civilian family members were denied entrance to the base. However, a marker is still on the base grounds to serve as a monument to those who perished; and

WHEREAS, The lack of access to McConnell Air Force Base prompted a second committee of local citizens to form, known as the Piatt Memorial Park Project Committee. The Committee was organized by Oletha Faust-Goudeau, a Kansas State Representative at the time. The Committee petitioned the Wichita City Council in 2004 to rename Piatt Park to "Piatt Memorial Park" to better reflect the site's history; and

WHEREAS, The Piatt Memorial Park Project Committee began raising funds for the memorial in 2004, and a monument was erected in 2007 at the site of the crash. The monument is fifteen feet tall, made of black granite and is surrounded by commemorative bricks and benches where family members can sit and reflect; and

WHEREAS, The unveiling and dedication ceremony for the monument took place on July 14, 2007, at the site of the crash, and 150 people were in attendance. At the site is a Kansas State Flag, presented by Former Governor Kathleen Sebelius, and an American Flag, presented by Former U.S. Representative Todd Tiahrt; and

WHEREAS, The Piatt Memorial Park Project Committee members include: Chair, Senator Oletha Faust-Goudeau; Vice Chair, Dr. Carla Lee; Secretary, John Polson;

Treasurer, Inga Taylor; Survivor, Sonya House; Honorary Member, Captain Kelly Bolen, Tanker/Refueling Unit, MAFB; and members, James Arbertha and Jamil Moody; and

WHEREAS, The Kansas Historical Society recognizes the Piatt plane crash as the "Worst Non-natural Disaster Occurring in Kansas History," where the most people died on the same day, at the same time, and in the same place, in Kansas history; and

WHEREAS, D.W. Carter, a Kansas historian and educator, authored a book entitled "Mayday over Wichita: The Worst Military Aviation Disaster in Kansas History," recalling the events of that cold winter day in January 1965, and examining the myths and realities of the crash while providing new insights about the horrific four-minute flight that forever changed the history of Kansas; and

WHEREAS, A website was designed by Colonel Duncan of the Commemorative Air Force Jayhawk Wing, and can be found at www.duncanwebsiteservices.com/piatt_memorial/index.htm; and

WHEREAS, The current members of the Piatt Memorial Park Project Committee seek to honor and remember the victims of the Piatt plane crash: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we remember January 16, 2014, as the 49th anniversary of this tragic event and honor those who perished; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Oletha Faust-Goudeau, Governor Sam Brownback, Wichita Mayor Carl Brewer, the Kansas Historical Society, Victor Daniels, Timmi Jackson, Dr. Carla Lee and John Polson.

On emergency motion of Senator Faust-Goudeau **SR 1775** was adopted by voice vote.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Governor to the Senate for confirmation was considered.

Senator Bruce moved the following appointment be confirmed as recommended by the Committee on **Utilities**.

State Corporation Commission:

Jay Emler, Term ends March 15, 2015

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Emler.

Absent or Not Voting: Holland.

The appointment was confirmed.

EXPLANATION OF VOTE

Mr. Vice President: It is an honor and privilege to confirm Senator Jay Emler to the Kansas Corporation Commission. Senator Emler has served the people of Kansas in the

Kansas Senate for 14 years with grace and dignity. Senator Emler is a true gentleman, a statesman and a person of his word, always treating others with respect and kindness, even if they disagree. The Kansas Senate will miss his presence in the chamber and in the hallways of the Capitol. The Kansas Senate is a better institution because of his service and we are better Senators having served with him. We wish Senator Emler well in his new role as Commissioner of the Kansas Corporation Commission. Senator Emler, on behalf of the Kansas Senate, well done, my friend, and we wish you Godspeed.—PAT APPLE

Senators Faust-Goudeau, Francisco, Haley, Hensley, Kelly, King, Longbine and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Apple.

Mr. Vice President: I am proud to have called Senator Emler my friend for the past fourteen years. Ralph Waldo Emerson says it best: "The glory of friendship is not the outstretched hand, not the kindly smile, nor the joy of companionship; it is the spiritual inspiration that comes to one when you discover that someone else believes in you and is willing to trust you with a friendship."—RALPH OSTMEYER

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, January 17, 2014.

Journal of the Senate

FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 17, 2014, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with thirty senators present.

Senators Apple, Donovan, Haley, Holland, Holmes, Lynn, Masterson, O'Donnell, and Wolf were excused.

Invocation by Father Don Davidson:

Holy God, our first week is coming to an end. We greet you this morning with a greater awareness of the mountains that must be climbed, the copies made, files created and words committed. There is much to do. Help us to enjoy a Sabbath rest, to reconnect with our loved ones and safely return rested, ready and rededicated to the days still to come. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 265, SB 266.**

Ethics and Elections: **SB 274, SB 275.**

Financial Institutions and Insurance: **SB 267, SB 268.**

Judiciary: **SB 269, SB 270, SB 271.**

Natural Resources: **SB 272, SB 276.**

Transportation: **SB 273.**

Utilities: **SB 279, SB 280.**

Ways and Means: **SB 277, SB 278.**

REPORT ON ENROLLED BILLS

SR 1775 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 17, 2014.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 13 through January 17, 2014:

Senator Apple: congratulating and commending Jenny M. Nash on being named a 2014 Kansas Regional Teacher of the Year;

Senator Bowers: congratulating Richard Diers on his 100th Birthday; congratulating and commending the Wilson Family on 100 years of service; congratulating and commending Bryan and Betsy Reinert on being named the Kansas Farm Bureau's 2013 Farm Family of the Year; congratulating and commending Sherry Wiesen on being named the Kansas Business Secondary Educator of the Year; congratulating and commending Tebow Plumbing on 50 years of business; congratulating and commending Jon and Kim Birky for being named the Russell Post Rock Family Service's 2013 Family of the Year; congratulating and commending Cloud County Health Center Auxiliary on receiving the Gold Award of Excellence; congratulating and commending Kerrick Kuder for receiving the 2013 Lucas PRIDE Youth Leadership Award;

Senator Bruce: congratulating and commending Katie Perez on being named a 2014 Kansas Regional Teacher of the Year;

Senator Fitzgerald: congratulating and commending Jeff Baxter on being named the 2014 Kansas Teacher of the Year;

Senator Kelly: congratulating and commending Mary Lonker on being named a 2014 Kansas Regional Teacher of the Year;

Senator McGinn: congratulating and commending Jennifer M. Bailey on being named a 2014 Kansas Regional Teacher of the Year; congratulating and commending Marney Hay on being named a 2014 Kansas Regional Teacher of the Year;

Senator Melcher: congratulating and commending Jennifer R. Smith on being named a 2014 Kansas Regional Teacher of the Year;

Senator Olson: honoring Lt. Col. Theodore E. Lockwood II, for his service in the United States Army;

Senator Ostmeyer: congratulating Denton Rathke on achieving the rank of Eagle Scout;

Senator Petersen: recognizing the outstanding service of Pastor Mark Posson; recognizing the outstanding service of Central Christian Church; and

Senator Pilcher-Cook: congratulating and commending Brandi Leggett on being named a 2014 Kansas Regional Teacher of the Year.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 21, 2014.

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 21, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-nine senators present.
Invocation by Father Don Davidson:

Merciful God, your servant Martin Luther King Jr. told us that "Faith is taking the first step even when you don't see the whole staircase" and that "Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that." As we meet on the day following the annual tribute to your prophet, help us to have the courage of faith and an awareness of the darkness so that in every decision we may do your will for all your people. We ask this in your holy name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 281, AN ACT concerning wildlife; relating to the nongame and endangered species conservation act; amending K.S.A. 32-960 and repealing the existing section, by Senators Olson, Apple, Denning, Lynn, Melcher, Pettey, Pilcher-Cook, Smith and Wolf.

SB 282, AN ACT concerning the uniform consumer credit code; pertaining to installment loans, by Committee on Financial Institutions and Insurance.

SB 283, AN ACT concerning the salary of the commissioner of insurance; amending K.S.A. 2013 Supp. 40-102 and repealing the existing section, by Committee on Financial Institutions and Insurance.

CHANGE OF REFERENCE

The President withdrew **HB 2381** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Ethics and Elections**.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

JANUARY 21, 2014

1511

By the Governor;
Member, State Banking Board: K.S.A. 74-3004
Norman Pishny, to serve a term expiring on March 15, 2016.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 22, 2014.

Journal of the Senate

SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 22, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with thirty-nine senators present.

Invocation by Father Don Davidson:

One of the more curious inventions of our time, oh Lord, is the cell phone. While it allows us to communicate from almost anywhere, it has changed the way we talk with each other, choosing to make abrupt calls rather than in-depth and personal conversations. Dear Lord, help us to see in the eyes of the other, your eyes looking back. Help us to invest in our relations the intentional listening necessary to build understanding. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 284, AN ACT concerning 911 emergency services; relating to the 911 coordinating council, composition, contracting authority, expenses; amending K.S.A. 2013 Supp. 12-5363, 12-5364, 12-5367, 12-5368, and 12-5377 and repealing the existing sections, by Committee on Utilities.

SB 285, AN ACT concerning payments for providing vision care services; pertaining to limitations imposed by insurance plans and discount plans, by Committee on Financial Institutions and Insurance.

SB 286, AN ACT concerning the Kansas department of agriculture; relating to fees; extending sunset date on certain fees; amending K.S.A. 2013 Supp. 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-3304, 2-3306, 65-778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 and repealing the existing sections, by Committee on Agriculture.

SB 287, AN ACT concerning district magistrate judges; jurisdiction; appeals; amending K.S.A. 2013 Supp. 20-302b, 22-3601, 22-3602, 38-2273, 38-2382, 59-2401a, 60-2102 and 61-3902 and repealing the existing sections; also repealing K.S.A. 61-3903 and K.S.A. 2013 Supp. 22-3609a and 60-2103a, by Committee on Judiciary.

SB 288, AN ACT concerning courts; relating to restitution or collection of debts owed to the courts; amending K.S.A. 60-2419 and 60-4303 and K.S.A. 2013 Supp. 28-178, 61-3604 and 75-719 and repealing the existing sections, by Committee on Judiciary.

SB 289, AN ACT concerning courts; relating to time limits for decisions, by Committee on Judiciary.

SB 290, AN ACT concerning criminal procedure; relating to arraignment; amending K.S.A. 22-3205 and repealing the existing section, by Committee on Judiciary.

SB 291, AN ACT concerning legislators; dealing with per calendar day compensation; amending K.S.A. 2013 Supp. 46-137a and repealing the existing section, by Committee on Ethics and Elections.

SB 292, AN ACT concerning the emerging industry investment act; pertaining to the treatment of certain bioscience companies; amending K.S.A. 2013 Supp. 74-99b33 and 74-99b34 and repealing the existing sections, by Committee on Commerce.

SB 293, AN ACT concerning certain municipalities; relating to solid waste and recycling restrictions, by Committee on Commerce.

SB 294, AN ACT concerning rural housing incentive districts; amending K.S.A. 2013 Supp. 72-6431 and repealing the existing section, by Committee on Commerce.

SB 295, AN ACT concerning income taxation; relating to credits; community services contributions; amending K.S.A. 2013 Supp. 79-32,195 and repealing the existing section, by Committee on Commerce.

SB 296, AN ACT concerning public wholesale water supply districts; authorizing certain districts to issue general obligation bonds; amending K.S.A. 19-3557 and repealing the existing section, by Committee on Assessment and Taxation.

SB 297, AN ACT concerning sales taxation; relating to exemptions; reaching out from within, inc.; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SCR 1615, A PROPOSITION to amend section 8 of article 2 of the constitution of the state of Kansas, relating to annual sessions of the legislature, by Committee on Ethics and Elections.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **SB 282**, **SB 283**.

Natural Resources: **SB 281**.

CHANGE OF REFERENCE

The President withdrew the following bills from the Calendar under the heading of General Orders and referred them to the Committee on **Interstate Cooperation**: **HB 2014**; **S Sub HB 2037**; **HB 2067**; **S Sub HB 2077**; **HB 2114**, **HB 2118**, **HB 2122**, **HB 2125**; **S Sub HB 2141**; **HB 2151**, **HB 2153**; **Sub HB 2166**; **HB 2179**, **HB 2209**, **HB 2255**, **HB 2272**, **HB 2343**.

The President withdrew the following bills from the Calendar under the heading of General Orders and rereferred to the Committee on **Ways and Means**: **HB 2142**; **S Sub HB 2145**; **HB 2352**, **HB 2403**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2303**.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Secretary, Kansas Department of Agriculture: K.S.A. 74-560

Jackie McClaskey, serves at the pleasure of the Governor

Committee on **Ethics and Elections** recommends **SB 99** be amended on page 1, in line 17, by striking "1954" and inserting "1986"; and the bill be passed as amended.

Also, recommends **HB 2296** be passed.

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to the following appointments:

By the Governor:

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Jack Newman, Jr., to fill a term expiring on March 15, 2016

By the Governor:

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Deryl Wynn, to fill a term expiring on March 15, 2017

STRICKEN FROM THE CALENDAR

On motion of Senator Bruce, the following bills were stricken from the Calendar under the heading of General Orders: **SB 78, SB 79, SB 87, SB 106, SB 189, SB 212, SB 232, SB 234.**

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 23, 2014.

Journal of the Senate

EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 23, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-five senators present.
Senators Apple, Denning, Fitzgerald and Lynn were excused.
Invocation by Father Don Davidson:

Dear God, the cold days remind us that our world is full of change as your creation continues; in a few weeks, today's chill will be a memory as spring once again comes to the plains. Help us, holy one, to see in the world around us and wonder of your handiwork. Even on days which keep us inside, may we never forget that all we have is your gift and we are your stewards. In your name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 298, AN ACT repealing K.S.A. 17-631, 79-3101, 79-3102, 79-3103, 79-3104, 79-3105, 79-3106, 79-3107, 79-3107a, 79-3107b and K.S.A. 2013 Supp. 79-3107c; relating to elimination of the Kansas mortgage registration fee, by Committee on Assessment and Taxation.

SB 299, AN ACT concerning insolvent insurance companies; pertaining to certain exemptions for the federal home loan bank; amending K.S.A. 40-3609, 40-3619, 40-3625, 40-3629, 40-3630 and 40-3631 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 300, AN ACT concerning sand and gravel; relating to removal from state rivers; amending K.S.A. 70a-102 and repealing the existing section, by Committee on Natural Resources.

SB 301, AN ACT concerning roads and highways; relating to right-of-ways; annexation by cities; amending K.S.A. 2013 Supp. 12-520 and repealing the existing section, by Committee on Transportation.

SB 302, AN ACT concerning surrogate parenting contracts, by Committee on Public Health and Welfare.

SCR 1616, A CONCURRENT RESOLUTION supporting the Kansas board of regents' strategic plan for postsecondary education excellence, known as Foresight 2020, by Senators Abrams and Arpke.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 286**.

Assessment and Taxation: **SB 295, SB 296, SB 297**.

Commerce: **SB 292, SB 293**.

Ethics and Elections: **SB 291**.

Federal and State Affairs: **SCR 1615**.

Financial Institutions and Insurance: **SB 285**.

Judiciary: **SB 287, SB 288, SB 289, SB 290**.

Utilities: **SB 284**.

Ways and Means: **SB 294**.

CHANGE OF REFERENCE

The Vice President withdrew the following bills from the Committee on **Ethics and Elections**, and referred the bills to the Committee on **Local Government**: **HB 2074, HB 2075, HB 2091, HB 2185**.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m., January 24, 2014.

Journal of the Senate

NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 24, 2014, 8:00 a.m.

The Senate met pro forma with Vice President Jeff King in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 303, AN ACT concerning firearms; relating to the Sedgwick county regional forensic science center; disposition of stolen weapons; forfeiture of firearms; amending K.S.A. 2013 Supp. 21-6307 and 60-4117 and repealing the existing sections, by Senators Faust-Goudeau, Abrams, Donovan, Kerschen, Masterson, McGinn, O'Donnell, Petersen and Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 298**.

Education: **SCR 1616**.

Financial Institutions and Insurance: **SB 299**.

Natural Resources: **SB 300**.

Public Health and Welfare: **SB 302**.

Transportation: **SB 301**.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tribute for the week of January 21 through January 24, 2014:

Senator Schmidt: congratulating Gladys Blake on her 97th Birthday.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, January 27, 2014.

Journal of the Senate

TENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 27, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-nine senators present.
Invocation by Father Don Davidson:

We are deep into the Award season, dear Lord, when organizations select the best of this or that in popular and sophisticated ways. We enjoy watching and marveling at the talent of others, and we are thankful for the joy that entertainment brings. Help us look through the grandstanding to see the grand creator, give us the eyes to see that it is only by your hand that all gifts are given, our own included. On this day, give us the grace to see your work in the world about us. In your holy name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 304, AN ACT enacting the municipal communications network and private telecommunications investment safeguards act, by Committee on Commerce.

SB 305, AN ACT concerning school districts; relating to capital improvement state aid; transferring funds to the supplemental general state aid account of the state general fund; amending K.S.A. 2013 Supp. 75-2319 and repealing the existing section, by Committee on Education.

SB 306, AN ACT concerning insurance companies; relating to investments; amending K.S.A. 40-2a08, 40-2a14, 40-2a28, 40-2b07, 40-2b12 and 40-2b29 and K.S.A. 2013 Supp. 40-2a27 and 40-2b28 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 307, AN ACT concerning the Kansas electric transmission authority; purpose and composition of authority; creation of transmission advisory council; amending K.S.A. 2013 Supp. 74-99d01, 74-99d03, 74-99d04 and 74-99d07 and repealing the existing sections, by Committee on Utilities.

SB 308, AN ACT concerning the Kansas no-call act; amending K.S.A. 50-670 and 50-670a and repealing the existing sections, by Committee on Utilities.

SB 309, AN ACT concerning insurance for qualified professional associations; amending K.S.A. 40-2222a and 40-2222b and K.S.A. 2013 Supp. 40-2222 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 310, AN ACT concerning grand juries; amending K.S.A. 2013 Supp. 22-3001 and

22-3015 and repealing the existing sections, by Committee on Judiciary.

SB 311, AN ACT concerning civil procedure and civil actions; relating to noneconomic damages cap; expert or other testimony; collateral source benefits; amending K.S.A. 60-456, 60-457, 60-458, 60-19a02 and 60-3801 and 60-3802 and repealing K.S.A. 60-3803, 60-3804, 60-3805, 60-3806, and 60-3807, by Committee on Judiciary.

SB 312, AN ACT concerning criminal procedure; relating to discharge of persons not brought promptly to trial; decision and disposition of case on appeal; amending K.S.A. 22-3605 and K.S.A. 2013 Supp. 22-3402 and repealing the existing sections, by Committee on Judiciary.

SB 313, AN ACT concerning courts; relating to docket fees; amending K.S.A. 60-729 and K.S.A. 2013 Supp. 20-367, 21-6614, 22-2410, 28-172a, 38-2312, 59-104, 60-256, 60-2001 and 61-2704 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6614d, 38-2312c and 60-2001b, by Committee on Judiciary.

SB 314, AN ACT dealing with the secretary of state; prohibiting certain political activities, by Committee on Ethics and Elections.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Judiciary: **SB 303**.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 254**, **SB 258** be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 28, 2014.

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 28, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-nine senators present.
Invocation by Father Don Davidson:

As the session continues the amount of paper used might bury a small home. Through an amazing process, paper comes from wood pulp that is squeezed and pressed into a given shape and size. Sometimes used once and then disposed, while other times reused over and over again. Electronic methods were to have reduced the amount of paper – that reduction has not yet taken place. Help us, Lord, to see that in all we have done, all we do and all we ever will do begins in you. Something as simple as paper can teach us that lesson. In your name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 315, AN ACT concerning the Kansas state fair; pertaining to the purchase of certain insurance coverage; amending K.S.A. 2-224 and K.S.A. 2013 Supp. 75-4105 and 75-4109 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 316, AN ACT concerning public health; relating to the podiatry act; amending K.S.A. 65-2001, 65-2002 and 65-2004 and K.S.A. 2013 Supp. 65-2005 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 317, AN ACT concerning the Kansas medical assistance program contracts with managed care organizations, by Committee on Public Health and Welfare.

SB 318, AN ACT concerning certain pesticide applications; amending K.S.A. 2013 Supp. 2-2454 and 19-101a and repealing the existing sections, by Committee on Commerce.

SB 319, AN ACT concerning surface owners' property rights protection; amending K.S.A. 2013 Supp. 55-151 and repealing the existing section, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 304**.

Ethics and Elections: **SB 314**.

Financial Institutions and Insurance: **SB 306, SB 309**.

Judiciary: **SB 310, SB 311, SB 312, SB 313**.

Utilities: **SB 307, SB 308**.

Ways and Means: **SB 305**.

MESSAGES FROM THE GOVERNOR

January 28, 2013

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK

Governor

Public Member, Employment Security Board of Review, Phillip Hayes (R), Haysville, pursuant to the authority vested in me by the K.S.A. 44-709(f) and SB 187 effective upon the date of confirmation by the Senate, to serve a four year term, to succeed Larry Turnquist.

ORIGINAL MOTION

Senator King moved to suspend Rule 9(d) relating to the time limit on the preparation and approval of committee minutes. The motion carried.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 266** be passed.

Also, **SB 265** be amended on page 2, in line 4, after "act" by inserting "effective for tax year 2013 and thereafter"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 248** be amended on page 1, following line 3, by inserting:

"WHEREAS, The provisions of K.S.A. 2013 Supp. 22-3727, and amendments thereto, shall be known and may be cited as Adrian Olajuwon Crosby and Dominique Nathaniel Tyree Green's Law: Now, therefore,";

Also on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2013 Supp. 22-3303 is hereby amended to read as follows: 22-3303. (1) A defendant who is charged with a felony and is found to be incompetent to stand trial shall be committed for evaluation and treatment to the state security hospital or any appropriate county or private institution. A defendant who is charged with a misdemeanor and is found to be incompetent to stand trial shall be committed for evaluation and treatment to any appropriate state, county or private institution. At the time of such commitment the institution of commitment shall notify the ~~secretary of corrections~~ county or district attorney of the county in which the criminal proceedings are pending for the purpose of providing victim notification. Any such commitment shall be for a period of not to exceed 90 days. Within 90 days after the defendant's commitment to such institution, the chief medical officer of such institution shall certify to the court whether the defendant has a substantial probability of attaining competency

to stand trial in the foreseeable future. If such probability does exist, the court shall order the defendant to remain in an appropriate state, county or private institution until the defendant attains competency to stand trial or for a period of six months from the date of the original commitment, whichever occurs first. If such probability does not exist, the court shall order the secretary ~~of social and rehabilitation~~ for aging and disability services to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto. When a defendant is charged with any off-grid felony, any nondrug severity level 1 through 3 felony, or a violation of K.S.A. 21-3504, 21-3511, 21-3518, 21-3603 or 21-3719, prior to their repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5505, subsection (b) of 21-5506, subsection (b) of 21-5508, subsection (b) of 21-5604 or subsection (b) of 21-5812, and amendments thereto, and commitment proceedings have commenced, for such proceeding, "mentally ill person subject to involuntary commitment for care and treatment" means a mentally ill person, as defined in subsection (e) of K.S.A. 59-2946, and amendments thereto, who is likely to cause harm to self and others, as defined in subsection (f)(3) of K.S.A. 59-2946, and amendments thereto. The other provisions of subsection (f) of K.S.A. 59-2946, and amendments thereto, shall not apply.

(2) If a defendant who was found to have had a substantial probability of attaining competency to stand trial, as provided in subsection (1), has not attained competency to stand trial within six months from the date of the original commitment, the court shall order the secretary ~~of social and rehabilitation~~ for aging and disability services to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto. When a defendant is charged with any off-grid felony, any nondrug severity level 1 through 3 felony, or a violation of K.S.A. 21-3504, 21-3511, 21-3518, 21-3603 or 21-3719, prior to their repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5505, subsection (b) of 21-5506, subsection (b) of 21-5508, subsection (b) of 21-5604 or subsection (b) of 21-5812, and amendments thereto, and commitment proceedings have commenced, for such proceeding, "mentally ill person subject to involuntary commitment for care and treatment" means a mentally ill person, as defined in subsection (e) of K.S.A. 59-2946, and amendments thereto, who is likely to cause harm to self and others, as defined in subsection (f)(3) of K.S.A. 59-2946, and amendments thereto. The other provisions of subsection (f) of K.S.A. 59-2946, and amendments thereto, shall not apply.

(3) When reasonable grounds exist to believe that a defendant who has been adjudged incompetent to stand trial is competent, the court in which the criminal case is pending shall conduct a hearing in accordance with K.S.A. 22-3302, and amendments thereto, to determine the person's present mental condition. Such court shall give reasonable notice of such hearings to the prosecuting attorney, the defendant; and the defendant's attorney of record, if any; ~~and the secretary of corrections for the purpose of providing. The prosecuting attorney shall provide~~ victim notification. If the court, following such hearing, finds the defendant to be competent, the proceedings pending against the defendant shall be resumed.

(4) A defendant committed to a public institution under the provisions of this section who is thereafter sentenced for the crime charged at the time of commitment may be credited with all or any part of the time during which the defendant was committed and confined in such public institution.

Sec. 2. K.S.A. 2013 Supp. 22-3305 is hereby amended to read as follows: 22-3305. (1) Whenever involuntary commitment proceedings have been commenced by the ~~secretary of social and rehabilitation~~ for aging and disability services as required by K.S.A. 22-3303, and amendments thereto, and the defendant is not committed to a treatment facility as a patient, the defendant shall remain in the institution where committed pursuant to K.S.A. 22-3303, and amendments thereto. The ~~secretary of social and rehabilitation~~ for aging and disability services shall promptly notify the court, and the county or district attorney of the county in which the criminal proceedings are pending ~~and the secretary of corrections~~ for the purpose of providing victim notification, of the result of the involuntary commitment proceeding.

(2) Whenever involuntary commitment proceedings have been commenced by the ~~secretary of social and rehabilitation~~ for aging and disability services as required by K.S.A. 22-3303, and amendments thereto, and the defendant is committed to a treatment facility as a patient but thereafter is to be discharged pursuant to the care and treatment act for mentally ill persons, the defendant shall remain in the institution where committed pursuant to K.S.A. 22-3303, and amendments thereto, and the head of the treatment facility shall promptly notify the court, and the county or district attorney of the county in which the criminal proceedings are pending ~~and the secretary of corrections~~ for the purpose of providing victim notification, that the defendant is to be discharged.

When giving notification to the court, and the county or district attorney ~~and the secretary of corrections~~ pursuant to subsection (1) or (2), the treatment facility shall include in such notification an opinion from the head of the treatment facility as to whether or not the defendant is now competent to stand trial. Upon request of the county or district attorney, the court may set a hearing on the issue of whether or not the defendant has been restored to competency. If such hearing request is granted, ~~the court shall notify the secretary of corrections of the hearing date for the purpose of victim notification~~ county or district attorney shall provide victim notification regarding the hearing date. If no such request is made within 14 days after receipt of notice pursuant to subsection (1) or (2), the court shall order the defendant to be discharged from commitment and shall dismiss without prejudice the charges against the defendant, and the period of limitation for the prosecution for the crime charged shall not continue to run until the defendant has been determined to have attained competency in accordance with K.S.A. 22-3302, and amendments thereto. ~~The court shall notify the secretary of corrections of the discharge order for the purpose of providing victim notification. The county or district attorney shall provide victim notification regarding the discharge order.~~

Sec. 3. K.S.A. 2013 Supp. 22-3428 is hereby amended to read as follows: 22-3428. (1) (a) When a defendant is acquitted and the jury answers in the affirmative to the special question asked pursuant to K.S.A. 22-3221, and amendments thereto, the defendant shall be committed to the state security hospital for safekeeping and treatment and ~~the court shall notify the secretary of corrections for the purpose of providing~~ county or district attorney shall provide victim notification. A finding of not guilty and the jury answering in the affirmative to the special question asked pursuant to K.S.A. 22-3221, and amendments thereto, shall be prima facie evidence that the acquitted defendant is presently likely to cause harm to self or others.

(b) Within 90 days of the defendant's admission, the chief medical officer of the

state security hospital shall send to the court a written evaluation report. Upon receipt of the report, the court shall set a hearing to determine whether or not the defendant is currently a mentally ill person. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer's report.

(c) The court shall give notice of the hearing to the chief medical officer of the state security hospital, the district or county attorney, the defendant, and the defendant's attorney and the secretary of corrections for the purpose of providing. The county or district attorney shall provide victim notification. The court shall inform the defendant that such defendant is entitled to counsel and that counsel will be appointed to represent the defendant if the defendant is not financially able to employ an attorney as provided in K.S.A. 22-4503 et seq., and amendments thereto. The defendant shall remain at the state security hospital pending the hearing.

(d) At the hearing, the defendant shall have the right to present evidence and cross-examine witnesses. At the conclusion of the hearing, if the court finds by clear and convincing evidence that the defendant is not currently a mentally ill person, the court shall dismiss the criminal proceeding and discharge the defendant, otherwise the court may commit the defendant to the state security hospital for treatment or may place the defendant on conditional release pursuant to subsection (4). ~~The court shall notify the secretary of corrections of the outcome of the hearing for the purpose of providing victim notification. The county or district attorney shall provide victim notification regarding the outcome of the hearing.~~

(2) Subject to the provisions of subsection (3):

(a) Whenever it appears to the chief medical officer of the state security hospital that a person committed under subsection (1)(d) is not likely to cause harm to other persons in a less restrictive hospital environment, the officer may transfer the person to any state hospital, subject to the provisions of subsection (3). At any time subsequent thereto during which such person is still committed to a state hospital, if the chief medical officer of that hospital finds that the person may be likely to cause harm or has caused harm, to others, such officer may transfer the person back to the state security hospital.

(b) Any person committed under subsection (1)(d) may be granted conditional release or discharge as an involuntary patient.

(3) Before transfer of a person from the state security hospital pursuant to subsection (2)(a) or conditional release or discharge of a person pursuant to subsection (2)(b), the chief medical officer of the state security hospital or the state hospital where the patient is under commitment shall give notice to the district court of the county from which the person was committed that transfer of the patient is proposed or that the patient is ready for proposed conditional release or discharge. Such notice shall include, but not be limited to: (a) Identification of the patient; (b) the course of treatment; (c) a current assessment of the defendant's mental illness; (d) recommendations for future treatment, if any; and (e) recommendations regarding conditional release or discharge, if any. Upon receiving notice, the district court shall order that a hearing be held on the proposed transfer, conditional release or discharge. The court shall give notice of the hearing to the state hospital or state security hospital where the patient is under commitment, to the district or county attorney of the county from which the person was originally ordered committed ~~and the secretary of corrections for the purpose of providing victim notification. The county or district attorney shall provide victim~~

notification regarding the hearing. The court shall order the involuntary patient to undergo a mental evaluation by a person designated by the court. A copy of all orders of the court shall be sent to the involuntary patient and the patient's attorney. The report of the court ordered mental evaluation shall be given to the district or county attorney, the involuntary patient and the patient's attorney at least seven days prior to the hearing. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer's notice. The involuntary patient shall remain in the state hospital or state security hospital where the patient is under commitment until the hearing on the proposed transfer, conditional release or discharge is to be held. At the hearing, the court shall receive all relevant evidence, including the written findings and recommendations of the chief medical officer of the state security hospital or the state hospital where the patient is under commitment, and shall determine whether the patient shall be transferred to a less restrictive hospital environment or whether the patient shall be conditionally released or discharged. The patient shall have the right to present evidence at such hearing and to cross-examine any witnesses called by the district or county attorney. At the conclusion of the hearing, if the court finds by clear and convincing evidence that the patient will not be likely to cause harm to self or others if transferred to a less restrictive hospital environment, the court shall order the patient transferred. If the court finds by clear and convincing evidence that the patient is not currently a mentally ill person, the court shall order the patient discharged or conditionally released; otherwise, the court shall order the patient to remain in the state security hospital or state hospital where the patient is under commitment. If the court orders the conditional release of the patient in accordance with subsection (4), the court may order as an additional condition to the release that the patient continue to take prescribed medication and report as directed to a person licensed to practice medicine and surgery to determine whether or not the patient is taking the medication or that the patient continue to receive periodic psychiatric or psychological treatment. ~~The court shall notify the secretary of corrections of the outcome of the hearing for the purpose of providing victim notification.~~ The county or district attorney shall notify any victims of the outcome of the hearing.

(4) In order to ensure the safety and welfare of a patient who is to be conditionally released and the citizenry of the state, the court may allow the patient to remain in custody at a facility under the supervision of the ~~secretary of social and rehabilitation for aging and disability~~ services for a period of time not to exceed 45 days in order to permit sufficient time for the secretary to prepare recommendations to the court for a suitable reentry program for the patient and allow adequate time for the ~~secretary of corrections~~ county or district attorney to provide victim notification. The reentry program shall be specifically designed to facilitate the return of the patient to the community as a functioning, self-supporting citizen, and may include appropriate supportive provisions for assistance in establishing residency, securing gainful employment, undergoing needed vocational rehabilitation, receiving marital and family counseling, and such other outpatient services that appear beneficial. If a patient who is to be conditionally released will be residing in a county other than the county where the district court that ordered the conditional release is located, the court shall transfer venue of the case to the district court of the other county and send a copy of all of the court's records of the proceedings to the other court. In all cases of conditional release the court shall: (a) Order that the patient be placed under the temporary supervision of

district court probation and parole services, community treatment facility or any appropriate private agency; and (b) require as a condition precedent to the release that the patient agree in writing to waive extradition in the event a warrant is issued pursuant to K.S.A. 22-3428b, and amendments thereto.

(5) At any time during the conditional release period, a conditionally released patient, through the patient's attorney, or the county or district attorney of the county in which the district court having venue is located may file a motion for modification of the conditions of release, and the court shall hold an evidentiary hearing on the motion within 14 days of its filing. The court shall give notice of the time for the hearing to the patient and the county or district attorney. If the court finds from the evidence at the hearing that the conditional provisions of release should be modified or vacated, it shall so order. If at any time during the transitional period the designated medical officer or supervisory personnel or the treatment facility informs the court that the patient is not satisfactorily complying with the provisions of the conditional release, the court, after a hearing for which notice has been given to the county or district attorney and the patient, may make orders: (a) For additional conditions of release designed to effect the ends of the reentry program; (b) requiring the county or district attorney to file a petition to determine whether the patient is a mentally ill person as provided in K.S.A. 59-2957, and amendments thereto; or (c) requiring that the patient be committed to the state security hospital or any state hospital. In cases where a petition is ordered to be filed, the court shall proceed to hear and determine the petition pursuant to the care and treatment act for mentally ill persons and that act shall apply to all subsequent proceedings. If a patient is committed to any state hospital pursuant to this act the ~~secretary of social and rehabilitation services shall notify the secretary of corrections for the purpose of providing~~ county or district attorney shall provide victim notification. The costs of all proceedings, the mental evaluation and the reentry program authorized by this section shall be paid by the county from which the person was committed.

(6) In any case in which the defense that the defendant lacked the required mental state pursuant to K.S.A. 22-3220, and amendments thereto, is relied on, the court shall instruct the jury on the substance of this section.

(7) As used in this section and K.S.A. 22-3428a, and amendments thereto:

(a) "Likely to cause harm to self or others" means that the person is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, or evidenced by behavior causing, attempting or threatening such injury, abuse or neglect.

(b) "Mentally ill person" means any person who:

(A) Is suffering from a severe mental disorder to the extent that such person is in need of treatment; and

(B) is likely to cause harm to self or others.

(c) "Treatment facility" means any mental health center or clinic, psychiatric unit of a medical care facility, psychologist, physician or other institution or individual authorized or licensed by law to provide either inpatient or outpatient treatment to any patient.

Sec. 4. K.S.A. 2013 Supp. 22-3428a is hereby amended to read as follows: 22-3428a. (1) Any person found not guilty, pursuant to K.S.A. 22-3220 and 22-3221, and amendments thereto, who remains in the state security hospital or a state hospital for over one year pursuant to a commitment under K.S.A. 22-3428, and amendments

thereto, shall be entitled annually to request a hearing to determine whether or not the person continues to be a mentally ill person. The request shall be made in writing to the district court of the county where the person is hospitalized and shall be signed by the committed person or the person's counsel. When the request is filed, the court shall give notice of the request to: (a) The county or district attorney of the county in which the person was originally ordered committed; and (b) the chief medical officer of the state security hospital or state hospital where the person is committed. The chief medical officer receiving the notice, or the officer's designee, shall conduct a mental examination of the person and shall send to the district court of the county where the person is hospitalized and to the county or district attorney of the county in which the person was originally ordered committed a report of the examination within 21 days from the date when notice from the court was received. Within 14 days after receiving the report of the examination, the county or district attorney receiving it may file a motion with the district court that gave the notice, requesting the court to change the venue of the hearing to the district court of the county in which the person was originally committed, or the court that gave the notice on its own motion may change the venue of the hearing to the district court of the county in which the person was originally committed. Upon receipt of that motion and the report of the mental examination or upon the court's own motion, the court shall transfer the hearing to the district court specified in the motion and send a copy of the court's records of the proceedings to that court.

(2) After the time in which a change of venue may be requested has elapsed, the court having venue shall set a date for the hearing, giving notice thereof to the county or district attorney of the county, the committed person, and the person's counsel ~~and the secretary of corrections for the purpose of providing victim notification. The county or district attorney shall provide victim notification.~~ If there is no counsel of record, the court shall appoint a counsel for the committed person. The committed person shall have the right to procure, at the person's own expense, a mental examination by a physician or licensed psychologist of the person's own choosing. If a committed person is financially unable to procure such an examination, the aid to indigent defendants provisions of article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, shall be applicable to that person. A committed person requesting a mental examination pursuant to K.S.A. 22-4508, and amendments thereto, may request a physician or licensed psychologist of the person's own choosing and the court shall request the physician or licensed psychologist to provide an estimate of the cost of the examination. If the physician or licensed psychologist agrees to accept compensation in an amount in accordance with the compensation standards set by the board of supervisors of panels to aid indigent defendants, the judge shall appoint the requested physician or licensed psychologist; otherwise, the court shall designate a physician or licensed psychologist to conduct the examination. Copies of each mental examination of the committed person shall be filed with the court at least seven days prior to the hearing and shall be supplied to the county or district attorney receiving notice pursuant to this section and the committed person's counsel.

(3) At the hearing the committed person shall have the right to present evidence and cross-examine the witnesses. The court shall receive all relevant evidence, including the written findings and recommendations of the chief medical officer of the state security hospital or state hospital where the person is under commitment, and shall

determine whether the committed person continues to be a mentally ill person. At the hearing the court may make any order that a court is empowered to make pursuant to subsections (3), (4) and (5) of K.S.A. 22-3428, and amendments thereto. If the court finds by clear and convincing evidence the committed person is not a mentally ill person, the court shall order the person discharged; otherwise, the person shall remain committed or be conditionally released. ~~The court shall notify the secretary of corrections of the outcome of the hearing for the purpose of providing victim notification.~~ The county or district attorney shall provide victim notification regarding the outcome of the hearing.

(4) Costs of a hearing held pursuant to this section shall be assessed against and paid by the county in which the person was originally ordered committed.

Sec. 5. K.S.A. 2013 Supp. 22-3430 is hereby amended to read as follows: 22-3430.

(a) If the report of the examination authorized by K.S.A. 22-3429, and amendments thereto, shows that the defendant is in need of psychiatric care and treatment, that such treatment may materially aid in the defendant's rehabilitation and that the defendant and society are not likely to be endangered by permitting the defendant to receive such psychiatric care and treatment, in lieu of confinement or imprisonment, the trial judge shall have power to commit such defendant to: (1) The state security hospital or any county institution provided for the reception, care, treatment and maintenance of mentally ill persons, if the defendant is convicted of a felony; or (2) any state or county institution provided for the reception, care, treatment and maintenance of mentally ill persons, if the defendant is convicted of a misdemeanor. The court may direct that the defendant be detained in such hospital or institution until further order of the court or until the defendant is discharged under K.S.A. 22-3431, and amendments thereto. ~~The court shall notify the secretary of corrections of the outcome of the hearing for the purpose of providing victim notification.~~ The county or district attorney shall notify any victims of the outcome of the hearing. No period of detention under this section shall exceed the maximum term provided by law for the crime of which the defendant has been convicted. The cost of care and treatment provided by a state institution shall be assessed in accordance with K.S.A. 59-2006, and amendments thereto.

(b) No defendant committed to the state security hospital pursuant to this section upon conviction of a felony shall be transferred or released from such hospital except on recommendation of the staff of such hospital.

(c) The defendant may appeal from any order of commitment made pursuant to this section in the same manner and with like effect as if sentence to a jail, or to the custody of the secretary of corrections had been imposed.

Sec. 6. K.S.A. 2013 Supp. 22-3431 is hereby amended to read as follows: 22-3431.

(a) Whenever it appears to the chief medical officer of the institution to which a defendant has been committed under K.S.A. 22-3430, and amendments thereto, that the defendant will not be improved by further detention in such institution, the chief medical officer shall give written notice thereof to the district court where the defendant was convicted. Such notice shall include, but not be limited to: (1) Identification of the patient; (2) the course of treatment; (3) a current assessment of the defendant's psychiatric condition; (4) recommendations for future treatment, if any; and (5) recommendations regarding discharge, if any.

(b) Upon receiving such notice, the district court shall order that a hearing be held. The court shall give notice of the hearing to: (1) The state hospital or state security

hospital where the defendant is under commitment; (2) the district or county attorney of the county from which the defendant was originally committed; (3) the defendant; ~~and (4) the defendant's attorney; and (5) the secretary of corrections for the purpose of providing.~~ The county or district attorney shall provide victim notification. The court shall inform the defendant that such defendant is entitled to counsel and that counsel will be appointed to represent the defendant if the defendant is not financially able to employ an attorney as provided in K.S.A. 22-4503 et seq., and amendments thereto. The hearing shall be held within 30 days after the receipt by the court of the chief medical officer's notice.

(c) At the hearing, the defendant shall be sentenced, committed, granted probation, assigned to a community correctional services program, as provided by K.S.A. 75-5291, and amendments thereto, or discharged as the court deems best under the circumstance. ~~The court shall notify the secretary of corrections of the outcome of the hearing for the purpose of providing victim notification. The county or district attorney shall notify any victims of the outcome of the hearing.~~ The time spent in a state or local institution pursuant to a commitment under K.S.A. 22-3430, and amendments thereto, shall be credited against any sentence, confinement or imprisonment imposed on the defendant.";

Also on page 1, in line 21, by striking "Whenever feasible, such notice" and inserting "Except for notifications of releases due to a court order, escape or death, notification"; also on page 1, following line 27, by inserting "Sec. 8. K.S.A. 2013 Supp. 22-3727a is hereby amended to read as follows: 22-3727a. (a) ~~The secretary of corrections county or district attorney~~ shall, as soon as practicable, provide notification as provided in K.S.A. 22-3303, 22-3305, 22-3428, 22-3428a, 22-3430, ~~and 22-3431 and 22-3727,~~ and amendments thereto, and upon the escape or death of a committed defendant ~~or inmate~~ while in the custody of the secretary of ~~social and rehabilitation for aging and disability~~ services, to any victim of the ~~defendant or inmate's~~ defendant's crime whose address is known to the ~~secretary of corrections county or district attorney,~~ and the victim's family, if so requested and the family's addresses are known to the ~~secretary of corrections county or district attorney.~~ Such notice shall be required to be given only if the defendant was charged with, ~~or the inmate was convicted of,~~ any crime in article 33, 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 53, 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto.

(b) As used in this section, "victim's family" means a spouse, surviving spouse, children, parents, legal guardian, siblings, stepparent or grandparents.";

Also in page 1, in line 28, after "Supp." by inserting "22-3303, 22-3305, 22-3428, 22-3428a, 22-3430, 22-3431,"; also in line 28, by striking "is" and inserting "and 22-3727a are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "Supp." by inserting "22-3303, 22-3305, 22-3428, 22-3428a, 22-3430, 22-3431,"; also in line 3, after "22-3727" by inserting "and 22-3727a"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 255** be amended on page 3, following line 29, by inserting:

"Sec. 3. K.S.A. 2013 Supp. 21-6617 is hereby amended to read as follows: 21-6617. (a) If a defendant is charged with capital murder, the county or district attorney

shall file written notice if such attorney intends, upon conviction of the defendant, to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death. In cases where the county or district attorney or a court determines that a conflict exists, such notice may be filed by the attorney general. Such notice shall be filed with the court and served on the defendant or the defendant's attorney not later than seven days after the time of arraignment. If such notice is not filed and served as required by this subsection, the prosecuting attorney may not request such a sentencing proceeding and the defendant, if convicted of capital murder, shall be sentenced to life without the possibility of parole, and no sentence of death shall be imposed hereunder.

(b) Except as provided in K.S.A. 2013 Supp. 21-6618 and 21-6622, and amendments thereto, upon conviction of a defendant of capital murder, the court, upon motion of the prosecuting attorney, shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to death. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If any person who served on the trial jury is unable to serve on the jury for the sentencing proceeding, the court shall substitute an alternate juror who has been impaneled for the trial jury. If there are insufficient alternate jurors to replace trial jurors who are unable to serve at the sentencing proceeding, the trial judge may summon a special jury of 12 persons which shall determine the question of whether a sentence of death shall be imposed. Jury selection procedures, qualifications of jurors and grounds for exemption or challenge of prospective jurors in criminal trials shall be applicable to the selection of such special jury. The jury at the sentencing proceeding may be waived in the manner provided by K.S.A. 22-3403, and amendments thereto, for waiver of a trial jury. If the jury at the sentencing proceeding has been waived or the trial jury has been waived, the sentencing proceeding shall be conducted by the court.

(c) In the sentencing proceeding, evidence may be presented concerning any matter that the court deems relevant to the question of sentence and shall include matters relating to any of the aggravating circumstances enumerated in K.S.A. 2013 Supp. 21-6624, and amendments thereto, and any mitigating circumstances. Any such evidence which the court deems to have probative value may be received regardless of its admissibility under the rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. Only such evidence of aggravating circumstances as the state has made known to the defendant prior to the sentencing proceeding shall be admissible, and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. No testimony by the defendant at the sentencing proceeding shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral argument.

(d) At the conclusion of the evidentiary portion of the sentencing proceeding, the court shall provide oral and written instructions to the jury to guide its deliberations.

(e) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances enumerated in K.S.A. 2013 Supp. 21-6624, and amendments thereto, exist and, further, that the existence of such aggravating circumstances is not outweighed by any mitigating circumstances which are found to exist, the defendant shall be sentenced to death; otherwise, the defendant shall be sentenced to life without the possibility of parole. The jury, if its verdict is a unanimous

recommendation of a sentence of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstances which it found beyond a reasonable doubt. If, after a reasonable time for deliberation, the jury is unable to reach a verdict, the judge shall dismiss the jury and impose a sentence of life without the possibility of parole and shall commit the defendant to the custody of the secretary of corrections. In nonjury cases, the court shall follow the requirements of this subsection in determining the sentence to be imposed.

(f) Notwithstanding the verdict of the jury, the trial court shall review any jury verdict imposing a sentence of death hereunder to ascertain whether the imposition of such sentence is supported by the evidence. If the court determines that the imposition of such a sentence is not supported by the evidence, the court shall modify the sentence and sentence the defendant to life without the possibility of parole, and no sentence of death shall be imposed hereunder. Whenever the court enters a judgment modifying the sentencing verdict of the jury, the court shall set forth its reasons for so doing in a written memorandum which shall become part of the record.

(g) A defendant who is sentenced to imprisonment for life without the possibility of parole shall spend the remainder of the defendant's natural life incarcerated and in the custody of the secretary of corrections. A defendant who is sentenced to imprisonment for life without the possibility of parole shall not be eligible for commutation of sentence, parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, functional incapacitation release pursuant to K.S.A. 22-3728, and amendments thereto, or suspension, modification or reduction of sentence. Upon sentencing a defendant to imprisonment for life without the possibility of parole, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole.";

Also on page 3, in line 38, by striking "If a defendant is" and inserting "(A) Except as provided in subsection (a)(2)(B), a defendant"; in line 39, by striking ", the defendant";

On page 4, following line 1, by inserting:

"(B) The provisions of subsection (a)(2)(A) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 300 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.";

On page 8, following line 6, by inserting:

"Sec. 5. K.S.A. 2013 Supp. 21-6626 is hereby amended to read as follows: 21-6626. (a) An aggravated habitual sex offender shall be sentenced to imprisonment for life without the possibility of parole. Such offender shall spend the remainder of the offender's natural life incarcerated and in the custody of the secretary of corrections. An offender who is sentenced to imprisonment for life without the possibility of parole shall not be eligible for commutation of sentence, parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision,

functional incapacitation release pursuant to K.S.A. 22-3728, and amendments thereto, or suspension, modification or reduction of sentence.

(b) Upon sentencing a defendant to imprisonment for life without the possibility of parole, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole.

(c) As used in this section:

(1) "Aggravated habitual sex offender" means a person who, on and after July 1, 2006: (A) Has been convicted in this state of a sexually violent crime, as described in subsection (c)(2)(A) through (c)(2)(J) or (c)(2)(L); and (B) prior to the conviction of the felony under subparagraph (A), has been convicted of two or more sexually violent crimes;

(2) "Sexually violent crime" means:

(A) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto;

(B) 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 K.S.A. 2013 Supp. 21-5506, and amendments thereto;

(C) 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 K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(D) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(E) 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 K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(F) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto;

(G) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2013 Supp. 21-5505, and amendments thereto;

(H) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2013 Supp. 21-5604, and amendments thereto;

(I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5426, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(J) commercial sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-6422, and amendments thereto;

(K) any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;

(L) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section; or

(M) any act which at the time of sentencing for the offense has been determined

beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

Sec. 6. K.S.A. 22-3405 is hereby amended to read as follows: 22-3405. ~~(+)~~ (a) The defendant in a felony case shall be present at the arraignment, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by law. In prosecutions for crimes not punishable by death or life without the possibility of parole, the defendant's voluntary absence after the trial has been commenced in such person's presence shall not prevent continuing the trial to and including the return of the verdict. A corporation may appear by counsel for all purposes.

~~(2)~~ (b) The defendant must be present, either personally or by counsel, at every stage of the trial of traffic infraction, cigarette or tobacco infraction and misdemeanor cases.

Sec. 7. K.S.A. 22-3705 is hereby amended to read as follows: 22-3705. (a) The governor may, when ~~he~~ the governor deems it proper or advisable, commute a sentence in any criminal case by reducing the penalty as follows:

~~(a)~~ (1) If the sentence is death, to imprisonment for life ~~or for any term not less than ten years without the possibility of parole and not to any lesser sentence;~~

~~(b)~~ (2) except as provided in subsection (b), if the sentence is to imprisonment, by reducing the duration of such imprisonment;

~~(c)~~ (3) if the sentence is a fine, by reducing the amount thereof; or

~~(4)~~ (4) if the sentence is both imprisonment and fine, by reducing either or both.

(b) The governor shall not commute a sentence of life without possibility of parole.

Sec. 8. K.S.A. 2013 Supp. 22-3717 is hereby amended to read as follows: 22-3717.

(a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. ~~21-4624~~, 21-4635 through 21-4638 and 21-4642, prior to their repeal; ~~K.S.A. 21-4624, prior to its repeal; K.S.A. 21-4642, prior to its repeal;~~ K.S.A. 2013 Supp. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2013 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) An inmate sentenced to imprisonment for life without the possibility of parole pursuant to K.S.A. 2013 Supp. 21-6617, and amendments thereto, shall not be eligible for parole.

(2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2013 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for the crime of capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

~~(2)~~ (3) Except as provided by ~~subsection~~ subsections (b)(1) or (b)(4), (b)(2) and (b)(5), K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2013 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense

committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

~~(3)~~ (4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2013 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

~~(4)~~ (5) An inmate sentenced to imprisonment for a violation of subsection (a) of K.S.A. 21-3402, prior to its repeal, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

~~(5)~~ (6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or K.S.A. 2013 Supp. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months on postrelease supervision.

(D) Persons sentenced to a term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, a sexually motivated crime in which the offender has been ordered to register pursuant to subsection (d)(1)(D)(vii) of K.S.A. 22-3717, and amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2013 Supp. 21-5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 2013 Supp. 21-5512, and amendments thereto, shall serve the period of postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2013 Supp. 21-6821, and amendments thereto, on postrelease supervision.

(i) If the sentencing judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 2013 Supp. 21-6820, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

(a) Written briefs or oral arguments submitted by either the defendant or the state;
(b) any evidence received during the proceeding;
(c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to subsection (e) of K.S.A. 21-4714, prior to its repeal, or subsection (e) of K.S.A. 2013 Supp. 21-6813, and amendments thereto;
and

(d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subsection (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2013 Supp. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 2013 Supp. 21-6604, and amendments thereto, the prisoner review board may provide for early discharge from the postrelease supervision period imposed pursuant to subsection (d)(1)(D)(i) upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or

K.S.A. 2013 Supp. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) Except as provided in subsection (u), persons convicted of a sexually violent crime committed on or after July 1, 2006, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(2) Persons serving a period of postrelease supervision pursuant to subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner review board for early discharge. Upon payment of restitution, the prisoner review board may provide for early discharge.

(3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.

(4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction is revoked pursuant to subsection (c) of K.S.A. 22-3716, and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) of K.S.A. 22-3716, and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(5) As used in this subsection, "sexually violent crime" means:

(A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5506, and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5506, and amendments thereto;

(D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) and (a)(4) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or K.S.A.

2013 Supp. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5505, and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto;

(K) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5426, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(L) commercial sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-6422, and amendments thereto; or

(M) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section.

(6) As used in this subsection, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

(g) Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any

agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-

5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) (1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years, but any such deferral shall require the board to state the basis for its findings.

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such resources are insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

(k) (1) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(2) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to search or seizure by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

(3) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to search or seizure by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(l) The prisoner review board shall promulgate rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

(1) Unless it finds compelling circumstances which would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances which would render payment unworkable;

(5) unless it finds compelling circumstances which would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take

account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;

(6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to search or seizure by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment; and

(7) shall order that the parolee or person on postrelease supervision agree in writing to be subject to search or seizure by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.

(n) If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable.

(o) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (t).

(t) For offenders sentenced prior to July 1, 2013, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

(1) On or before September 1, 2013, for offenders convicted of:

(A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;

(2) on or before November 1, 2013, for offenders convicted of:

(A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;

(B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and

(3) on or before January 1, 2014, for offenders convicted of:

(A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and

(C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.

(u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(v) Whenever the prisoner review board orders a person to be electronically monitored pursuant to this section, or the court orders a person to be electronically monitored pursuant to subsection (r) of K.S.A. 2013 Supp. 21-6604, and amendments thereto, the board shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.

(w) (1) On and after July 1, 2012, for any inmate who is a sex offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic materials.

(A) As used in this subsection, "pornographic materials" means: Any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.

(B) As used in this subsection, all other terms have the meanings provided by K.S.A. 2013 Supp. 21-5510, and amendments thereto.

(2) The provisions of this subsection shall be applied retroactively to every sex offender, as defined in K.S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July 1, 2012. The prisoner review board shall obtain the written agreement required by this subsection from such offenders as soon as practicable.

Sec. 9. K.S.A. 2013 Supp. 22-3728 is hereby amended to read as follows: 22-3728.

(a) (1) Upon application of the secretary of corrections, the prisoner review board may grant release to any person deemed to be functionally incapacitated, upon such terms

and conditions as prescribed in the order granting such release.

(2) The secretary of corrections shall adopt rules and regulations governing the prisoner review board's procedure for initiating, processing, reviewing and establishing criteria for review of applications filed on behalf of persons deemed to be functionally incapacitated. Such rules and regulations shall include criteria and guidelines for determining whether the functional incapacitation precludes the person from posing a threat to the public.

(3) Subject to the provisions of subsections (a)(4) and (a)(5), a functional incapacitation release shall not be granted until at least 30 days after written notice of the application has been given to: (A) The prosecuting attorney and the judge of the court in which the person was convicted; and (B) any victim of the person's crime or the victim's family. Notice of such application shall be given by the secretary of corrections to the victim who is alive and whose address is known to the secretary, or if the victim is deceased, to the victim's family if the family's address is known to the secretary. Subject to the provisions of subsection (a)(4), if there is no known address for the victim, if alive, or the victim's family, if deceased, the board shall not grant or deny such application until at least 30 days after notification is given by publication in the county of conviction. Publication costs shall be paid by the department of corrections.

(4) All applications for functional incapacitation release shall be referred to the board. The board shall examine each case and may approve such application and grant a release. An application for release shall not be approved unless the board determines that the person is functionally incapacitated and does not represent a future risk to public safety. The board shall determine whether a hearing is necessary on the application. The board may request additional information or evidence it deems necessary from a medical or mental health practitioner.

(5) The board shall establish any conditions related to the release of the person. The release shall be conditional, and be subject to revocation pursuant to K.S.A. 75-5217, and amendments thereto, if the person's functional incapacity significantly diminishes, if the person fails to comply with any condition of release, or if the board otherwise concludes that the person presents a threat or risk to public safety. The person shall remain on release supervision until the release is revoked, expiration of the maximum sentence, or discharged by the board. Subject to the provisions of subsection (f) of K.S.A. 75-5217, and amendments thereto, the person shall receive credit for the time during which the person is on functional incapacitation release supervision towards service of the prison and postrelease supervision obligations of determinate sentences or indeterminate sentences.

(6) The secretary of corrections shall cause the person to be supervised upon release, and shall have the authority to initiate revocation of the person at any time for the reasons indicated in subsection (a)(5).

(7) The decision of the board on the application or any revocation shall be final and not subject to review by any administrative agency or court.

(8) In determining whether a person is functionally incapacitated, the board shall consider the following: (A) The person's current condition as confirmed by medical or mental health care providers, including whether the condition is terminal;

(B) the person's age and personal history;

(C) the person's criminal history;

(D) the person's length of sentence and time the person has served;

- (E) the nature and circumstances of the current offense;
- (F) the risk or threat to the community if released;
- (G) whether an appropriate release plan has been established; and
- (H) any other factors deemed relevant by the board.

(b) Nothing in this section shall be construed to limit or preclude submission of an application for pardon or commutation of sentence pursuant to K.S.A. 22-3701, and amendments thereto.

(c) Nothing in this section shall apply to the release of people with terminal medical conditions as described in K.S.A. 2013 Supp. 22-3729, and amendments thereto.

(d) This section does not apply to any person sentenced to imprisonment for an off-grid offense.

(e) This section does not apply to any person under sentence of death or life without the possibility of parole.

Sec. 10. K.S.A. 22-4210 is hereby amended to read as follows: 22-4210. If a person confined in a penal institution in any other state may be a material witness in a criminal action pending in a court of record or in a grand jury investigation in this state, a judge of the court may certify (1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, (2) that a person who is confined in a penal institution in the other state may be a material witness in the proceeding, investigation, or action, and (3) that his presence will be required during a specified time. The certificate shall be presented to a judge of a court of record in the other state having jurisdiction over the prisoner confined, and a notice shall be given to the attorney general of the state in which the prisoner is confined.

This act does not apply to any person in this state confined as mentally ill, in need of mental treatment, or under sentence of death or life without the possibility of parole.;

Also on page 8, in line 7, before "K.S.A." by inserting "K.S.A. 22-3405, 22-3705 and 22-4210 and"; also in line 7, by striking "and 21-6620" and inserting ", 21-6617, 21-6620, 21-6626, 22-3717 and 22-3728";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "amending" by inserting "K.S.A. 22-3405, 22-3705 and 22-4210 and"; in line 3, by striking "and 21-6620" and inserting ", 21-6617, 21-6620, 21-6626, 22-3717 and 22-3728"; and the bill be passed as amended.

HB 2387 be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2387," as follows:

"Senate Substitute for HOUSE BILL No. 2387

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to murder; sentencing of certain persons to mandatory minimum term of imprisonment.";

And the substitute bill be passed.

HB 2389 be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2389," as follows:

"Senate Substitute for HOUSE BILL No. 2389

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to review and appeal of convictions resulting in a sentence of death; limitations and procedure for motions to correct sentence; amending K.S.A. 60-1507 and K.S.A. 2013 Supp. 21-6619

and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Judiciary** also begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Member, State Board of Indigents' Defense Services: K.S.A. 22-4519

Jaime Rogers, to fill a term expiring on January 15, 2016

Member, State Board of Indigents' Defense Services: K.S.A. 22-4519

Ronald Wurtz, to fill a term expiring on January 15, 2017

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 29, 2014.

Journal of the Senate

TWELFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 29, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with thirty-nine senators present.

The President introduced guest chaplain, Reverend Dr. Bruce L. Emmert, First United Methodist Church, Topeka, who delivered the invocation:

Lord, our God, whose love is showered upon all people with an abundance that exceeds our imagination, sovereign Lord, whose grace and mercy is the very air which our spirits need in order to survive. On this Kansas Day, pour out upon this Senate and upon all people of Kansas your redeeming love, your saving grace and your unmerited mercy.

And as you drench our souls with your love, grace and mercy remind us that we are all parched as dust without them. Remind us of our frailties, remind us of our shortcomings, remind us of our sinfulness for truly there are none who are righteous, no not one – not one preacher, not one politician, not one citizen, not one servant of the people. We admit Lord, that we are parched as dust without your love and grace and mercy. And so we rejoice in the abundance of your love, in the richness of your grace and in the lavishness of your mercy.

Teach us to be as generous toward one another in this chamber as you are toward us.

Remind us each day that the fellow senator sitting next to us in committee meetings wants the best for the people of Kansas, just as we do, and that the person sitting across the aisle has as bright a hope for each citizen, as we do.

Give us patience with each other as we seek solutions to problems that defy easy answers.

We pray for our Governor, Sam Brownback, that you give him wisdom and discernment as he seeks to be the leader of our beloved state.

We pray for our colleagues in the House, that you give them a statewide vision for their work.

We pray for our state employees, who live out the programs and policies enacted by our elected leaders.

We give thanks on this Kansas Day for our Forefathers and Foremothers who planted our roots deeply into Kansas soil.

And especially today we once more pray for the Kansas Senate. We give you thanks loving, gracious and merciful Lord, for one another in this chamber who have offered

themselves to the people of Kansas to act as both servant and leader. We give you thanks for one another, O God. We give you thanks.

In the name of the One upon whose love, grace and mercy we depend. Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Abrams rose on a Point of Personal Privilege and invited everyone to stand and join him in the singing of "Home on the Range," in observance of Kansas' 153rd Anniversary.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 320, AN ACT concerning the emergency medical services board; imposition of fines; investigation authority; issuance of subpoenas; amending K.S.A. 65-6130 and K.S.A. 2013 Supp. 65-6111 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 321, AN ACT concerning insurance; relating to the return of premiums separate from the notice of denial of coverage; amending K.S.A. 2013 Supp. 40-3118 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 322, AN ACT concerning the insurance department service regulation fund; pertaining to assessments on insurance companies; amending K.S.A. 2013 Supp. 40-112 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 323, AN ACT concerning property; relating to conservation easements; amending K.S.A. 58-3811 and repealing the existing section, by Committee on Ways and Means.

SB 324, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2015, for the judicial branch, by Committee on Ways and Means.

SB 325, AN ACT making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, 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. 2013 Supp. 12-5256, 79-34,156, 79-4227 and 79-4804 and repealing the existing sections, by Committee on Ways and Means.

SB 326, AN ACT concerning advanced practice registered nurses; amending K.S.A. 40-4602, 59-2976, 65-1660, 65-2892, 65-4134 and 65-5502 and K.S.A. 2013 Supp. 39-923, 39-1401, 39-1430, 39-1504, 65-468, 65-1113, 65-1130, 65-1626, 65-1682, 65-2837a, 65-2921, 65-4101, 65-4116, 65-4202, 65-5402, 65-5418, 65-6112, 65-6119, 65-6120, 65-6121, 65-6123, 65-6124, 65-6144, 65-7003, 65-7302, 72-5213 and 75-7429 and repealing the existing sections, by Committee on Ways and Means.

SB 327, AN ACT concerning utilities; relating to the underground utilities damage prevention act; excavator liability; amending K.S.A. 66-1811 and repealing the existing section, by Committee on Utilities.

SB 328, AN ACT concerning utilities; relating to the state corporation commission; amending K.S.A. 2013 Supp. 66-2002 and repealing the existing section, by Committee

on Utilities.

SB 329, AN ACT concerning the revised Kansas juvenile justice code; orders relating to parents; amending K.S.A. 2013 Supp. 38-2362 and repealing the existing section, by Committee on Judiciary.

SB 330, AN ACT concerning the secretary of corrections; relating to custody and confinement of certain inmates; amending K.S.A. 2013 Supp. 75-5210 and repealing the existing section, by Committee on Judiciary.

SR 1777, A RESOLUTION commemorating the 50th Anniversary of the War on Poverty, by Senators Haley, Faust-Goudeau, Francisco, Hawk, Hensley, Kelly and Pettey.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1776 –

A RESOLUTION congratulating Angel Shaver
for being named Ms. Wheelchair Kansas 2013.

WHEREAS, Angel Shaver of WaKeeney was crowned Ms. Wheelchair Kansas on March 17, 2013, in Topeka, Kansas. As Ms. Wheelchair Kansas, Angel Shaver serves as a role model and spokesperson for people with disabilities in Kansas at public events throughout the state. As Ms. Wheelchair Kansas, Angel went on to participate in the Ms. Wheelchair America competition in July 2013; and

WHEREAS, Angel is proud to be a "domestic engineer," as she is a wife, and a mother of two children. In addition to being a stay at home mother, Angel is currently a secretary at the WaKeeney Church of God and is a bookkeeper and piano teacher; and

WHEREAS, Angel does not let her disability define who she is and what she can accomplish. Angel spends her time volunteering as a LeadHer coordinator, Moms in Prayer leader and PTO member; and

WHEREAS, Angel holds a Master of Science degree in Family Therapy from Friends University and a Bachelor of Science Degree in Behavioral Science and Theology from Mid-America Bible College in Oklahoma; and

WHEREAS, Angel is dedicated to empowering and supporting young women, serving as a role model and encouraging people to not let challenges prevent them from reaching their goals; and

WHEREAS, Angel shares her platform, "Maintaining an Attitude of Gratitude," with Kansans of all ages, which encourages people to stay positive no matter what their circumstances are while giving thanks when faced with challenges. Angel has spoken at Trego Grade School, the Muscular Dystrophy Association summer camp, the Independent Living Resource Center Spring Fling, Chick-Fil-A Leadercast and several public libraries. Angel has also attended a Special Olympics event, Kansas Sampler Fest, Wichita Riverfest and many other community events: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Angel Shaver for being named Ms. Wheelchair Kansas 2013. Angel is active in her community and serves as a great role model for Kansans; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Ostmeyer and Angel Shaver.

On emergency motion of Senator Ostmeyer **SR 1776** was adopted by voice vote.

Ms. Shaver's husband and children were also present.
The Senators honored Ms. Shaver with a standing ovation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 318**.
Commerce: **SR 1777**.
Financial Institutions and Insurance: **SB 315**.
Public Health and Welfare: **SB 316, SB 317**.

REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation was referred to Committee as indicated:

Public Member, Employment Security Board of Review:

Phillip Hayes, effective upon the date of confirmation by the Senate, to serve a four year term.

(Commerce)

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **SB 274** be amended on page 1, in line 13, by striking all after the period; by striking all in line 14; and the bill be passed as amended.

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, Kansas Human Rights Commission: K.S.A. 44-1003

Marilyn Wilder, to fill a term expiring on January 15, 2018

Committee on **Financial Institutions and Insurance** recommends **SB 267** and **SB 268** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 30, 2014.

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 30, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-nine senators present.
Invocation by Father Don Davidson:

Sometimes, history reminds us of things we would rather forget. On this date in 1968 the “Tet” Offensive began hostile attacks against US and other forces in South Vietnam. The loss of life from these attacks on both sides of the war was extensive, adding to death counts of a long and costly conflict. For those of us who learned of the death of fathers and big brothers away at war, the news was painful and life-altering, and now it seems so far away and long ago. Let us remember on this day the lives lost, the lives forever changed, and those that never came home because of war, and pray that in the days ahead we human beings can find a better way leading to peace on all of your earth. In your holy name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 331, AN ACT concerning telecommunications; relating to interconnection; amending K.S.A. 2013 Supp. 66-2005 and repealing the existing section, by Committee on Ways and Means.

SB 332, AN ACT concerning interest on judgments; amending K.S.A. 16-201 and repealing the existing section, by Committee on Ways and Means.

SB 333, AN ACT creating the transparency in electric utility billing act, by Committee on Ways and Means.

SB 334, AN ACT concerning crimes and punishment; relating to interference with law enforcement; battery; amending K.S.A. 2013 Supp. 21-5413 and 21-5904 and repealing the existing sections, by Committee on Judiciary.

SB 335, AN ACT concerning school districts; relating to drug screening of employees; relating to background checks of teachers; relating to revocation of teaching licenses; amending K.S.A. 2013 Supp. 72-1397 and 72-1923 and repealing the existing sections, by Senators Smith, Arpke, Denning, Olson and Pilcher-Cook.

SB 336, AN ACT concerning insurance; pertaining to patient protection act; prohibiting the use of certain provisions in agreements; amending K.S.A. 40-4607 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 337, AN ACT concerning utilities; relating to the state corporation commission, by Committee on Utilities.

SB 338, AN ACT concerning sales taxation; relating to exemptions; epilepsy foundation of Missouri and Kansas; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 339, AN ACT concerning ethics and elections; relating to campaign finance disclosures; amending K.S.A. 2013 Supp. 25-4148a and repealing the existing section, by Committee on Ethics and Elections.

SB 340, AN ACT enacting the Kansas reinvestment act, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 320**.

Financial Institutions and Insurance: **SB 321, SB 322**.

Judiciary: **SB 329, SB 330**.

Natural Resources: **SB 319, SB 323**.

Public Health and Welfare: **SB 326**.

Utilities: **SB 327, SB 328**.

Ways and Means: **SB 324, SB 325**.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** begs leave to submit the following report: The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Executive Director, Kansas Lottery: K.S.A. 74-8703

Terry Presta, serves at the pleasure of the Governor

Committee on **Judiciary** recommends **SB 256, SB 269** be passed.

Also, recommends **SB 270** be amended on page 2, in line 9, after "evidence" by inserting "through an expert who has examined the defendant"; in line 22, after "court" by inserting ", if a defense expert has already examined such defendant"; and the bill be passed as amended.

SB 271 be amended on page 1, in line 7, by striking "K.S.A. 2013 Supp. 21-5925 through 21-"; in line 8, by striking "5934 and K.S.A. 2013 Supp. 75-725 and 75-726, and amendments thereto" and inserting "the Kansas medicaid fraud control act";

On page 2, in line 9, by striking "K.S.A. 2013"; by striking all in line 10; in line 11, by striking "726, and amendments thereto," and inserting "the Kansas medicaid fraud control act";

On page 5, in line 7, by striking all after "felon" and inserting a period; in line 8, after "(2)" by inserting "Medicaid fraud as defined in";

On page 6, in line 11, by striking "K.S.A. 2013 Supp. 21-5925 through 21-5934 and"; in line 12, by striking "K.S.A. 2013 Supp. 75-725 and 75-726, and amendments thereto," and inserting "the Kansas medicaid fraud control act"; in line 15, by striking "K.S.A. 2013 Supp. 21-5925 through 21-5934"; in line 16, by striking "and K.S.A. 2013 Supp. 75-725 and 75-726, and amendments thereto" and inserting "the Kansas

medicaid fraud control act"; and the bill be passed as amended.

Committee on **Judiciary** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, State Board of Indigents' Defense Services: K.S.A. 22-4519

Jeffrey Leiker, to fill a term expiring on January 15, 2015

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5025**.

Upon reading of the House message, and on motion of Senator O'Donnell, an emergency was declared, the rules suspended and **HCR 5025**, commending recipients of the Peter John Loux Award for overcoming the difficulties of personal disabilities, was adopted by voice vote.

Senators recognized honorees and guests with a standing ovation.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, January 31, 2014.

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 31, 2014, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with twenty-seven senators present.

Senators Abrams, Donovan, Haley, Holmes, King, Longbine, Masterson, McGinn, O'Donnell, Olson, Pettey and Wolf were excused.

Invocation by Senator Tom Arpke:

TGIF...we all know what it means dear Lord, but I am not always sure that we think of it as a prayer. While we are thankful for days of rest, we know that you are never far from us and hear us when we pray no matter when our hearts cry out to you. Help us to give thanks for every day, for the delight of children and the mystery of love. "TGFT" thank you God for today. In your name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 341, AN ACT concerning school districts; relating to enrollment count for kindergarten attendance; amending K.S.A. 2013 Supp. 72-6407, 72-6414 and 72-8255 and repealing the existing sections, by Committee on Ways and Means.

SB 342, AN ACT concerning firearms; relating to the personal and family protection act; creating exemptions for certain public entities; amending K.S.A. 2013 Supp. 75-7c20 and repealing the existing section, by Committee on Federal and State Affairs.

SB 343, AN ACT concerning governmental ethics; relating to use of public funds for lobbying, by Committee on Ethics and Elections.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 338**.

Commerce: **SB 340**.

Education: **SB 335**.

Ethics and Elections: **SB 339**.

Financial Institutions and Insurance: **SB 336**.

Judiciary: **SB 332, SB 334**.

Utilities: **SB 331, SB 333, SB 337**.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 54**, be amended by adoption of the amendments recommended by the Senate committee on Federal State Affairs as reported in the Journal of the Senate on February 7, 2013, and further recommends the adoption of the committee report recommended by the Senate committee on Federal and State Affairs as reported in the Journal of the Senate on February 26, 2013, and further recommends the bill, as printed with amendments by Senate committee, CORRECTED, be further amended:

- On page 1, in line 12, by striking "2012" and inserting "2013";
- On page 3, in line 43, by striking "2012" and inserting "2013";
- On page 4, in line 16, by striking "2012" and inserting "2013";
- On page 7, in line 2, by striking "2012" and inserting "2013";
- On page 11, in line 37, after "services" by inserting ", the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences,";
- On page 17, in line 5, by striking "2012" and inserting "2013";
- On page 18, in line 22, by striking "2012" and inserting "2013"; by striking all in lines 38 through 43;
- On page 19, by striking all in lines 1 through 9; in line 19, by striking "2012" and inserting "2013"; in line 35, by striking "2012" and inserting "2013";
- On page 20, in line 16, by striking "2012" and inserting "2013";
- On page 21, in line 22, by striking "2012" and inserting "2013";
- On page 22, in line 32, by striking "2012" and inserting "2013";
- On page 23, in line 26, by striking "2012" and inserting "2013";
- On page 24, in line 32, by striking "2012" and inserting "2013";
- On page 26, in line 11, by striking ", or the practice of engineering"; following line 11, by inserting:

"(d) The performance of those services described in subsection (k)(1) of K.S.A. 74-7003, and amendments thereto, by a licensed professional engineer, except that no licensed professional engineer shall perform the following services: (1) Planting plans; or (2) the determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate.";
- Also on page 26, in line 32, by striking "2012" and inserting "2013";
- On page 28, in line 23, by striking "2012" and inserting "2013";
- On page 31, in line 22, by striking "2012" and inserting "2013";
- On page 32, in line 28, by striking "2012" and inserting "2013";
- On page 34, in line 1, by striking "2012" and inserting "2013";
- On page 35, in line 7, by striking "2012" and inserting "2013"; in line 16, by striking "2012" and inserting "2013"; in line 25, by striking "2012" and inserting "2013"; in line 33, by striking "2012" and inserting "2013";
- On page 39, in line 30, by striking "2012" and inserting "2013";
- On page 40, in line 37, by striking "2012" and inserting "2013";
- On page 44, in line 12, by striking "2012" and inserting "2013";
- On page 45, in line 28, by striking "2012" and inserting "2013"; in line 36, by striking "2012" and inserting "2013";
- On page 46, in line 42, by striking "2012" and inserting "2013";

On page 47, in line 12, by striking "2012" and inserting "2013";
On page 51, in line 10, by striking "2012" and inserting "2013";
On page 53, in line 22, by striking "74-"; in line 23, by striking "7016,"; in line 24,
by striking "2012" and inserting "2013";
And by renumbering sections accordingly;
On page 1, in the title, in line 2, by striking "74-7016,"; in line 4, by striking "2012"
and inserting "2013"; in line 9, by striking "2012" and inserting "2013"; and the bill be
passed as amended.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of January 27-31, 2014:

Senator Faust-Goudeau: commending Mayor Carl Brewer, Wichita, for his service;
Senator Kelly: recognizing Crystal L. Raub for earning the Girl Scout Gold Award; recognizing Devin Morrison for earning the Girl Scout Gold Award; congratulating and commending the students of Wamego High School and Wamego Middle School for being chosen as the KMEA All-State Band and Choir;
Senator Ostmeyer: congratulating and commending Angel Shaver on being named Ms. Wheelchair Kansas; and
Senator Schmidt: congratulating Harry Bryant on his 70th Birthday.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 3, 2014.

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 3, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
Invocation by Father Don Davidson:

Charles Bokowski said, "We are here to laugh at the odds and live our lives so well that Death will tremble to take us." Neither Denver nor Seattle had a clue which team might come out ahead at the beginning of the big game yesterday. The predictions made following the game were almost always correct. Each day affords us a new opportunity to listen a little more earnestly and open our minds and eyes to new revelation. Help us to see your hand at work O Lord, in all people. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

COMMUNICATIONS FROM STATE OFFICERS

STATE OF KANSAS
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 Douglas Clark Shultz, McPherson, was appointed by the Governor effective February 3, 2014, for the unexpired term, Thirty Fifth Senatorial District, to fill the vacancy created by the resignation of Jay Scott Emler.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 3rd day of February, A.D. 2014.

KRIS W. KOBACH
Secretary of State

President Wagle requested Senator Bruce escort Senator Clark Shultz and his wife to the front of the Senate. The President introduced the Honorable Lawton Nuss, Chief Justice, Supreme Court of Kansas, who administered the Oath of Office.

OATH OF OFFICE
STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

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

duties of the office of the State Senator of the 35th District. So help me God.

Subscribed and Sworn to, or Affirmed, before me this 3rd day of February, 2014.

LAWTON NUSS

Chief Justice of the Supreme Court

Senator Shultz introduced his wife, Lori, daughters, Abby, Anna, Bethany, and son Alex. Also mentioned were two other children unable to attend.

SPECIAL REMARKS

Madam President: I would like to thank the Chief Justice of the Kansas Supreme Court for being here today. Many years ago I was able to be in this building with my father and was able to watch him argue cases on appeal in what is now the Old Supreme Court Room. My father passed away 32 years ago, and he never got to see me serve in the legislature. The presence of the Chief Justice, and his willingness to administer my oath of office, is both meaningful and appreciated.

Madam President, in 1990 a young woman knocked on my door when my family was living in East Wichita. She was running for the Kansas House of Representatives. My wife and I liked her cheerful attitude and her common sense, so we supported her, voted for her, and she was elected. A few years later when I was elected to the House of Representatives, I had the privilege of supporting the same young woman for a leadership position and she was elected as Speaker Pro-Tem. Who could have imagined that so many years after a simple conversation on a front porch that today I would again have a conversation with that same remarkable woman, only this time it would be between a newly elected senator, and the President of the Senate? Madam President, I am so honored to be here, and so very proud of what you have accomplished.

I would like to introduce my wife Lori, my son John, who is an attorney in Kansas City, and his wife Dana who are not able to be here; my daughter Abby who is a 5th grade teacher at Elyria Christian School. My daughter Sarah is in The Republic of Congo with Mercy Ships. She lives on a floating hospital called the Africa Mercy and is helping save and change lives. My son Alex is an 8th grader, my daughter Anna is a 7th grader, and my daughter Bethany is a 3rd grader. Madam President, I want to thank you, our Vice-President, Majority Leader, Minority Leader, and each member of this Chamber for their kindness. Thank you very much. – CLARK SHULTZ

The roll was called with thirty-nine senators present.
Senator Faust-Goudeau was excused.

POINT OF PERSONAL PRIVILEGE

Senator Lynn rose on a Point of Personal Privilege to share remarks on behalf of Representative Marvin Kleeb upon the death of his wife, Nancy.

“I want to thank everyone in the Senate for all of the support, condolences and expressions of sympathy during this difficult time. My family and I greatly appreciate the cards, emails, phone calls and your presence at the visitation and funeral.

As you know, my wonderful wife, Nancy, lost her battle with pancreatic cancer. And, I want to thank the members here who have contributed in memory of Nancy to the Pancreatic Cancer Action Network. We must continue our research for a cure and for

earlier and better detection so other victims and their loved ones will not experience this pain.

It's at a time like this we realize how important our friends are to us. The legislature is made up of kind, caring and decent people. I am most fortunate to have you as my colleagues and friends. God bless each and every one of you." – MARVIN KLEEB

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 344, AN ACT regulating traffic; concerning special permits; relating to oversized loads; amending K.S.A. 2013 Supp. 8-1911 and repealing the existing section, by Committee on Transportation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 341**.

Ethics and Elections: **SB 343**.

Federal and State Affairs: **SB 342**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Wagle, Bruce and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1778—

A RESOLUTION relating to assignment of seats of the Senate.

Be it resolved by the Senate of the State of Kansas: The members of the 2014 regular session shall occupy the same seats they occupied in the 2013 regular session with the following exception: Senator Shultz, seat No. 23.

On emergency motion of Senator Bruce **SR 1778** was adopted by voice vote.

REPORTS OF STANDING COMMITTEES

Committee on **Natural Resources** recommends **SB 276** be passed.

Also, **SB 272** be amended on page 1, following line 27, by inserting:

"(e) The secretary shall limit controlled shooting areas so that the total acreage licensed as controlled shooting areas in a county does not exceed 5% of the total acreage of such county."; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1776 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 3, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 4, 2014.

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 6, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-six senators present.
Senators Donovan, Haley, Holmes and Love were excused.
Invocation by Father Don Davidson:

A baby hippopotamus spent all day looking for his parents but could not find them and was getting more and more worried. The parents had no fear, as they stood on a ridge high above the swamp and could see their child, but the baby, like all hippopotami was unable to look up. Let us learn, O Lord, from this story that sometimes we can be so sure of ourselves that we fail to see the good around us. Help us, dear God, to look up and out and see you and hear you in all the hours that make up our days. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 345, AN ACT concerning alcoholic beverages; dealing with microbreweries and manufacturers; amending K.S.A. 2013 Supp. 41-305 and repealing the existing section, by Committee on Federal and State Affairs.

SB 346, AN ACT concerning alcoholic beverages; dealing with microbreweries; amending K.S.A. 2013 Supp. 41-308b and repealing the existing section, by Committee on Federal and State Affairs.

SB 347, AN ACT concerning fire districts; amending K.S.A. 19-3631 and repealing the existing section, by Committee on Federal and State Affairs.

SB 348, AN ACT concerning law enforcement officers; relating to the office of sheriff; qualifications for office; amending K.S.A. 2013 Supp. 19-801b and repealing the existing section, by Committee on Judiciary.

SB 349, AN ACT concerning the boiler safety act; amending K.S.A. 2013 Supp. 44-918 and repealing the existing section; also repealing K.S.A. 2013 Supp. 44-919, by Committee on Federal and State Affairs.

SB 350, AN ACT concerning schools; amending the school sports head injury prevention act; amending K.S.A. 2013 Supp. 72-135 and repealing the existing section, by Committee on Federal and State Affairs.

SB 351, AN ACT concerning motor vehicles; relating to vehicle identification

numbers; penalties; damages; amending K.S.A. 8-116 and K.S.A. 2013 Supp. 8-116a and repealing the existing sections, by Committee on Transportation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Transportation: **SB 344**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1779—

A RESOLUTION commemorating the 10th Anniversary
of National Wear Red Day.

WHEREAS, Heart disease is the number one killer of women, yet is often preventable; and

WHEREAS, Cardiovascular diseases cause one in three women's deaths each year, killing approximately one woman every minute; and

WHEREAS, An estimated 43 million women in the United States are affected by cardiovascular diseases; and

WHEREAS, Heart disease kills more women than all forms of cancer combined, but is often undiagnosed; and

WHEREAS, Ninety percent of women have one or more risk factors for developing heart disease, yet only one in five American women believes that heart disease is her greatest health threat; and

WHEREAS, Women comprise only 24% of participants in all heart-related studies; and

WHEREAS, Since 1984, more women than men have died each year from heart disease and the gap between men's and women's survival continues to widen; and

WHEREAS, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else were having a heart attack; and

WHEREAS, The American Heart Association's Go Red For Women movement has been impacting the health of women for 10 years. More than 627,000 women's lives have been saved and 330 fewer women are dying every day; and

WHEREAS, In celebration of the 10th Anniversary of National Wear Red Day on February 7, 2014, Go Red For Women is asking all women across America to 'Go Red' by wearing red and speaking about awareness. Women can prevent heart disease by: Asking their doctors to check their blood pressure and cholesterol; stopping smoking, losing weight, exercising and eating healthy; realizing their risk, since heart disease is the cause of one in three female deaths each year; making healthy food choices for themselves and their families and teaching their children the importance of staying active; and by telling every woman they know that heart disease is their number one killer; and

WHEREAS, By increasing awareness, speaking up about cardiovascular disease and empowering women to reduce their risk, thousands of women's lives can be saved each year. Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the 10th Anniversary of National Wear Red Day and urge all citizens to show their support for women and the fight against heart disease by wearing the color red; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator McGinn.

On emergency motion of Senator McGinn **SR 1779** was adopted by voice vote.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, Central Interstate Low-Level Radioactive Waste Commission: K.S.A. 65-34a02

John Mitchell, serves at the pleasure of the Governor.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 7, 2014.

Journal of the Senate

SEVENTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 7, 2014, 8:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-three senators present.
Senators Apple, Donovan, Faust-Goudeau, Haley, Holmes, Longbine and Masterson were excused.

Invocation by Father Don Davidson:

Last Sunday was a less than religious event known as Ground Hog Day when the curious and questionable meteorological ability of a subterranean rodent is placed in the forefront. We are told that we have six more weeks of winter, which, with respect to the obvious, would be true no matter of the specifics of a critter's criteria. We may not appreciate it, but we really have no control over the weather and today may highlight that reality. Let us remember our utter dependence on you, Our God, for all things necessary for life and our role as caretaker of your creation, even scene stealing rodents. In your name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 352, AN ACT concerning real estate appraisers; relating to licensing; compliance standards; amending K.S.A. 58-4121 and repealing the existing section, by Committee on Federal and State Affairs.

SB 353, AN ACT concerning property taxation; relating to state valuation and assessment of complex industrial property; duties of the director of property valuation; qualified appraiser; abatement of portion of taxes in certain circumstances; no-fund warrants, by Committee on Assessment and Taxation.

SB 354, AN ACT concerning crimes and punishments; relating to mistreatment of an elder person or dependent adult; amending K.S.A. 2013 Supp. 21-5417 and repealing the existing section, by Committee on Judiciary.

SB 355, 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. 2013 Supp. 58-652 and 58-656 and repealing the existing sections, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 345, SB 346, SB 349.**

Judiciary: **SB 348.**

Local Government: **SB 347.**

Public Health and Welfare: **SB 350.**

Transportation: **SB 351.**

CHANGE OF REFERENCE

The President withdrew **SB 251** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Ways and Means**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS CORPORATION COMMISSION

January 29, 2014

Executive Director Kim Christiansen, Director Utilities Division Jeff McClanahan, and Director Transportation Division Mike Hoeme, submitted the 2014 Utilities and Common Carriers Annual Report.

KANSAS CORPORATION COMMISSION

February 1, 2014

Executive Director Kim Christiansen, and Director Utilities Division Jeff McClanahan, submitted the Annual Price Deregulation Report.

President Wagle announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **Sub HB 2002** be passed.

Also, recommends **SB 263** be passed and because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess, with Vice President King in the chair.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 3-7, 2014:

Senator Bowers: congratulating Webb Conrad on being named Phillips County EMS Response Officer of the Year; congratulating Steve Doocy on being named Distinguished Kansan of the Year;

Senator Kelly: honoring Gary and Barbara Slimmer on their 50th Wedding Anniversary; and

Senator Petersen: honoring James Chitty for over 10,000 hours of volunteer service.

On motion of Senator Smith, the Senate adjourned until 2:30 p.m., Monday, February 10, 2014.

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 10, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with forty senators present.

The Vice President introduced guest chaplain, The Reverend Patrick Funston, St. Pauls Episcopal Church, Manhattan, who delivered the invocation:

Eternal and life-giving God, whose everlasting love and compassion provide an example to us of how to be, be with us this day and especially with this body here assembled. That, having been created in your image, we may model your love and compassion to each other and to your creation; help us to bridge the divides between us as we work toward the betterment of the world. We give you thanks also for the great state of Kansas, for the trust placed upon us by her people and for the honor to serve. In your great name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 356, 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 Joint Committee on Special Claims Against the State.

SB 357, AN ACT concerning wildlife, parks and tourism; relating to hunter education; amending K.S.A. 2013 Supp. 32-920 and repealing the existing section, by Committee on Natural Resources.

SB 358, AN ACT establishing the community defense act; amending K.S.A. 2013 Supp. 22-3901 and repealing the existing section, by Senators Arpke, Abrams, Apple, Donovan, Holmes, Knox, LaTurner, Love, Lynn, Masterson, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle and Smith.

SB 359, AN ACT enacting the successor corporation asbestos-related liability fairness act, by Committee on Judiciary.

SB 360, AN ACT concerning taxation; relating to property tax; homestead destroyed or substantially destroyed by natural disaster; amending K.S.A. 2013 Supp. 79-1613 and repealing the existing section, by Senators Petersen, Faust-Goudeau, O'Donnell and Tyson.

SB 361, AN ACT enacting the second health care freedom act, by Committee on Public Health and Welfare.

SB 362, AN ACT concerning the regulation of health insurance navigators, by Committee on Public Health and Welfare.

SB 363, AN ACT concerning rural opportunity zones; relating to private business employment; amending K.S.A. 2013 Supp. 79-32,267 and repealing the existing section, by Committee on Commerce.

SB 364, AN ACT concerning the judicial branch; allocating a budget for each judicial district court operation; authority and power of the chief judge of each judicial district; amending K.S.A. 20-162, 20-318, 20-319, 20-342, 20-343, 20-345, 20-346a, 20-349 and 20-361 and repealing the existing sections, by Committee on Ways and Means.

SB 365, AN ACT concerning courts; relating to district courts and the court of appeals; selection of chief judge; amending K.S.A. 20-329 and 20-3011 and repealing the existing sections, by Committee on Ways and Means.

SB 366, AN ACT concerning wildlife, parks and tourism; relating to the purchase of land in Cherokee county, by Committee on Ways and Means.

SB 367, AN ACT concerning schools; creating the student data privacy act, by Committee on Ways and Means.

SB 368, AN ACT concerning children; relating to custody, visitation and residency with certain relatives; amending K.S.A. 2013 Supp. 38-2286 and repealing the existing section, by Committee on Ways and Means.

SB 369, AN ACT concerning school districts; relating to agreements for administrative services and analysis of such services, by Committee on Ways and Means.

SB 370, AN ACT concerning wildlife, parks and tourism; relating to the purchase of land in Pottawatomie county, by Committee on Ways and Means.

SB 371, AN ACT concerning employment security; relating to disposition of certain penalties; confidentiality and disclosure of certain information; amending K.S.A. 2013 Supp. 44-706 and 44-714 and repealing the existing sections, by Committee on Commerce.

SB 372, AN ACT concerning employment security; relating to the shared work unemployment compensation program; layoff aversion; amending K.S.A. 2013 Supp. 44-757 and repealing the existing section, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 353**.

Federal and State Affairs: **SB 352**.

Judiciary: **SB 354, SB 355**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2420, HB 2514, HB 2516; Sub HB 2223**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2223; HB 2420, HB 2514, HB 2516 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Fitzgerald introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1780—

A RESOLUTION congratulating Sporting Kansas City
on their victory in the Major League Soccer Cup Final match.

WHEREAS, Sporting Kansas City won the Major League Soccer (MLS) Cup Final match on December 7, 2013, with a victory over Real Salt Lake; and

WHEREAS, This historic MLS Cup win is Sporting Kansas City's first MLS Cup since 2000, when the team was known as the Wizards; and

WHEREAS, On a frigid day at sold-out Sporting Park, with temperatures in the low 20s after kickoff, the teams played to a 1-1 deadlock over 90 minutes plus a 30-minute overtime to send the match to penalty kicks; and

WHEREAS, Shootouts are typically scheduled for five rounds, yet it took 10 rounds before Sporting Kansas City won the shootout 7-6 over Real Salt Lake; and

WHEREAS, The Kansas City MLS franchise was founded in 1996 as the Kansas City Wiz, and renamed itself after the first season, becoming the Wizards; and

WHEREAS, The Kansas City MLS franchise rebranded itself in 2011 to become Sporting Kansas City, following a recent tradition in MLS of adopting European-style names; and

WHEREAS, The members of the championship team are: Claudio Bieler, Matt Besler, Federico Bessone, Teal Bunbury, Aurelien Collin, Dom Dwyer, Benny Feilhaber, Eric Kronberg, Chance Myers, Paulo Nagamura, Jimmy Nielsen, Lawrence Olum, Ike Opara, Jacob Peterson, Oriol Rosell, C. J. Sapong, Seth Sinovic and Graham Zusi; and

WHEREAS, Head Coach Peter Vermes has been with Sporting Kansas City since 2006, and has been head coach since 2009. During Peter Vermes' tenure as head coach, the team won the MLS Eastern Conference regular season in 2011 and 2012, the Lamar Hunt U.S. Open Cup in 2012 and the MLS Eastern Conference playoffs in 2013, which led to the team's victory in the MLS Cup. Peter Vermes became the first person in MLS history to win the MLS Cup with the same club as both player in 2000, and manager in 2013: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Sporting Kansas City and Coach Peter Vermes for winning the 2013 MLS Cup. Their hard work and athleticism are points of pride for Kansas. We wish the athletes and Coach Vermes continued success; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Fitzgerald.

On emergency motion of Senator Fitzgerald **SR 1780** was adopted by voice vote. Senators honored the team and coaches with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 287**, **SB 288** be passed.

REPORT ON ENROLLED BILLS

SR 1778, SR 1779 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 10, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 11, 2014.

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 11, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with forty senators present.

The Vice President introduced guest chaplain, Reverend Laurie A. Lewis, Grace Episcopal Church, Wichita, who delivered the invocation:

Fellow Kansans and guests of our state, each in our own way, let us pray:

Dear gracious and loving creator, we thank you for another day in this beautiful state. We ask that your Spirit of love will surround and fill the members of this governing body, so that they may be able to discern the needs and concerns of the people, so that they may care for all the people of Kansas. Give to these leaders the ability to listen and truly hear one another, to come together effectively and to fulfill their legislative duties with dignity, respect and joyful spirits. Fill us with thankfulness for the responsibilities you have granted each of us, demanding our best efforts. We ask all of this in the name of the One who created us, who loves us and who calls us to care for each other. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 373, AN ACT concerning schools; relating to the release of student records; amending K.S.A. 72-5386 and repealing the existing section, by Committee on Education.

SB 374, AN ACT creating the energy efficiency investment act, by Committee on Utilities.

SB 375, AN ACT concerning the Kansas lottery; amending K.S.A. 74-8704 and 74-8718 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 376, AN ACT concerning health and human sexuality education; school districts' policies and procedures, by Senators Pilcher-Cook and Smith.

SB 377, AN ACT concerning judges; relating to vacancies in the office of judge of the district court and the office of district magistrate judge; amending K.S.A. 20-2909, 20-2911, 20-2914 and 25-312a and repealing the existing sections, by Committee on Judiciary.

SB 378, AN ACT creating the Kansas educational opportunity act; amending K.S.A. 2013 Supp. 72-6407 and 72-6431 and repealing the existing sections, by Committee on Ways and Means.

SB 379, AN ACT concerning taxation; relating to the liquefied petroleum motor-fuel law; rates of taxation; amending K.S.A. 79-3492 and K.S.A. 2013 Supp. 79-3495 and 79-34,141 and repealing the existing sections, by Committee on Ways and Means.

SB 380, AN ACT concerning agriculture; establishing the local food and farm task force, by Committee on Agriculture.

SB 381, AN ACT concerning emergencies and disasters; relating to the response to hazardous materials and search and rescue incidents; regional emergency response teams; duties of the state fire marshal; recovery of costs; amending K.S.A. 2013 Supp. 75-6102 and repealing the existing section, by Committee on Federal and State Affairs.

SB 382, AN ACT concerning certain crimes and punishment; related to smoking; amending K.S.A. 2013 Supp. 21-6109 and 21-6110 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 383, AN ACT concerning certain crimes and punishments; dealing with electioneering; amending K.S.A. 2013 Supp. 25-2430 and repealing the existing section, by Committee on Federal and State Affairs.

SB 384, AN ACT concerning explosives; enacting the Kansas explosives safety act, by Committee on Federal and State Affairs.

SB 385, AN ACT concerning motor vehicles; relating to salvage titles; acquisition; amending K.S.A. 2013 Supp. 8-198 and repealing the existing section, by Committee on Transportation.

SCR 1617, A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, authorizing the legislature to provide for the conduct of raffles by certain nonprofit organizations, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 360, SB 363.**

Commerce: **SB 371, SB 372.**

Education: **SB 367, SB 369.**

Federal and State Affairs: **SB 358; Sub HB 2223.**

Financial Institutions and Insurance: **HB 2514, HB 2516.**

Judiciary: **SB 359, SB 364, SB 365, SB 368.**

Local Government: **HB 2420.**

Natural Resources: **SB 357.**

Public Health and Welfare: **SB 361, SB 362.**

Ways and Means: **SB 356, SB 366, SB 370.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Arpke, Abrams, Apple, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1781—

A RESOLUTION thanking the Kansas Historical Society
for providing key items for display in the Kansas State Capitol Visitor Center.

WHEREAS, By the end of the 20th century, portions of the Kansas State Capitol were in need of repair; and

WHEREAS, A multi-year restoration project began in 1999 to return the Capitol to its original grandeur and preserve it for the next century. On January 29, 2014, Kansas dedicated the newly restored Capitol; and

WHEREAS, The story of Kansas is portrayed in the Capitol through key artifacts, paintings and documents showcasing 15 decades of statehood. The Kansas Historical Society was instrumental in providing these items, now on display in the Kansas State Capitol Visitor Center; and

WHEREAS, Items on display include abolitionist John Brown's sword and a page from the Wyandotte Constitution adopted in 1859, which made Kansas a free state when it entered the Union on January 29, 1861; and

WHEREAS, Also on display are photographs of famous Kansans, the original silk banner of Kansas and a map of the 105 counties of Kansas embedded into the marble floor; and

WHEREAS, As the 13-year restoration work was being completed, items found hidden in the building were also placed on display including: Rubber galoshes from the 1930's, a copper plate and a piece of paper found in the dome, along with construction tools from the original workers; and

WHEREAS, The Capitol dome was also restored during the renovation project, where new copper sheeting was applied. The Kansas Historical Society provided pieces of the copper to local artists, who turned the copper pieces into artwork and jewelry for Kansans to own; and

WHEREAS, The newly renovated Capitol, along with the photographs, paintings, documents and artifacts on display in the Visitor Center, will be enjoyed by all Kansans and will be something to be proud of for generations to come: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we thank the Kansas Historical Society for providing key artifacts, paintings and documents for display in the Kansas State Capitol Visitor Center; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Arpke.

On emergency motion of Senator Arpke **SR 1781** was adopted by voice vote.

Jennie Chinn of the Kansas Historical Society, was honored with a standing ovation.

FINAL ACTION ON CONSENT CALENDAR

SB 267, SB 268 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 267, AN ACT concerning insurance; relating to security deposits, acceptable assets for deposit; forms, handwritten signatures required; amending K.S.A. 2013 Supp. 40-229a and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau,

Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

SB 268, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurers; amending K.S.A. 2013 Supp. 40-2c01 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the Senate for confirmation, were considered.

By the Governor

On the appointment to the:

Central Low-Level Radioactive Waste Commission:

John Mitchell, At the pleasure of the governor

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

Department of Agriculture:

Jackie McClaskey, At the pleasure of the governor

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

Kansas Human Rights Commission:

Marilyn Wilder, Term ends January 15, 2018

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

State Banking Board:

Norman Pishny, Term ends March 15, 2016

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

State Board of Indigents Defense Services:

Jeffrey Leiker, Term ends January 15, 2015

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

State Board of Indigents Defense Services:

Jaime Rogers, Term ends January 15, 2016

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

State Board of Indigents Defense Services:

Ronald Wurtz, Term ends January 15, 2017

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

State Lottery Commission:

Terry Presta, At the pleasure of the governor

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

University of Kansas Hospital Authority:

Jack Newman, Term ends March 15, 2016

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

On the appointment to the:

University of Kansas Hospital Authority:

Deryl Wynn, Term ends March 15, 2017

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 286** be passed.

Committee on **Education** recommends **SCR 1616** be amended on page 1, in line 32, after "the" by inserting "local boards of education,;" and the resolution be adopted as amended.

Committee on **Judiciary** recommends **HB 2070**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for

HOUSE BILL No. 2070," as follows:

"Senate Substitute for HOUSE BILL No. 2070

By Committee on Judiciary

"AN ACT concerning courts; relating to time limits for decisions.";

And the substitute bill be passed.

Also, **SB 313** be amended on page 1, in line 30, after "and" by inserting "centralized case"; in line 31, after "and" by inserting "centralized case"; in line 32, after the second "and" by inserting "centralized case";

On page 21, in line 10, by striking "(f)" and inserting "(g)"; following line 13, by inserting:

"(5) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

(6) The provisions of this subsection shall not apply to an action pursuant to the code of civil procedure for limited actions.";

On page 23, by striking all in lines 39 through 43;

On page 24, by striking all in lines 1 through 15; in line 16, by striking "and 61-3502";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "and 61-3502"; and the bill be passed as amended.

SB 303, SB 329 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 **Ways and Means** recommends **HB 2195**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2195," as follows:

"Senate Substitute for HOUSE BILL No. 2195

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending 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.";

And the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Longbine in the chair.

On motion of Senator Longbine the following report was adopted:

SB 254, SB 256, SB 258, SB 266, SB 269 be passed.

SB 54, SB 99, SB 265, SB 272, be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Hensley to amend **SB 265** failed and the following amendment was rejected; on page 1, following line 35, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 79-4501 is hereby amended to read as follows: 79-4501. The title of this act shall be the homestead property tax refund act. The purpose of this act shall be to provide ad valorem tax refunds to: (a) Certain persons who are of

qualifying age who own or rent their homestead; (b) certain persons who have a disability, who own or rent their homestead; and (c) certain persons other than persons included under the provisions of subsections (a) or (b) who have low incomes and dependent children and own or rent their homestead.";

On page 2, in line 31, after "thereof," by inserting "whether"; also in line 31, by striking "and" and inserting "or rented, which is";

On page 4, following line 33, by inserting:

"(j) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2014 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year.

(k) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arm's length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purposes of the claim.

Sec. 4. K.S.A. 2013 Supp. 79-4508 is hereby amended to read as follows: 79-4508.

(a) Commencing in the tax year beginning after December 31, 2005 2013, the amount of any claim pursuant to this act shall be computed by deducting the amount computed under column (2) from the amount of claimant's property tax accrued or rent constituting property tax accrued, or both.

	(1) Claimants household income	(2) Deduction from property tax accrued <u>or rent constituting</u> <u>property tax accrued, or both</u>
At least	But not	
\$0	\$6,000	\$0
6,001	7,000	4%
7,001	16,000	4% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$7,001
16,001	27,000	40% plus 5% of every \$1,000, or fraction thereof, of income in excess of \$16,001
27,001	27,600	95%

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

(c) The claimant may elect not to record the amount claimed on the claim. The

claim allowable to persons making this election shall be computed by the department which shall notify the claimant by mail of the amount of the allowable claim.

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

Sec. 5. K.S.A. 2013 Supp. 79-4509 is hereby amended to read as follows: 79-4509. In the event property taxes accrued or rent constituting property taxes accrued, or the sum of both, exceeds \$700 for a household in any one year, the amount thereof shall, for purposes of this act, shall be deemed to have been \$700.

Sec. 6. K.S.A. 2013 Supp. 79-4511 is hereby amended to read as follows: 79-4511.

(a) Every claimant under this act shall supply to the division, in support of a claim, reasonable proof of age or disability, and changes of homestead, household membership, household income, and size and nature of property claimed as the homestead. A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability within the meaning of subsection (g) of K.S.A. 79-4502, and amendments thereto.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the division, in support of a claim, the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the division, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) Every claimant who is a homestead renter, or whose claim is based wholly or partly upon homestead rental at some time during the calendar year, shall supply to the division, in support of a claim, a statement prescribed by the director certifying the amount of gross rent paid and that ad valorem property taxes were levied in full for that year on the property, all or a part of which was rented by the claimant. When such claimant reports household income that is 150% or less of the homestead rental amount and such claimant has failed to provide any documentation or information requested by the division to verify such household income in support of a claim as required pursuant to subsection (a), within 30 days of such request, such homestead property tax refund claim shall be denied.

(d) The information required to be furnished under subsection subsections (b) or (c) shall be in addition to that required under subsection (a).

Sec. 7. K.S.A. 2013 Supp. 79-4522 is hereby amended to read as follows: 79-4522. A person owning or occupying a homestead that is not rental property and for which the appraised valuation for property tax purposes exceeds \$350,000 in any year shall not be entitled to claim a refund of property taxes under the homestead property tax refund act for any such year. The provisions of this section shall be part of and supplemental to the homestead property tax refund act.";

And by renumbering sections accordingly;

Also on page 4, in line 34, by striking "and" and inserting ", 79-4501,"; also in line 34, after "79-4502" by inserting ", 79-4508, 79-4509, 79-4511 and 79-4522";

On page 1, in the title, in line 1, by striking "tax; relating to homestead refund;" and inserting "taxation; relating to eligibility for SAFESR credit; homestead property tax refunds,"; in line 2, after "eligibility" by inserting ", renters"; also in line 2, by striking "and" and inserting ", 79-4501,"; in line 3, after "79-4502" by inserting ", 79-4508, 79-4509, 79-4511 and 79-4522"

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

On roll call, the vote was: Yeas 12; Nays 27; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Petersen, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle.

Absent or Not Voting: O'Donnell.

SB 276 be amended by motion of Senator Powell on: page 2, by striking all in lines 25 through 34 and **SB 276** be passed as amended.

A motion by Senator Francisco to amend **SB 276** failed and the following amendment was rejected: on page 1, by striking all in lines 5 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 25 and inserting:

"Section 1. The attorney general is hereby authorized to inform the U.S. fish and wildlife service that the greater prairie chicken and the lesser prairie chicken are non-migratory birds and therefore the state of Kansas, acting through the Kansas legislature and the Kansas department of wildlife, parks and tourism, possesses the sole regulatory authority to govern the management, habitats, hunting and possession of the greater prairie chicken and lesser prairie chicken that exist within the state. The attorney general may work with or may request any necessary action from the U.S. fish and wildlife service to ensure such regulatory authority is protected and maintained.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the attorney general; relating to non-migratory"; also in line 1, by striking all after "wildlife"; in line 2, by striking all before the period

HB 2296 was amended by motion of Senator Wagle on: page 2, following line 21, by inserting:

"Sec. 2. K.S.A. 25-4157 is hereby amended to read as follows: 25-4157. (a) 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 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) If a candidate dies with an open candidate committee account which contains campaign funds, the executor or administrator of the candidate's estate shall be responsible for terminating the candidate committee and disposing of the residual funds.;

Also on page 2, in line 22, after "K.S.A." by inserting "25-4157 and K.S.A."; also in line 22, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "K.S.A." by inserting "25-4157 and K.S.A."; in line 3, by striking "section" and inserting "sections".

HB 2296 be further amended by motion of Senator V. Schmidt on: page 2, in line 24, by striking "statute book" and inserting "Kansas register" and **HB 2296** be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 12, 2014.

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 12, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Almighty and everlasting God, creator of all, we come to you this day in prayer for the continuing deliberations of this legislature, its members and staff. Today we thank you for those who protect us, keeping us safe at the doors and providing help in time of need. The work of those who give us security is not for everyone, the training and practice is not always enjoyable. Yet, when needed, they are with us. Thank you Lord for those who serve and protect us in this chamber, in this building, in this community, state and nation. Please keep them under your watchful eye. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 386, AN ACT concerning health insurance; relating to covered dental services; insurance payments; assignment of benefits, by Senator Bowers.

SB 387, AN ACT concerning the Kansas open records act; relating to public records; commercial use; amending K.S.A. 2013 Supp. 45-230 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 388, AN ACT concerning the continuation of health insurance for certain emergency personnel, by Committee on Ways and Means.

SB 389, AN ACT concerning the Kansas family law code; relating to domestic case management; amending K.S.A. 2013 Supp. 23-3507, 23-3508, 23-3509 and 38-2223 and repealing the existing sections, by Committee on Judiciary.

SB 390, AN ACT concerning school districts; relating to the school facilities weighting; transferring funds to the supplemental general state aid account of the state general fund; amending K.S.A. 2013 Supp. 72-6441 and repealing the existing section, by Committee on Federal and State Affairs.

SB 391, AN ACT concerning the drug screening program for members of the legislature; relating to effect of positive test; substance abuse treatment program; compensation and expenses; amending K.S.A. 2013 Supp. 75-4362 and repealing the existing section, by Senator Hensley.

SCR 1618, A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, authorizing the legislature to permit the conduct of charitable raffles or other forms of charitable gaming by certain nonprofit organizations, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 380**.

Assessment and Taxation: **SB 379**.

Education: **SB 373, SB 376, SB 378**.

Ethics and Elections: **SB 383**.

Federal and State Affairs: **SB 375, SB 381, SB 382, SB 384, SCR 1617**.

Judiciary: **SB 377**.

Transportation: **SB 385**.

Utilities: **SB 374**.

CHANGE OF REFERENCE

The President withdrew **SB 251** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2418, HB 2429, HB 2446, HB 2453, HB 2488**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2418, HB 2429, HB 2446, HB 2453, HB 2488 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Bruce, Abrams, Apple, Arpke, Bowers, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1782—

A RESOLUTION congratulating and commending the Seeker class,
2015 graduating 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, In 2007, the State Board of Regents selected Fort Hays State University as the site to host the Kansas Academy of Mathematics and Science; and

WHEREAS, Fort Hays State University was able to establish the Kansas Academy of Mathematics and Science in a single year, allowing Kansas to become the 16th state in the country with an academic early-entry-to-college program offering a unique residential learning experience for high achieving high school juniors and seniors who are academically talented in science and mathematics; and

WHEREAS, The Kansas Academy of Mathematics and Science provides a unique, hands-on rigorous research environment with Ph.D. faculty that focuses on academics, research, leadership development and civic engagement allowing Fort Hays State University to cultivate future citizen-leaders; and

WHEREAS, Graduates of the Kansas Academy of Mathematics and Science receive a high school diploma and 68 hours of college credit; and

WHEREAS, The 2015 graduates of the Kansas Academy of Mathematics and Science are: Lucas Barnes, Topeka; Jonithan Bennett, Junction City; Alyssa Brecheisen, Lyndon; Cheyenne Carlson, Paxico; Minsoo Choi, South Korea; Adele Coultis, Topeka; Cooper Cummings, Derby; Patrick Duensing, Topeka; Kaitlyn Emerson, Topeka; Kayce Feldkamp, Seneca; Seonyeong Ha, South Korea; Yeongsu Han, South Korea; Logan Heinrichs, Ulysses; Payton Jellison, Protection; Gregory Kenyon, Topeka; Victoria Kist, Holton; Tayler Kriss, Emporia; Tuan Le, Liberal; Xining Li, China; Xiaoying Lin, China; Tammy Nguyen, Russell; Tanner Reece, Topeka; Adan Rosales, Liberal; Evan Shanelec, Lyons; Wenkai Shu, China; MaRyka Smith, Hoyt; Noah Stapleton, Wichita; Matthew Townsley, Haysville; Xiao Wang, China; Zhong Yang, China; Shan Zhong, China: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2015 graduates of the Kansas Academy of Mathematics and Science. We 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 the members of the Kansas Senate express gratitude to the educators and support staff who, through their own dedication and commitment to excellence in education in the fields of mathematics and science, have brought this program to fruition through the successes of each graduating class. Their efforts are helping to forge the future for the state of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send 37 enrolled copies of this resolution to the director of the Kansas Academy of Mathematics and Science, including 31 for forwarding to each of the 2015 graduates of the Kansas Academy of Mathematics and Science and six copies for the director of the Kansas Academy of Mathematics and Science.

On emergency motion of Senator Bruce **SR 1782** was adopted by voice vote.

Ron Keller, Director of Programming, Fort Hays State University, was introduced.

Senators honored the guests with a standing ovation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 54, AN ACT concerning the state board of technical professions; amending K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7038, 74-7039, 74-7040 and 75-5802 and K.S.A. 2013 Supp. 19-216c, 19-1401a, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 and repealing the existing sections; also repealing K.S.A. 74-7037 and 74-7042 and K.S.A. 2013 Supp. 74-7041, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Knox, Pyle.

The bill passed, as amended.

SB 99, AN ACT concerning lobbyists; regarding definitions; amending K.S.A. 46-222 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

SB 254, AN ACT concerning certain administrative rules and regulations; relating to the medical assistance recovery program; relating to the children's health insurance program; amending K.S.A. 38-2002 and K.S.A. 2013 Supp. 39-709 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

SB 256, AN ACT concerning criminal procedure; relating to appeals; costs charged by attorney general; amending K.S.A. 22-3612 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau,

Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

SB 258, AN ACT concerning the Kansas juvenile justice code; relating to time limitations; sex crimes; amending K.S.A. 2013 Supp. 38-2303 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

SB 265, AN ACT concerning income tax; relating to homestead refund; income defined, eligibility; amending K.S.A. 2013 Supp. 79-32,263 and 79-4502 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Francisco.

The bill passed, as amended.

SB 266, AN ACT concerning severance tax; relating to tax payment and return filing date; amending K.S.A. 79-4220 and 79-4221 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

SB 269, AN ACT concerning the rules of evidence; relating to erroneous admission of evidence and timely objection; amending K.S.A. 60-404 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson,

Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Pettey.

Present and Passing: Francisco.

The bill passed.

EXPLANATION OF VOTE

Madam President: There is need to clarify the timely objection rule, but that clarification needs to offer guidance as to what is sufficient to be considered a timely objection. This bill does not change the rule in any meaningful way. I vote NO on **SB 269**.—PAT PETTEY

SB 272, AN ACT concerning wildlife, parks and recreation; relating to controlled shooting areas; amending K.S.A. 32-945 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Love.

The bill passed, as amended.

SB 276, AN ACT concerning wildlife; enacting the state sovereignty over non-migratory wildlife act, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote NO on **SB 276**. I understand that there is concern regarding the possible listing of the Lesser Prairie Chicken as a threatened species under the federal Endangered Species Act by the US Fish and Wildlife Service. I am pleased that the Kansas Department of Wildlife, Parks and Tourism has responded appropriately by working on a voluntary range-wide mitigation plan with wildlife officials in four other states in an effort to develop a plan that could supplant the listing. The action that the Senate is taking on this bill could endanger those efforts. I also suggest, as I attempted to do with an amendment that failed, that if the Senate believes it necessary to block federal law, we could ask the Attorney General to address our concerns in court. I believe that would be a much more appropriate way to question the constitutionality of

the federal action. Most importantly, Kansans have expressed interest in maintaining quality habitat for wildlife and this action may indicate we are not listening to that concern. – MARCI FRANCISCO

Senator Hawk requests the record to show that he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 276**.

Madam President: I vote no on **SB 276** because it will lead to expensive litigation and cost our state money in trying to supersede the Federal Endangered Species Act. Wildlife officials have already worked on a five-state Lesser Prairie Chicken Rangeland Conservation Plan. The end result of the work will be to ensure the lesser prairie chicken is not listed on the threatened and endangered species list. I heard in the debate we should determine these issues individually as a state. If this is the case, why did we sue Colorado for water that belonged to us? Why are we suing Nebraska for not sending us the quality of water we deserve? We acknowledge that water is a shared resource that doesn't stop at state lines, but somehow this bill argues that the Lesser Prairie Chicken does. You would think the bird wouldn't be losing so many numbers if it was smart enough to read the state lines on a map. – CAROLYN MCGINN

Senators Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator McGinn on **SB 276**.

HB 2296, AN ACT concerning campaign finance; relating to uses of campaign funds; amending K.S.A. 25-4157 and K.S.A. 2012 Supp. 25-4157a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **SB 98** be amended on page 1, in line 23, by striking "\$50" and inserting "\$100"; also on page 1, following line 35, by inserting:

"Sec. 2. K.S.A. 25-4173 is hereby amended to read as follows: 25-4173. Every candidate for state or local office who intends to expend or have expended on such person's behalf an aggregate amount or value of less than ~~\$500~~ \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than ~~\$500~~ \$1,000 in each of the primary and the general elections shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the secretary of state for state offices. In the case of a candidate for a local office, such affidavit also shall be filed with the county election officer of the county in which the name of the candidate is on the ballot. No report required by K.S.A. 25-4148, and amendments thereto, shall be required to be filed by or for such candidate.";

Also on page 1, in line 36, by striking "is" and inserting "and 25-4173 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "25-904" by inserting "and 25-4173"; also in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **SB 156** be amended on page 1, in line 6, by striking "2012" and inserting "2013"; in line 13, by striking "\$2,000" and inserting "\$3,000"; in line 18, by striking "\$500" and inserting "\$750"; in line 22, by striking "\$1,500" and inserting "\$2,000"; in line 25, by striking "\$1,000" and inserting "\$1,500";

On page 2, in line 27, by striking "\$2,000" and inserting "\$3,000"; in line 32, by striking "\$500" and inserting "\$750"; in line 34, by striking all after "senator; in line 35, by striking "education, \$1,000" and inserting ", \$2,000"; following line 36, by inserting:

"(4) For the office of member of the state board of education, \$1,500 for each primary election (or in lieu thereof a caucus or convention of a political party).";

On page 3, following line 4, by inserting:

"Sec. 2. K.S.A. 46-237 is hereby amended to read as follows: 46-237. (a) Except as provided by this section, no state officer or employee, candidate for state office or state officer elect shall accept, or agree to accept any (1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of ~~\$40~~ \$60 or more in any calendar year or (2) hospitality in the form of recreation having an aggregate value of ~~\$100~~ \$150 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) Except as provided by this section, no person with a special interest shall offer, pay, give or make any (1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of ~~\$40~~ \$60 or more in any calendar year or (2) hospitality in the form of recreation having an aggregate value of ~~\$100~~ \$150 or more in any calendar year to any state officer or employee, candidate for state office or state officer elect with a major purpose of influencing such officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of ~~\$40~~ \$60 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency.

(d) Hospitality in the form of food and beverages is presumed not to be given to influence a state officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties, except when a particular course of official action is to be followed as a condition thereon.

(e) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to: (1) Any contribution reported in compliance with the campaign finance act; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

(f) No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive

reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the commission prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

(g) The provisions of this section shall not be applicable to or prohibit the acceptance of gifts from governmental agencies of foreign nations except that any gift accepted from such foreign governmental agency, having an aggregate value of ~~\$100~~ \$150 or more, shall be accepted on behalf of the state of Kansas.

(h) No legislator shall solicit any contribution to be made to any organization for the purpose of paying for travel, subsistence and other expenses incurred by such legislator or other members of the legislature in attending and participating in meetings, programs and activities of such organization or those conducted or sponsored by such organization, but nothing in this act or the act of which this act is amendatory shall be construed to prohibit any legislator from accepting reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities sponsored by the government of any foreign nation, or any organization organized under the laws of such foreign nation or any international organization or any national, nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation, when paid from funds of such organization and nothing shall be construed to limit or prohibit the expenditure of funds of and by any such organization for such purposes.";

Also on page 3, in line 5, by striking "2012" and inserting "46-237 and K.S.A. 2013"; also in line 5, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "finance" by inserting "and governmental ethics"; in line 2, after "senators;" by inserting "increasing gift allowances,;" also in line 2, by striking "2012" and inserting "46-237 and K.S.A. 2013"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

SB 339 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **SB 315, SB 321** be passed.

Also, **SB 299** be amended on page 2, in line 1, after "loan" by inserting "bank"; in line 38, after "loan" by inserting "bank"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 308, SB 337** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

SB 287, SB 288 be passed.

SB 255, SB 270 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2389** recommending **S Sub HB 2389** be adopted, and

the substitute bill be passed.

A motion by Senator Haley to amend **S Sub HB 2389** failed and the following amendment was rejected: on page 1, following line 7, by inserting:

"New Section 1. (a) As used in this section, "claimant" means the heirs, legal representatives or estate of a person convicted of capital murder as defined in K.S.A. 2013 Supp. 21-5401, and amendments thereto, and executed pursuant to the provisions of article 40 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, who was wrongfully convicted of such crime.

(b) A claimant may bring an action in an appropriate state court seeking damages from the state pursuant to this section and shall be entitled to damages from the state if such claimant establishes the following by clear and convincing evidence:

(1) The person convicted and executed did not commit the crime which resulted in such conviction and execution;

(2) the person convicted and executed did not commit or suborn perjury, fabricate evidence or by their own conduct cause or bring about their conviction and execution. Neither a confession or admission later found to be false shall constitute committing or suborning perjury, fabricating evidence or causing or bringing about such conviction and execution under this subsection; and

(3) the person convicted and executed did not plead guilty to the crime which resulted in such conviction and execution.

(c) The action shall be brought by the claimant within a period of two years after execution of the person convicted of capital murder. The action shall be accompanied by a statement of the facts concerning the claim for damages, verified in the manner provided for the verification of complaints in civil actions.

(d) (1) A claimant entitled to damages pursuant to subsection (b) shall be awarded damages in the amount of \$5,000,000.

(2) The court may order that the award be paid as an annuity with a payout over a maximum period of 20 years. The court shall consider the best interests of the claimant in making such determination.

(3) Damages awarded pursuant to this section shall be paid from the state general fund.

(e) In addition to the damages awarded pursuant to subsection (d), the claimant shall be entitled to receive reasonable attorney fees and costs related to the litigation. Such fees and costs shall be paid from the state general fund.

(f) Any award of damages to such claimant in an action against the state or any political subdivision thereof or against any employee of the state or any political subdivision thereof with respect to the same subject matter shall be offset by any award of damages awarded under this section.

(g) The provisions of this section shall apply to any claimant seeking damages related to an execution occurring on or after July 1, 2014.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2; after "to" by inserting "wrongful conviction and execution;"

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

On roll call, the vote was: Yeas 9; Nays 31; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn,

Petty.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

EXPLANATION OF VOTE

Mr. Chairman: I vote no on the Haley amendment on **S Sub HB 2389** that statutorily values the life of a wrongly executed person. I do not believe that the Legislature can place a value on the life of a person. This award is best left to a jury. – JEFF LONGBINE

A motion by Senator Petty to amend **S Sub HB 2389** failed and the following amendment was rejected: on page 4, by striking lines 41 through 43.

REPORT ON ENROLLED BILLS

SR 1780, SR 1781 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 12, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 13, 2014.

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 13, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with forty senators present.

Invocation by Father Don Davidson:

Slowly Lord, our snow is melting, the good earth is re-appearing and there is hope that spring cannot be too far away. The changing of the weather reminds us that your creation is always changing, re-emerging and re-creating. Help us with finite eyes to see the beauty in the ever changing world around us and give thanks to you who makes it all possible. In grateful thanksgiving we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 392, AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1718, 47-1719, 47-1720, 47-1733 and 47-1734 and K.S.A. 2013 Supp. 47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726 and 47-1731 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-1732 and 47-1736, by Committee on Agriculture.

SB 393, AN ACT concerning driver's license; amending K.S.A. 2013 Supp. 8-2110 and repealing the existing section; also repealing K.S. A. 2013 Supp. 8-2110a, by Committee on Federal and State Affairs.

SB 394, AN ACT concerning children and minors; enacting the Kansas foster parents' bill of rights act; relating to foster care; family foster homes; establishing the state foster care and adoption board; amending K.S.A. 2013 Supp. 38-2210, 38-2212, 38-2213, 38-2258, 38-2259 and 38-2270 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 395, AN ACT concerning the educational building fund; permitting bonding authority to the state board of regents; amending K.S.A. 76-6b02 and repealing the existing section, by Committee on Ways and Means.

SB 396, AN ACT concerning state building projects; relating to negotiating committees; relating to alternative procurement; amending K.S.A. 2013 Supp. 75-1253 and 75-37,143 and repealing the existing sections, by Committee on Ways and Means.

SB 397, AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1718, 47-1719, 47-1720,

47-1733 and 47-1734 and K.S.A. 2013 Supp. 47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726 and 47-1731 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-1732 and 47-1736, by Committee on Ways and Means.

SB 398, AN ACT concerning workers compensation; enacting the public service benefits protection act; amending K.S.A. 2013 Supp. 44-501 and repealing the existing section, by Committee on Commerce.

SB 399, AN ACT concerning reinstatement fees; relating to the judicial branch nonjudicial salary adjustment fund; amending K.S.A. 2012 Supp. 8-241, as amended by section 1 of 2013 House Bill No. 2303 and 20-1a15, as amended by section 2 of 2013 House Bill No. 2303 and repealing the existing sections, by Committee on Judiciary.

SB 400, AN ACT concerning sexually violent predators; relating to reimbursement for costs incurred by counties, by Committee on Judiciary.

SB 401, AN ACT concerning crimes and punishment; relating to promotion to minors of material harmful to minors; removing an affirmative defense; amending K.S.A. 2013 Supp. 21-6402 and repealing the existing section, by Committee on Judiciary.

SB 402, AN ACT concerning the Kansas criminal justice information system committee; amending K.S.A. 2013 Supp. 74-5701, 74-5702, 74-5703, 74-5704 and 74-5706 and repealing the existing sections, by Committee on Judiciary.

SCR 1619, A CONCURRENT RESOLUTION supporting information technology education opportunities in Kansas public schools, by Committee on Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SCR 1618**.

Financial Institutions and Insurance: **SB 386**, **SB 387**.

Judiciary: **SB 389**, **SB 391**; **HB 2446**, **HB 2453**.

Local Government: **SB 388**.

Natural Resources: **HB 2429**.

Public Health and Welfare: **HB 2418**.

Utilities: **HB 2488**.

Ways and Means: **SB 390**.

COMMUNICATIONS FROM STATE OFFICERS

PRESIDENT OF THE SENATE

February 13, 2014

Pursuant to Rule 8, the **Select Committee on KPERS** is established with the appointments of: Senator King, chair; Senator Longbine, vice-chair; and Senators Masterson, Holmes, Denning, Knox and Bowers, members.

SUSAN WAGLE

President

MESSAGE FROM THE HOUSE

Announcing passage of **SB 245**, as amended by **H Sub SB 245**.

Announcing passage of **HCR 5028**.

The House nonconcur in Senate amendments to **HB 2296**, requests a conference and

has appointed Representatives Schwab, Huebert and Sawyer as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5028, honoring James Chitty for over 10,000 hours of community service at the Robert J. Dole V.A. Medical Center, was introduced and read by title.

On emergency motion of Senator Petersen, **HCR 5028** was adopted by voice vote.

Senator Peterson introduced James Chitty, and guests Diane Henderson and Rick Kennedy.

Senators honored Mr. Chitty and guests with a standing ovation.

FINAL ACTION ON CONSENT CALENDAR

SB 263 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 263, AN ACT concerning the adjutant general; establishing the military funeral honors fund.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 255, AN ACT concerning crimes, punishment and criminal procedure; relating to capital murder; attempt; sentencing; amending K.S.A. 22-3405, 22-3705 and 22-4210 and K.S.A. 2013 Supp. 21-5301, 21-5401, 21-6617, 21-6620, 21-6626, 22-3717 and 22-3728 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

SB 270, AN ACT concerning criminal procedure; relating to mental status defenses; notice and procedure; amending K.S.A. 22-3219 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk.

Present and Passing: Pettey.

The bill passed, as amended.

SB 287, AN ACT concerning district magistrate judges; jurisdiction; appeals; amending K.S.A. 2013 Supp. 20-302b, 22-3601, 22-3602, 38-2273, 38-2382, 59-2401a, 60-2102 and 61-3902 and repealing the existing sections; also repealing K.S.A. 61-3903 and K.S.A. 2013 Supp. 22-3609a and 60-2103a, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Pyle.

Present and Passing: Francisco.

The bill passed.

SB 288, AN ACT concerning courts; relating to restitution or collection of debts owed to the courts; amending K.S.A. 60-2419 and 60-4303 and K.S.A. 2013 Supp. 28-178, 61-3604 and 75-719 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Pyle.

The bill passed.

S Sub HB 2389, AN ACT concerning crimes, punishment and criminal procedure; relating to review and appeal of convictions resulting in a sentence of death; limitations and procedure for motions to correct sentence; amending K.S.A. 60-1507 and K.S.A. 2013 Supp. 21-6619 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, McGinn, Pettey, V. Schmidt, Tyson.

The substitute bill passed.

EXPLANATION OF VOTE

Madam President: I vote "No" on **S Sub HB 2389**. The death penalty is an immoral, barbaric custom which is slowly losing favor and support amongst every civilized state and nation on Earth; and, deservedly so. First, Government has no business in the execution business. With all appeals (none of which are constitutionally exhausted by this: **S Sub HB 2389**), it is ridiculously expensive. Life Without Parole ("LWOP") is less expensive by far. Secondly, the death penalty has been proven to not deter crime. In

fact, ironically, states WITH a death penalty statute statistically have a higher rate of violent crime. And, Madam President, we all know that the death penalty verdicts, and the harshest of all prison sentences actually, disproportionately affect the poor and minority groups. We all know that is true. But apparently, not all of us here care. That's not "equal justice under the law." Thirdly, Madam President, I vote "No" on **S Sub HB 2389** in that we shouldn't, as a civilized society, hasten, perhaps unconstitutionally, to the taking of any life; especially where an opportunity for a death-staying appeal exists or the opportunity exists for the accused to be proved innocent of the underlying crime. Fourth, yet imagining the horror of a falsely tried, convicted and sentenced man or woman being wrongfully convicted (due in part to the speediness of the process that this bill creates) being actually assassinated by the State of Kansas, this Senate should have adopted an amendment that compensated, at a base of \$5 million, the estate and the legal team that proved his or her innocence and exonerated the executed; posthumously. How inhumane is it, Madam President, to not guarantee some financial relief to those who continued to fight the horror that executed party must have felt for dying, at the hands of the government, for a crime they did not commit? Fifth, our Special Claims Against the State Committee is no relief. The Committee is hesitant to award large sums from the State's budget and, in its bias, traditionally does not. To even suggest that the victim of a speedy death penalty trial resulting in an execution of an innocent party's successors go to the Claims Against the State is inadequate; a hollow farce. Five million set into statute is the beginning of a responsible apology to the family and legal team that vindicated the victim. Sixth, we believe that by rejecting this or some similar commitment, the Senate underscores a barbaric reckless commitment to government-sponsored vengeance and retribution for a horrible crime, at any cost; quickly, and without necessarily an honest regard for the truth as to who actually committed it. – DAVID HALEY

Madam President: The average time it takes from sentencing to actual execution in the U.S. takes approximately fourteen years. Since 1976, 138 out of 1,365 people nationwide have been exonerated from a death sentencing. Since 1994, a quarter of Kansas death sentences have been overturned. Unfortunately, **S Sub HB 2389** will only hinder appellate review of death penalty cases as opposed to facilitating a more effective process. Indeed, this legislation is contrary to the U.S. Supreme Court mandate under *Ford v. Wainwright* (1986) and *Spaziano v. Florida* (1983) that "procedures in capital proceedings aspire to a heightened standard of reliability." As a supporter of Kansas' death penalty law, I believe that passage of **S Sub HB 2389** would severely weaken the very integrity of those statutes. I vote "No" on **S Sub HB 2389**. – TOM HOLLAND

Madam President: My vote is for the "forgotten voice." We talk of the injustice of the process, protecting the rights of the accused or the pace of the proceedings. We don't talk about the immoral, vicious slaughter of the victims. The voice of the victim goes unheard. I proudly cast my "aye" vote for **S Sub HB 2389** for the victims. – GREG SMITH

Senators Denning, Lynn, Melcher and Olson request the record to show they concur with the "Explanation of Vote" offered by Senator Smith on **S Sub HB 2389**.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 349** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **SB 285** be amended on page 1, by striking all in line 9; in line 10, by striking "or health benefit plan"; in line 11, by striking all after "provider"; by striking all in lines 12 through 14; in line 15, by striking "provider"; following line 31, by inserting:

"Sec. 4. No provision of this act shall prohibit the use of a discount card by a patient or client of a vision care provider if:

- (a) Participation by the vision care provider is:
 - (1) Completely voluntary; and
 - (2) not conditioned upon the vision care provider's participation in any other discount card or insurance program; and
- (b) the discount card program does not make or include any coverage or payment to the vision care provider.";

On page 2, in line 2, by striking "subject to"; following line 9, by inserting:

"(c) "Discount card" shall have the meaning ascribed to such term in K.S.A. 50-1,100, and amendments thereto.";

And by redesignating remaining subsections accordingly;

Also on page 2, in line 29, by striking "5" and inserting "6";

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

Also, recommends **SB 306** be amended on page 1, in line 30, by striking "(e)" and inserting "(g)";

On page 6, in line 11, by striking "(e)" and inserting "(g)"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 354** be passed.

Also, **SB 355** be amended on page 5, in line 38, after "terminated" by inserting "or invalidated"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 284** be amended on page 5, in line 9, by striking all after the period; by striking all in line 10; in line 11, by striking all before the first "The"; in line 12, by striking ", after January 1, 2012,"; in line 14, by striking all after the period; by striking all in lines 15 and 16; in line 17, by striking all before the second "The";

On page 7, in line 5, after the period by inserting "The 911 coordinating council shall receive the advice and consent of the legislative coordinating council in selecting an LCPA if the entity to be designated as the LCPA is different than the previous entity designated as the LCPA."; by striking all in lines 13 through 43;

On page 8, by striking all in lines 1 through 38;

On page 9, in line 21, by striking ", 12-5368, 12-"; in line 22, by striking "5375";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 3, by striking ", 12-5368, 12-"; in line 4, by striking "5375"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 278** be passed.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 14, 2014.

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 14, 2014, 8:00 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-six senators present.
Senators Faust-Goudeau, Holmes, Lynn and McGinn were excused.
Invocation by Father Don Davidson:

God of love, whose name is love, today we celebrate the wonder and mystery of love. It may be kind of silly as love is around every day, but one day a year we are reminded that we humans need each other and are much better off in our lives when we love and are loved. Red hearts and candy, flowers and bows, might not warm every heart, but knowing that all love is a part of your gracious command to love one another gives us purpose and joy. On this day, dear Lord, on every day, help us to listen and follow that command. By your loving will we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 403, AN ACT concerning civil procedure and civil actions; relating to writ of habeas corpus; abuser of writ; amending K.S.A. 2013 Supp. 60-1501 and repealing the existing section, by Committee on Judiciary.

SB 404, AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas racketeer influenced and corrupt organization act; amending K.S.A. 2013 Supp. 21-6329 and repealing the existing section, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 392, SB 397.**

Commerce: **SB 398.**

Education: **SCR 1619.**

Judiciary: **SB 394, SB 399, SB 400, SB 401, SB 402.**

Transportation: **SB 393.**

Ways and Means: **SB 395, SB 396.**

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 311** be amended on page 2, in line 10, by striking "May be" and inserting "Are"; in line 11, by striking "and"; in line 12, after "witness" by inserting "; and (3) are not based on scientific, technical or other specialized knowledge within the scope of subsection (b)";

On page 3, in line 10, by striking "at or before the hearing or trial"; following line 17, by inserting:

"Sec. 5. K.S.A. 60-3801 is hereby amended to read as follows: 60-3801. As used in ~~this act K.S.A. 60-3801 and 60-3802, and amendments thereto:~~

(a) "Claimant" means any person seeking damages in an action for personal injury or death, and includes the heirs at law, executor or administrator of a decedent's estate.

(b) "Collateral source benefits" means benefits which were or are reasonably expected to be received by a claimant, or by someone for the benefit of a claimant, for expenses incurred or reasonably certain to be incurred as a result of the occurrence upon which the personal injury action is based, except life or disability insurance benefits or benefits gratuitously bestowed on the claimant. Such term shall not include: (1) Services or benefits for which a valid lien or subrogation interest exists; however, nothing in this act shall be construed to create or modify lien or subrogation interests not otherwise allowed by law; and

(2) amounts included as part of a criminal sentencing order or pursuant to state programs of victims assistance incurred by virtue of the defendant also committing a criminal act.

~~(c) "Cost of the collateral source benefit" means the amount paid or to be paid in the future to secure a collateral source benefit by the claimant or by anyone on behalf of the claimant. If the amount of any benefit paid or to be paid encompasses amounts paid over a period of time, thus making the benefit greater than it would be without such amounts paid, then evidence of such amounts paid shall be admissible in determining the "cost of the collateral source benefit."~~

~~(d) "Net collateral source benefits" means the sum of collateral source benefits after subtracting the cost of the collateral source benefit";~~

Also on page 3, in line 28, after "60-19a02" by striking "and 60-3802"; and inserting ", 60-3801, 60-3802, 60-3803, 60-3804, 60-3805, 60-3806 and 60-3807";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "60-19a02" by inserting ", 60-3801"; in line 4, after "sections" by inserting "; also repealing K.S.A. 60-3803, 60-3804, 60-3805, 60-3806 and 60-3807"; and the bill be passed as amended.

CHANGE OF REFERENCE

An objection having been made to **SB 339** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

REPORT ON ENGROSSED BILLS

SB 54, SB 99, SB 265, SB 272, SB 276 reported correctly engrossed February 13, 2014.

REPORT ON ENROLLED BILLS

SR 1782 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 14, 2014.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 10-14, 2014:

Senator Bowers: recognizing Craig and Janice McClellan for receiving the Bankers Award for Water Quality; recognizing Mark and Gina Dix for receiving the Bankers Award for Soil Conservation; recognizing Stan and Maria Simon for receiving the County Windbreak Award; commending Cloud County Health Center Auxiliary on receiving the Gold Award of Excellence; commending Town and Country Animal Hospital on being named the Russell Chamber of Commerce 2013 Business of the Year; congratulating Andrew Eilert on achieving the rank of Eagle Scout; congratulating Willie Knapp on receiving the Silver Beaver Award; congratulating Sheila Stuenkel for receiving the Washington County Conservation District 2014 Range Management Award; recognizing Kenneth and Jayne Wurtz for receiving the Bankers Association Award for Soil Conservation; recognizing Ed Taphorn for receiving the Bankers Association Conservation Award; recognizing Kent and John Polson for receiving the Bankers Association Soil Conservation Award; recognizing Cleve and Mony Walstrom for receiving the County Windbreak Award; recognizing Jim Kotapish for receiving the County Grassland Award;

Senator Faust-Goudeau: recognizing Rev. Carieta C. Grizzell for her service to the community; recognizing Dr. Carolyn Meyers for her service to higher education;

Senator Kelly: congratulating Chris King and the Wamego Drug Store on being named the Wamego Chamber of Commerce 2013 Business of the Year; congratulating the Pottawatomie Economic Development Corporation on receiving the Wamego Chamber of Commerce 2013 Impact Award; congratulating the Nemaha County Co-op on receiving the Wamego Chamber of Commerce 2013 Emerging Business Award; congratulating Betsy Riblett on being named the Wamego Chamber of Commerce 2013 Citizen of the Year; congratulating Mike McCarty and Pizza Hut for receiving the Wamego Chamber of Commerce 2013 Impact Award; congratulating the Wamego High School Chapter of the Future Business Leaders of America on winning the District Championship;

Senators Kelly, Schmidt, and Longbine: recognizing the Richard Feyh Family on receiving the Wabauensee County Conservation District 2013 Wildlife Habitat Award; recognizing Gerald and Marilyn Hund on receiving the Wabauensee County Conservation District 2013 Buffer Award; recognizing Joyce Thierer for receiving the Wabauensee County Conservation District 2013 Grassland Award; recognizing Jeannell Fink for receiving the Wabauensee County Conservation District 2013 Grassland Award; recognizing Ann Birney for receiving the Wabauensee County 2013 Grassland Award;

Senator Fitzgerald: congratulating Frank Lee Suggs IV on achieving the rank of Eagle Scout; congratulating Peter Martin Jenkins on achieving the rank of Eagle Scout;

Senator Olson: recognizing Richard Cogswell Sr. for service to his country and the State of Kansas;

Senator Wolf: congratulating Morgan Anderson on earning the Girl Scout Gold Award; congratulating Hannah Haefele on earning the Girl Scout Gold Award; congratulating Taylor S. Hawes on earning the Girl Scout Gold Award; congratulating Mary Kate Lynch on earning the Girl Scout Gold Award; congratulating Emily Reed on earning the Girl Scout Gold Award; congratulating Molly Ross on earning the Girl Scout Gold Award; congratulating Haleigh Savage on earning the Girl Scout Gold Award; congratulating Sara Sharp on earning the Girl Scout Gold Award; congratulating Melissa Stasi on earning the Girl Scout Gold Award; congratulating Jake Anthony Ruthrauff on achieving the rank of Eagle Scout.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 17, 2014.

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 17, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with thirty-eight senators present.

Senators Hawk and Shultz were excused.

The President introduced guest chaplain, Pastor Christina Fowler, Olive Branch Chapel, Russell, who delivered the invocation:

God of creation, we thank You for every gift You have bestowed upon us. We acknowledge that every good and perfect gift we have been given comes from You. We thank You for this state and this nation, and all the freedoms and privileges You have given us to enjoy.

Thank You for this legislative body which works so diligently and tirelessly on behalf of the people of Kansas. Bring unity and oneness to this group, and grant them wisdom so every decision they make aligns with Your will. Grant clarity when confusion tries to invade. Grant knowledge where ignorance begins to overpower. Lord, I ask that You would pour out Your peace and blessings upon each one here today. Thank You for their willingness to serve the people of Kansas. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 405, AN ACT concerning purchasing products and services of nonprofit entities for blind and disabled persons; relating to the state use law committee; amending K.S.A. 2013 Supp. 75-3317, 75-3321 and 75-3322c and repealing the existing sections, by Committee on Ways and Means.

SB 406, AN ACT concerning criminal procedure; relating to telecommunications; mobile communications devices identification system, by Committee on Federal and State Affairs.

SB 407, AN ACT concerning criminal procedure; relating to telecommunications; mobile communications devices identification system, by Committee on Federal and State Affairs.

SB 408, AN ACT concerning electricity; related to retail sales of electric generation; creating the Kansas electricity competition and choice act; amending K.S.A. 17-4654,

66-101a and 66-117 and K.S.A. 2013 Supp. 45-221 and repealing the existing sections; also repealing K.S.A. 12-897, 66-1,170, 66-1,171, 66-1,173, 66-1,175 and 66-1,176 and K.S.A. 2013 Supp. 66-1,174, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Judiciary: **SB 403, SB 404.**

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2422, HB 2464, HB 2470, HB 2544.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2422, HB 2464, HB 2470, HB 2544 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hawk and Bowers introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1785—

A RESOLUTION recognizing Kansas 4-H and its
Citizenship in Action leadership conference.

WHEREAS, 4-H is a unique organization that teaches youth to learn by doing and to lead by example, and is committed to providing a positive experience for as many young people as possible; and

WHEREAS, 4-H is administered by K-State Research and Extension in cooperation with local Extension governing units, and exists to prepare Kansas youth for school, work and life; and

WHEREAS, There are 16,951 young people, ranging in ages from five to 19, participating in Kansas 4-H, school enrichment, special interest, individual study and mentoring in every county of the state of Kansas; and

WHEREAS, Kansas 4-H members participate in diverse activities involving citizenship and civic engagement, communication and expressive arts, family and consumer sciences, environmental education and earth sciences, healthy lifestyle education, personal development, leadership, plant science, animal science and technology; and

WHEREAS, Participation in 4-H provides young people with hands-on real life opportunities to learn skills, gain knowledge and make contributions in areas such as agriculture, environmental education, technology, community service and current youth issues, all while having fun; and

WHEREAS, 4-H members are more likely to contribute to their communities, pursue a career in science, engineering or computer technology and exercise and be physically active; and

WHEREAS, There will be approximately 300 youth in attendance at Kansas 4-H's Citizenship in Action, a leadership conference where 4-H members will learn about the legislative process. Citizenship in Action has a planning committee comprised of nine 4-H members: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Kansas 4-H and its Citizenship in Action leadership conference for engaging Kansas youth in the legislative process; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Sarah Keatley.

On emergency motion of Senator Bowers **SR 1785** was adopted by voice vote.

Guests introduced were Audrey Diehm, Thomas Fink, Natalie McCracken, Ashlee Schneider and Sarah Keatley, Sponsor.

Senators honored the guests with a standing ovation.

Senator Abrams introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1786—

A RESOLUTION congratulating and commending the 2014 Kansas Cable Telecommunications Horizon Award Program educators.

WHEREAS, Thirty-two beginning educators from across the state have been named as Kansas Cable Telecommunications Horizon Award Program educators; and

WHEREAS, The Kansas Cable Telecommunications Horizon Award Program, sponsored by the Kansas State Department of Education and the Kansas Cable Telecommunications Association, identifies and recognizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the Kansas Cable Telecommunications Horizon Award Program is to recognize exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Kansas Cable Telecommunications Horizon Award Program, currently in its 12th year, allows all school districts in the state an opportunity to nominate one elementary and one secondary teacher for the award. To be eligible for the Kansas Cable Telecommunications Horizon Award Program, teachers must have successfully completed their first year of teaching and have performed in such a way as to distinguish themselves as outstanding. The Kansas Cable Telecommunications Horizon Award Program is a regional competition with four regions corresponding to the state's United States congressional districts. Four elementary and four secondary classroom teachers may be selected for the award from each district; and

WHEREAS, This year's recipients are: Region 1: Megan Berry, Abilene High School, Abilene USD 435; Katrina Goscha, McPherson High School, McPherson USD 418; Valerie Harris, Central Elementary School, Goodland USD 352; Allison MacGill, Northview Elementary School, Manhattan-Ogden USD 383; Robyn Myers, Roosevelt Elementary School, McPherson USD 418; Sarah Samuelson, Comanche Middle School, Dodge City USD 443; Trisha Spears, Central Elementary School, Wamego USD 320; Anna Voth, Salina High School Central, Salina USD 305; and

Region 2: Hillary Armstrong, Washburn Rural Middle School, Auburn Washburn USD 437; Christina Black, LaCygne Elementary School, Prairie View USD 362; Clark Boatright, Robinson Middle School, Topeka USD 501; Katie Chenoweth, Basehor Elementary School, Basehor-Linwood USD 458; Kerby Cornett, Eugene Field Elementary School, Ottawa USD 290; Matt Kleopfer, Iola High School, Iola USD 257; Noah Musser, Eudora High School, Eudora USD 491; Alex Toepfer, Washburn Rural High School, Auburn Washburn USD 437; and

Region 3: Brittany Gonser, Turner Elementary School, Turner USD 202; Colby Heckathorne, Starside Elementary School, De Soto USD 232; Lauren Knoepfler, Regency Place Elementary School, Olathe USD 233; Adam Lundine, Blue Valley Northwest High School, Blue Valley USD 229; Kassy Miller, Louisburg Middle School, Louisburg USD 416; Jenny Prater, F. L. Schlagle High School, Kansas City USD 500; Hilary Riggle, Indian Trail Middle School, Olathe USD 233; Alix Lea Santa Maria, Stanley Elementary School, Blue Valley USD 229; and

Region 4: Kaitlyn Jilka, Lincoln Elementary School, Augusta USD 402; Amanda Leighton, Valley Center High School, Valley Center USD 262; Kevin Roulhac, Maize High School, Maize USD 266; Kristina Sims, Maize Central Elementary School, Maize USD 266; Roxana Smith, Andover Central Middle School, Andover USD 385; Elizabeth Wall, Lowell Elementary School, Winfield USD 465; Nathan Whitman, Burrton High School, Burrton USD 369; Renicia Yoder, Northridge Elementary School, Newton USD 373: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2014 Kansas Cable Telecommunications Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate shall send 32 enrolled copies of this resolution to the Commissioner of Education for forwarding to each educator so honored plus one copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1786** was adopted by voice vote.

Senator Abrams introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1787—

A RESOLUTION congratulating and commending the Kansas recipient of the 2013 Milken Family Foundation Educator Award.

WHEREAS, Bradley LeDuc, art teacher at Washburn Rural High School, Auburn Washburn USD 437, has been selected as the Kansas recipient of the 2013 Milken Family Foundation Educator Award. He will receive an unrestricted award of \$25,000 plus recognition by his community, school and peers; and

WHEREAS, The Milken Educator Awards program was established by the Milken Family Foundation in 1985 and the first awards were presented in 1987; and

WHEREAS, The Milken Family Foundation Educator Awards program provides public recognition and financial awards to elementary and secondary school teachers, principals and other educational professionals who are furthering excellence in education. By honoring outstanding educators, the program strives to attract, retain and motivate talented people to the challenge and adventure of teaching; and

WHEREAS, The Milken Educator Awards are announced each fall at surprise notifications held in all-school assemblies. Foundation representatives and the chief state school officer make the announcements. Bradley LeDuc was one of about 40 educators around the country recognized with the award this year. By publicizing these awards, our communities are reminded of the crucial, positive impact of educators. Furthermore, it is hoped these awards will attract the attention of those who might consider teaching as a rewarding career choice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Bradley LeDuc upon his selection as the Kansas recipient of the 2013 Milken Family Foundation Educator Award; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the Commissioner of Education for forwarding to the 2013 Milken Educator.

On emergency motion of Senator Abrams **SR 1787** was adopted by voice vote.

Senator Abrams introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1788—

A RESOLUTION congratulating and commending the
2013 Kansas National Board Certified Teachers.

WHEREAS, Twenty-six of Kansas' finest educators have satisfied the highest professional qualifications of the National Board of Professional Teaching Standards to be designated as National Board Certified Teachers. They will be recognized as such at a program on February 20, 2014; and

WHEREAS, The 2013 Kansas National Board Certified Teachers are: Susan Bloom, Washington Elementary School, Olathe USD 233; Gregory Bonsignore, all K-5 elementary schools, Lawrence USD 497; Jennifer Dugan, Oxford Middle School, Blue Valley USD 229; Vanessa Fernandez-Loffredo, Overland Trail Middle School, Blue Valley USD 229; Leanne Geanes, Stilwell Elementary School, Blue Valley USD 229; Charles Golden, Blue Valley Northwest High School, Blue Valley USD 229; Natalie Johnson-Berry, Blue Valley North High School, Blue Valley USD 229; Inshin Kim, Topeka High School, Topeka USD 501; Stephanie Liberman, Silver City Elementary School, Kansas City USD 500; Kelli Miller, Harry Street Elementary School, Wichita USD 259; Sara Mochel, Arbor Creek Elementary School, Olathe USD 233; Lisa Nocita, Prairie Star Middle School, Blue Valley USD 229; Sara Ott, Marshall Middle School, Wichita USD 259; Matthew Peterie, Olathe Northwest High School, Olathe USD 233; Crystal Rankin, Westwood Elementary School, Geary County USD 475; Kim Rehagen, Overland Trail Middle School, Blue Valley USD 229; Jennifer Robinson, Oxford Middle School, Blue Valley USD 229; Dr. Lucas Shivers, Manhattan High School-East, Manhattan-Ogden USD 383; Kimberly Urenda, Blue Valley West High School, Blue Valley USD 229; Tara Walrod, Sunrise Point Elementary School, Blue Valley USD 229; Amy Washington, Wolf Creek Elementary School, Spring Hill USD 230; Randi Weller, Clay Center Community Middle School, Clay USD 379; Helen Windhorst, Emerson Elementary School, Kansas City USD 500; Kelly Wouthtiwongprecha, Pleasant Ridge Middle School, Blue Valley USD 229; Cynthia Younger, Blue Valley North High School, Blue Valley USD 229; and

WHEREAS, National Board Certification, a voluntary process established by the National Board of Professional Teaching Standards, is a symbol of professional teaching excellence. It is achieved through a performance-based assessment process that measures a teacher's practice against high and rigorous advanced standards to demonstrate accomplished practice. Through a series of assessments, teachers demonstrate their subject matter knowledge, provide evidence that they know how to teach their subjects to students most effectively and demonstrate their ability to manage and measure student learning; and

WHEREAS, The National Board of Professional Teaching Standards is an independent, nonprofit, nonpartisan and nongovernmental organization. Its mission is to advance the quality of teaching and learning by: Maintaining high and rigorous standards for what accomplished teachers should know and be able to do; providing a national voluntary system certifying teachers who meet these standards; and advocating related education reforms to integrate National Board Certification in American education and to capitalize on the expertise of National Board Certified Teachers: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend each of these outstanding educators who have attained the status of National Board Certified Teachers; and

Be it further resolved: That the Secretary of the Senate shall send 26 enrolled copies of this resolution to the Commissioner of Education for forwarding to each of the teachers so honored plus a copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1788** was adopted by voice vote.

REPORT ON ENGROSSED BILLS

SB 255, SB 270 reported correctly engrossed February 14, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 18, 2014.

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 18, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-nine senators present.
Senator Hawk was excused.
Invocation by Father Don Davidson:

Almighty and Everlasting God, bless us we pray this day as we enter upon the work of making decisions. Give all the members of our legislature the ability to see their decisions with eyes fixed on doing what is right, what is noble, and what is just. Allow them to know of your presence with them and of your grace. This we ask in your holy and life-giving name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 409, AN ACT concerning unmanned vehicles; relating to breach of privacy; use of images; search warrants; law enforcement; civil penalties and liability; amending K.S.A. 2013 Supp. 21-6101 and repealing the existing section, by Committee on Federal and State Affairs.

SB 410, AN ACT concerning property taxation; relating to exemptions for certain donations of property to the state; amending K.S.A. 2013 Supp. 79-213 and repealing the existing section, by Committee on Assessment and Taxation.

SB 411, AN ACT concerning extension districts; relating to taxing authority; amending K.S.A. 2-625 and repealing the existing section, by Committee on Assessment and Taxation.

SB 412, AN ACT concerning bonding authority for water projects; relating to the power to issue bonds by the Kansas development finance authority; duties of the Kansas water authority; amending K.S.A. 74-2609, 82a-1345, 82a-1360, 82a-1361 and 82a-1362 and K.S.A. 2013 Supp. 82a-2310 and 82a-2314 and repealing the existing sections; also repealing K.S.A. 82a-1363 and K.S.A. 2013 Supp. 82a-1365, by Committee on Ways and Means.

SB 413, AN ACT creating the transparency and accountability act; concerning legislative meetings; providing for live audio and video broadcasts; relating to open meetings, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2422, HB 2464.**

Commerce: **SB 405.**

Judiciary: **SB 406, SB 407.**

Utilities: **SB 408.**

Ways and Means: **HB 2470, HB 2544.**

COMMUNICATIONS FROM STATE OFFICERS

PRESIDENT OF THE SENATE

February 17, 2014

Pursuant to Rule 8, the **Select Committee on KPERS** is established, with these additional appointments: Senators Hensley and Kelly join Senators King, Longbine, Bowers, Denning, Holmes, Knox and Masterson.

SUSAN WAGLE
President

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Knox, Abrams, Apple, Arpke, Bruce, Denning, Fitzgerald, Holmes, King, Love, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith and Tyson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1783—

A RESOLUTION commending the nation of Israel for its amicable and mutually beneficial relationship with the United States and with the State of Kansas.

WHEREAS, The claim and presence of the Jewish people in Israel has remained constant throughout the past 4,000 years of history; and

WHEREAS, Israel was granted her lands in the Old Testament, scripture held sacred and revered by both Jews and Christians as the acts and words of God; and

WHEREAS, The modern state of Israel was legally established by a binding resolution under international law, unanimously adopted by the League of Nations in 1922 and subsequently affirmed by the United States Congress; and

WHEREAS, This resolution affirmed the historical Land of Israel, including Judea, Samaria and Jerusalem, as a national home of the Jewish people; and

WHEREAS, The 1922 League of Nations resolution remains valid under Article 80 of the United Nations Charter which recognized the validity of rights previously granted to states or peoples under international instruments, and therefore, the 650,000 Jews currently residing in the areas of Judea, Samaria and eastern Jerusalem reside there legitimately; and

WHEREAS, Israel declared its independence and self-governance on May 14, 1948, with the goal of reestablishing its God-given and legally recognized lands as a homeland for the Jewish people; and

WHEREAS, The United States, having been the first country to recognize Israel as an independent nation and as Israel's principal ally, has enjoyed a close and mutually beneficial relationship with Israel and her people; and

WHEREAS, Israel is America's greatest friend and ally in the Middle East and shares the same basic values, held deeply by both nations; and

WHEREAS, The State of Kansas and Israel have enjoyed amicable and mutually beneficial relations since 1948, a friendship that continues to strengthen with each passing year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend Israel for its amicable and mutually beneficial relationship with the United States and with the State of Kansas and support Israel in its legal, historical, moral and God-given right of self-governance and self-defense upon the entirety of its own lands, recognizing that Israel is neither an attacking force nor an occupier of the lands of others and that peace can be afforded the region only through a whole and united Israel; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Knox, the President of the United States, Governor Sam Brownback and each member of the Kansas congressional delegation.

On emergency motion of Senator Knox **SR 1783** was adopted by voice vote.

Senator Bowers introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1789—

A RESOLUTION congratulating and recognizing the
Landoll Corporation's 50th Anniversary and its receiving
of the Ad Astra Award from the Kansas Chamber of Commerce.

WHEREAS, The Kansas Chamber of Commerce stands for free enterprise and continual improvement of our great state's economic climate for the benefit of every business and citizen and represents small, medium and large employers all across Kansas; and

WHEREAS, The Kansas Chamber of Commerce presents the Ad Astra Award to one business each year that exemplifies both business and civic excellence within the state and recognizes a Kansas business for its unique contribution to the economic health and welfare of our state; and

WHEREAS, The Landoll Corporation, headquartered in Marysville, Kansas, has grown from a small welding, radiator and blacksmith shop to a global manufacturer of quality products and services for the agricultural, material handling, OEM/Government and transportation industries; and

WHEREAS, The Landoll Corporation employs approximately 1,000 dedicated employees; and

WHEREAS, The Landoll Corporation is a leader in innovative design, and attributes its success to its guiding principles of: Diversification, vertical integration, quality employees, community service, quality products, safety and total customer satisfaction; and

WHEREAS, The Landoll Corporation exemplifies business excellence in Kansas with an entrepreneurial spirit of "can do," which has led to substantial growth in the business; and

WHEREAS, The Landoll Corporation attributes some of its growth from the state and local tax policy which allowed the company to invest in personnel, property, technology and modern equipment and which supported the acquisition and relocation

of jobs to Kansas of the following product lines: Bendi forklifts from England, Drexel Industries forklifts from Pennsylvania and Brillion farm equipment from Wisconsin. The Landoll Corporation was also able to acquire ICON Industries in Beloit, Kansas; and

WHEREAS, The Landoll Corporation exemplifies civic excellence in Kansas and local communities with: Acquiring and renovating vacant buildings; completing renovation of a vacant bowling alley; renovating St. Gregory's Elementary School with workers, materials and funding; currently renovating St. Gregory's church; providing significant fundraising for the newly constructed Community Memorial Hospital; refurbishing the local municipal airport building and facilities; and providing numerous airplane flights for the seriously ill;

WHEREAS, The Landoll Corporation encourages and promotes employee community involvement in: Community festivals, parades, community theater, and local board participation for the community, including: Community Memorial Hospital, Main Street, Marysville Chamber of Commerce, the Kansas State Chamber, and Leadership Marshall County. Don Landoll also serves as President of Team Kansas; and

WHEREAS, The Landoll Corporation has been a successful business for 50 years and is vital to the growth and strength of the Kansas economy: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Landoll Corporation for marking its 50th Anniversary, receiving the Ad Astra Award from the Kansas Chamber of Commerce, exemplifying business and civic excellence in Kansas and being a good steward in the Marysville Community; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Bowers and Don Landoll, Chairman and President of the Landoll Corporation.

On emergency motion of Senator Bowers **SR 1789** was adopted by voice vote.

Guests introduced were Don Landoll, Phil Landoll, Paula Landoll-Smith, Kerry Smith and Sierra Landoll.

Senators honored the guests with a standing ovation.

ORIGINAL MOTION

On motion of Senator Holmes, the Senate acceded to the request of the House for a conference on **HB 2296**.

The President appointed Senators Holmes, O'Donnell and Faust-Goudeau as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2197**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2197," as follows:

"Senate Substitute for HOUSE BILL No. 2197

By Committee on Education

"AN ACT concerning schools; relating to the Kansas state high school activities association; relating to the membership of the board of directors and executive board; amending K.S.A. 72-130 and repealing the existing section.";

And the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended: **SB 286** be passed.

SB 98, SB 248, SB 271 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 156 be passed over and retain a place on the calendar.

REPORT ON ENGROSSED BILLS

SB 54 reported correctly engrossed February 18, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 19, 2014.

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 19, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-nine senators present.
Senator Hawk was excused.
Invocation by Father Don Davidson:

Dear God, we all have been given the wonderful ability to think and to learn. For most of us, our learning has been assisted by the ministrations of teachers, including our parents, family, friends and those who manage classrooms full of other members of your earthly creation, all striving to learn. Today we pray for those who teach and those who learn. May we always seek to learn and grow in knowledge of you and in our stewardship of your creation. In the wisdom of your name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 411**.
Federal and State Affairs: **SB 409, SB 413**.
Natural Resources: **SB 410**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 156** from the heading of General Orders, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 409** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Natural Resources**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2491, HB 2504, HB 2557, HB 2599; Sub HB 2436**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2436; HB 2491, HB 2504, HB 2557, HB 2599 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1790—

A RESOLUTION recognizing the importance of the strategic partnership between the United States of America and the Republic of Kazakhstan.

WHEREAS, The Republic of Kazakhstan declared its sovereign independence from the Soviet Union on December 25, 1991, and has enjoyed a growing democratic tradition over the last 22 years; and

WHEREAS, The United States of America was the first country to recognize the independence of the Republic of Kazakhstan in 1991 and established full-fledged diplomatic relations with it; and

WHEREAS, Over the last 22 years, the Republic of Kazakhstan has consolidated its sovereignty and independence and has become a leader in the Central Asia region; and

WHEREAS, The United States of America, along with the United Nations, recognizes and supports the Republic of Kazakhstan's sovereignty; and

WHEREAS, The United States of America and the Republic of Kazakhstan have developed a strong strategic partnership based on shared values and interests and a shared vision; and

WHEREAS, The Republic of Kazakhstan is a staunch ally and strategic partner of the United States of America in the critically important Central Asia region; and

WHEREAS, The Republic of Kazakhstan is a leader in the area of nuclear non-proliferation, having voluntarily given up its nuclear arsenal upon independence, and today works with international partners to promote the reduction of nuclear weapons stockpiles world-wide; and

WHEREAS, The United States of America and the Republic of Kazakhstan continue their successful cooperation in counter-terrorism efforts and the non-proliferation of weapons of mass destruction, which is of particular importance, given that the Republic of Kazakhstan is an ally nation located in a geopolitically important region; and

WHEREAS, The Republic of Kazakhstan possesses vast oil and gas resources and contributes to the energy security of the United States of America and the European nations, and it is a critical element in diversification of energy supplies used by European allies of the Republic of Kazakhstan and the United States of America; and

WHEREAS, The Republic of Kazakhstan has also been a strong partner of the United States and NATO missions in Afghanistan, opening supply lines through the Northern Distribution Network when southern supply routes were cut off; and

WHEREAS, The Republic of Kazakhstan is also committed to supporting democracy in Afghanistan, and has established a \$50 million scholarship program to provide educational opportunities for Afghan students in Kazakhstan; and

WHEREAS, The Republic of Kazakhstan is committed to working toward completing accession to the World Trade Organization and appreciates the United States' support in this endeavor; and

WHEREAS, The United States is an important trading partner with the Republic of Kazakhstan and the two countries both support increasing and deepening trade relations with each other; and

WHEREAS, The Republic of Kazakhstan has a long-standing tradition of peaceful coexistence with various ethnic and religious communities; and

WHEREAS, The Republic of Kazakhstan attaches great importance to expanding its

relations in all spheres, including trade, cultural and educational exchanges with the state of Kansas; and

WHEREAS, It is critical for the United States of America to further strengthen relations with its allies, such as the Republic of Kazakhstan, to advance common interests currently and in the future: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the importance of a strategic partnership and friendship between the United States of America and the Republic of Kazakhstan and work to further enhance the partnership through mutual efforts over the years to come; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Governor Sam Brownback, the Principal Deputy Assistant Secretary of the U.S. State Department's Bureau of Educational and Cultural Affairs and the Deputy Assistant Secretary of the U.S. Economic Development Administration and four enrolled copies to Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1790** was adopted by voice vote.

Guests introduced were Selahattin Aydin, Eyyup Esen and Sydin Cayir.

Senators honored the guests with a standing ovation.

FINAL ACTION ON CONSENT CALENDAR

SB 303, SB 329, SB 349 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 303, AN ACT concerning firearms; relating to the Sedgwick county regional forensic science center; disposition of stolen weapons; forfeiture of firearms; amending K.S.A. 2013 Supp. 21-6307 and 60-4117 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettet, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk.

The bill passed.

SB 329, AN ACT concerning the revised Kansas juvenile justice code; orders relating to parents; amending K.S.A. 2013 Supp. 38-2362 and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettet, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk.

The bill passed.

SB 349, AN ACT concerning the boiler safety act; amending K.S.A. 2013 Supp. 44-

918 and repealing the existing section; also repealing K.S.A. 2013 Supp. 44-919.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 98, AN ACT concerning elections; relating to local government candidates; amending K.S.A. 25-904 and 25-4173 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk.

The bill passed, as amended.

SB 248, AN ACT concerning the secretary of corrections; relating to victim notification prior to release of certain inmates; amending K.S.A. 2013 Supp. 22-3303, 22-3305, 22-3428, 22-3428a, 22-3430, 22-3431, 22-3727 and 22-3727a and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk.

The bill passed, as amended.

SB 271, AN ACT concerning the Kansas medicaid fraud control act; relating to penalties and fines; amending K.S.A. 2013 Supp. 21-5926, 21-5927, 21-5933 and 75-7508 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk.

The bill passed, as amended.

SB 286, AN ACT concerning the Kansas department of agriculture; relating to fees; extending sunset date on certain fees; amending K.S.A. 2013 Supp. 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-3304, 2-3306, 65-778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Melcher, Pilcher-Cook, Pyle.

Absent or Not Voting: Hawk.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2047**, as amended by House Committee of the Whole, be amended on page 1, in line 6, by striking "2012" and inserting "2013";

On page 2, in line 27, by striking "2012" and inserting "2013";

On page 1, in the title, in line 3, by striking "2012" and inserting "2013"; and the bill be passed as amended.

Committee on **Education** recommends **SCR 1619** be amended on page 2, in line 3, after "oversight" by inserting "by the Kansas state board of education"; and the resolution be adopted as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 309** be amended on page 1, in line 7, before "Any" by inserting "(a)" in line 13, by striking "(a)" and inserting

"(1)";

Also on page 1, in line 18, by striking "(b)" and inserting "(2)"; in line 23, by striking "(c) (1)" and inserting "(3) (A)"; in line 28, by striking "(2)" and inserting "(B)"; in line 32, by striking "(d)" and inserting "(4)";

On page 2, in line 1, by striking "(e)" and inserting "(5)"; following line 7, by inserting:

"(6) is organized as a farmers' cooperative under the Kansas cooperative marketing act, K.S.A. 17-1601 et seq., and amendments thereto, on January 13, 1983, and is an association of farmers' cooperatives and other like associations operated on a cooperative basis and their affiliated companies, which provides benefits for employees, and family members of such employees, of such associations, and complies with K.S.A. 40-2222a, and amendments thereto;"

Also on page 2, in line 8 by striking "(f)" and inserting "(7)"; also in line 8, after "qualified" by inserting "trade, merchant, retail or"; also in line 8, after "association" by inserting "or business league"; in line 10, by striking "(g)" and inserting "(8)"; in line 13, by striking "(h)" and inserting "(9)"; following line 16, by inserting:

"(b) For the purposes of this section, a qualified trade, merchant, retail or professional association or business league shall mean any bona fide trade, merchant,

retail or professional association or business league that:

- (1) Has been in existence for at least five calendar years; and
- (2) is comprised of five or more employers.";

Also on page 2, in line 21, by striking "subsections (a), (b), (c)."; in line 22, by striking all before "of" and inserting "subsection (a)"; in line 35, by striking all after "in" and inserting "subsection (a) of K.S.A.";

And the bill be passed as amended.

Also, **HB 2152** be amended on page 1, in line 9, by striking "2012" and inserting "2013";

On page 3, in line 7, by striking "2012 and inserting "2013";"

On page 1, in the title, in line 2, by striking "2012" and inserting "2013"; in line 6, by striking "2012" and inserting "2013"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended: **SB 278, SB 308, SB 337, SB 339, SB 354** be passed.

SB 284 be amended by the adoption of the committee amendments, and the bill be passed as amended.

SB 355 be amended by motion of Senator Francisco, on page 3, in line 25, by striking "ask your attorney to explain it to you" and inserting "seek legal advice" and **SB 355** be passed as further amended.

REPORT ON ENROLLED BILLS

SR 1783, SR 1785, SR 1786, SR 1787, SR 1788, SR 1789 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 19, 2014.

REPORT ON ENGROSSED BILLS

SB 98, SB 248, SB 271 reported correctly engrossed February 19, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 20, 2014.

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 20, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-eight senators present.
Senators Hawk and Ostmeyer were excused.
Invocation by Father Don Davidson:

Dear Lord, on this date in 1962 one of your more colorful children orbited the earth, becoming the first human being ever to do so. People all over the world held their breath as John Glenn went around the world three times in a craft named Friendship 7. Four hours later the craft re-entered the atmosphere of the earth and Glenn was brought to an awaiting ship in the Atlantic Ocean. Seven years later astronauts would walk on the moon. Help us never to forget the need to explore and learn about your world, and that nothing is beyond our ability. Thank you for giving us the will to explore. In your name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

POINT OF PERSONAL PRIVILEGE

Senator King rose on a Point of Personal Privilege to recognize the 2014 members of Leadership Montgomery. Guests present were Gail Billman, Andrea Bray, Donald Butler, Alex Knott, Shelly Martin, Zack Schibi, Casey Starrett, Bess Stone, Tony Encarnacion, Shawn Tasset, Jaylen Lane, Rick Agston and Master Sergeant Troy Sommers.

Senators honored the guests with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 414, AN ACT concerning the Kansas department for children and families; photograph of a recipient on the card used for public assistance programs, by Committee on Ways and Means.

SB 415, AN ACT concerning crimes, punishment and criminal procedure; relating to burglary; amending K.S.A. 2013 Supp. 21-5807 and repealing the existing section, by Committee on Ways and Means.

SB 416, AN ACT concerning criminal procedure; relating to entitlement of defendants to counsel; amending K.S.A. 22-4503 and repealing the existing section, by Committee on Ways and Means.

CHANGE OF REFERENCE

Under authority of the Senate President, Vice President Jeff King withdrew **SB 156** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Ethics and Elections**.

The Vice President withdrew **SB 281** from the Committee on **Natural Resources**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 316** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **S Sub HB 2141** from the Committee on **Interstate Cooperation**, and rereferred the bill to the Committee on **Ethics and Elections**.

The Vice President withdrew **S Sub HB 2197** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Education**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2493, HB 2495, HB 2501, HB 2502, HB 2511**.

The House nonconcurrs in Senate amendments to **S Sub HB 2389**, requests a conference and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2493, HB 2495, HB 2501, HB 2502, HB 2511 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 278, AN ACT concerning the state board of veterinary examiners; relating to the veterinary examiners fee fund; powers of the board; establishing the board within the animal health division of the Kansas department of agriculture for a two-year period; amending K.S.A. 2013 Supp. 47-820 and 47-821 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeyer.

The bill passed.

SB 284, AN ACT concerning 911 emergency services; relating to the 911 coordinating council, composition, contracting authority, expenses; amending K.S.A. 2013 Supp. 12-5363, 12-5364, 12-5367 and 12-5377 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox,

LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed, as amended.

SB 308, AN ACT concerning the Kansas no-call act; amending K.S.A. 50-670 and 50-670a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed.

SB 337, AN ACT concerning utilities; relating to the state corporation commission, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed.

SB 339, AN ACT concerning ethics and elections; relating to campaign finance disclosures; amending K.S.A. 2013 Supp. 25-4148a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed.

SB 354, AN ACT concerning crimes and punishments; relating to mistreatment of an elder person or dependent adult; amending K.S.A. 2013 Supp. 21-5417 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson,

Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeyer.

The bill passed.

SB 355, 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. 2013 Supp. 58-652 and 58-656 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeyer.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 360** be amended on page 2, following line 41, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 79-1703 is hereby amended to read as follows: 79-1703. (a) Except as provided in subsection (b) or as otherwise provided by law, no board of county commissioners or other officer of any county shall have power to release, discharge, ~~or remit or commute~~ any portion of the taxes assessed or levied against any person or property within their respective jurisdictions for any reason whatever. Any taxes so discharged, released, ~~or remitted or commuted~~ may be recovered by civil action from the members of the board of county commissioners or such other officer and the sureties of their official bonds at the suit of the attorney general, the county attorney, or of any citizen of the county or the board of education of any school district a part of the territory of which is in such county, as the case may be, and when collected shall be paid into the county treasury to be properly apportioned and paid to the county, municipalities, school districts and other taxing subdivisions entitled thereto. Nothing in this subsection shall be construed to prohibit a board of county commissioners from entering into an agreement whereby the board agrees to pay the full amount of the taxes assessed or levied against any person or property on behalf of such person, as long as such amount is properly apportioned and paid to the county, municipalities, school districts and other taxing subdivisions entitled to a portion of such amount.

(b) In the event a person, partnership or corporation has failed to pay any portion of the taxes assessed or levied against its property located within any county and such person, partnership or corporation is a debtor in an action filed pursuant to the United States bankruptcy code, the county commissioners of any such county may compromise, assign, transfer or otherwise settle such tax claim in such fashion as the commissioners deem to be in the best interest of the state and all taxing subdivisions affected thereby, subject to approval by the state court of tax appeals; except that, the state and each other taxing subdivision affected by any such settlement shall receive the

same proportional share of its respective tax claim. The state court of tax appeals shall respond to such settlement request within 30 days from the date of receiving such request or such request shall be deemed approved.";

Also on page 2, in line 42, by striking "is" and inserting "and 79-1703 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "certain agreements by board of county commissioners as to payment of taxes;"; in line 3, after "79-1613" by inserting "and 79-1703"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 371** be passed.

Also, **SB 372** be amended on page 2, in line 34, by striking "bee" and inserting "been"; and the bill be passed as amended.

Committee on **Commerce** also begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Member, Employment Security Board of Review: K.S.A. 2013 Supp. 44-709

Phillip Hayes, to fill a term expiring on June 30, 2017.

Committee on **Ethics and Elections** recommends **HB 2381**, as amended by House Committee, be amended on page 1, in line 6, by striking "2012" and inserting "2013"; in line 25, by striking "target" and inserting "solicit"; following line 27, by inserting:

"(c) Subsection (b) shall not apply to acceptance or solicitations of contributions on behalf of a political committee established by a state committee of any political party and designated as a recognized political committee for the senate or house of representatives.

Sec. 2. K.S.A. 2013 Supp. 25-4153 is hereby amended to read as follows: 25-4153.

(a) The aggregate amount contributed to a candidate and such candidate's candidate committee and to all party committees and political committees and dedicated to such candidate's campaign, by any political committee or any person except a party committee, the candidate or the candidate's spouse, shall not exceed the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(i) (h) No person shall make any contribution or contributions to any candidate or the candidate committee of any candidate in the form of money or currency of the United States which in the aggregate exceeds \$100 for any one primary or general election, and no candidate or candidate committee of any candidate shall accept any contribution or contributions in the form of money or currency of the United States which in the aggregate exceeds \$100 from any one person for any one primary or general election."~~

Also on page 1, in line 28, by striking by striking "2012 Supp." and inserting "2013 Supp. 25-4153 and"; also in line 28, by striking "is" and inserting "are";

And by renumbering sections accordingly;

Also on page 1, in line 1, by striking all after the semicolon; in line 2, by striking all before "amending" in line 3, by striking "2012 Supp." and inserting "2013 Supp. 25-4153 and"; also in line 3, by striking "section and inserting "sections"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 344, SB 351** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Schmidt in the chair.

On motion of Senator Schmidt the following report was adopted:

Recommended: **SB 315, SB 321** be passed.

SB 285, SB 299, SB 306 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2387** recommending a **Senate Sub HB 2387** be adopted, and the substitute bill be passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 285, SB 299, SB 306, SB 315, SB 321** and **Senate Sub HB 2387** were advanced to Final Action and roll call.

SB 285, AN ACT concerning payments for providing vision care services; pertaining to limitations imposed by insurance plans and discount plans.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 1; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Denning.

Absent or Not Voting: Hawk, Ostmeyer.

The bill passed, as amended.

SB 299, AN ACT concerning insolvent insurance companies; pertaining to certain exemptions for the federal home loan bank; amending K.S.A. 40-3609, 40-3619, 40-3625, 40-3629, 40-3630 and 40-3631 and repealing the existing sections.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 1; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: King.

Absent or Not Voting: Hawk, Ostmeyer.

The bill passed, as amended.

SB 306, AN ACT concerning insurance companies; relating to investments; amending K.S.A. 40-2a08, 40-2a14, 40-2a28, 40-2b07, 40-2b12 and 40-2b29 and K.S.A. 2013 Supp. 40-2a27 and 40-2b28 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed, as amended.

SB 315, AN ACT concerning the Kansas state fair; pertaining to the purchase of certain insurance coverage; amending K.S.A. 2-224 and K.S.A. 2013 Supp. 75-4105 and 75-4109 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed.

SB 321, AN ACT concerning insurance; relating to the return of premiums separate from the notice of denial of coverage; amending K.S.A. 2013 Supp. 40-3118 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Hawk, Ostmeier.

The bill passed.

S Sub HB 2387, AN ACT concerning crimes, punishment and criminal procedure; relating to murder; sentencing of certain persons to mandatory minimum term of imprisonment; amending K.S.A. 2013 Supp. 21-6620 and 22-3717 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 3; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley.

Absent or Not Voting: Hawk, Ostmeyer.
The bill passed.

REPORT ON ENGROSSED BILLS

SB 285, SB 355 reported correctly engrossed February 20, 2014.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 21, 2014.

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 21, 2014, 8:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with twenty-eight senators present.
Senators Apple, Donovan, Haley, Hawk, Holland, Holmes, King, Longbine, Love, Lynn, Masterson, and McGinn were excused.
Invocation by Father Don Davidson:

Dear Lord, I am not sure I really understand the concept of Fridays and the weekend. I admit this in true honesty to you Lord, but it seems that every day is a gift you have bestowed upon us. You have also asked that we be good stewards of the time you have given us, observe Sabbath time, rest as needed, eat of the fruits of the earth, love and be loved and be accountable. May the weekend be a time of refreshment for all of us so that every day we may receive, with joy, the times you have given. In your name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2511, HB 2557.**

Federal and State Affairs: **HB 2599.**

Judiciary: **SB 415, SB 416; HB 2491, HB 2493, HB 2495, HB 2501, HB 2502.**

Natural Resources: **SB 412.**

Public Health and Welfare: **SB 414; Sub HB 2436.**

Ways and Means: **HB 2504.**

CHANGE OF REFERENCE

The President withdrew **SB 281** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Natural Resources**.

The President withdrew **SB 316** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 17-21, 2014:

Senator Bowers: congratulating Mike and Kathy Slipke on receiving the 2013 Osborne County Bankers Energy Conservation Award; congratulating Rodney and Lindsey Doane on receiving the 2013 Osborne County Bankers Soil Conservation Award; congratulating Alan and Cindy Poore on receiving the 2013 Osborne County Windbreak Award; congratulating Kent and Pam Truan on receiving the 2013 Russell County Conservation District Windbreak Award; congratulating Shari Haug for receiving the 2014 KSBDC Existing and Emerging Small Business Award; congratulating Steve and Raeleen Reinhardt for receiving the 2013 Russell County District Soil Conservation Award; congratulating Lloyd and Norma Gier for receiving the 2013 Kansas Bankers Association Soil Conservation Award;

Senator Kelly: congratulating Ivan and Jeanie Seele on the celebration of their 60th Wedding Anniversary;

Senator Schmidt: recognizing Michael John Meenen for achieving the rank of Eagle Scout; and

Senators Wagle, Bruce, and Hensley: recognizing John Charles Milburn on achieving the rank of Eagle Scout.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 24, 2014.

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 24, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

God our Creator, you are the giver of life and the gift itself. Teach us to value all that is precious in what you have made, and give us hearts that are always thankful. As we begin a new day and a new week, remind us always to see in each other the way you see us, as your precious children. In your blessed name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 417, AN ACT concerning the court of appeals; relating to appointment of judges; amending K.S.A. 2013 Supp. 20-3002, 20-3006 and 20-3010 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 20-3020, by Committee on Ways and Means.

SB 418, AN ACT concerning regulated scrap metal; relating to the crime of theft; sentencing; evidence at preliminary examination; regulation of scrap metal dealers; unlawful acts; penalties; amending K.S.A. 2013 Supp. 21-5804, 21-6804, 50-6,109, 50-6,110, 50-6,111, 50-6,112, 50-6,112a and 50-6,112b and repealing the existing sections; also repealing K.S.A. 2013 Supp. 50-6,112c, by Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2246; HB 2398, HB 2440, HB 2444, HB 2447, HB 2448; Sub HB 2452; HB 2466, HB 2490, HB 2518, HB 2525, HB 2533, HB 2548, HB 2550, HB 2551, HB 2564, HB 2602, HB 2636, HB 2668.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2246; HB 2398, HB 2440, HB 2444, HB 2447, HB 2448; Sub HB 2452; HB 2466, HB 2490, HB 2518, HB 2525, HB 2533, HB 2548, HB 2550, HB 2551, HB 2564, HB 2602, HB 2636, HB 2668 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub for HB 2389**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2172**, as amended by House Committee, be amended on page 1, in line 6, by striking "2012" and inserting "2013"; in line 14, by striking "section 4" and inserting "K.S.A. 2013 Supp. 17-1301c"; in line 21, after "insurance" by inserting "or secretary of state contract fees";

On page 2, in line 19, by striking "2012" and inserting "2013"; in line 35, by striking "cemetery"; in line 37, by striking "2012" and inserting "2013"; in line 39, by striking "merchandise and services products" and inserting "cemetery merchandise and preneed burial products or services";

On page 3, in line 43, by striking "2012" and inserting "2013";

On page 4, in line 12, by striking "2012" and inserting "2013";

On page 5, in line 7, by striking "or" and inserting a comma; also in line 7, after "insurance" by inserting "or secretary of state burial space fees"; in line 23, by striking "2012" and inserting "2013"; in line 24, before " a permanent" by inserting "in"; in line 25, by striking "or"; in line 31, by striking "section 4" and inserting "K.S.A. 2013 Supp. 17-1301c";

On page 6, in line 9, by striking "section 6" and inserting "K.S.A. 17-1312"; in line 15, by striking "2012" and inserting "2013";

On page 8, in line 10, by striking "2012" and inserting "2013";

On page 9, following line 20, by inserting:

"Sec. 8. K.S.A. 2013 Supp. 17-1366 is hereby amended to read as follows: 17-1366. As used in this act: (a) "Abandoned cemetery" means:

(1) Any cemetery owned by a corporation, as defined in K.S.A. 17-1312f, and amendments thereto, in which, for a period of at least one year, there has been a failure to cut grass or weeds or care for graves, grave markers, walls, fences, driveways and buildings; ~~and or~~

(2) any cemetery owned by a corporation, as defined in K.S.A.17-1312f, and amendments thereto, in which for a period of 180 days ~~which~~, proper records have not been maintained and annual or quarterly reports have not been made to the secretary of state, pursuant to the provisions of K.S.A. 17-1312a et seq., and amendments thereto.

(b) "Municipality" means the cemetery district in which all or any portion of an abandoned cemetery is located. If no portion of such cemetery is located within a cemetery district, the term shall mean the city in which all or any portion of an abandoned cemetery is located unless such cemetery is not within the corporate limits of a city, in which case such term shall mean the county in which such cemetery is located.";

Also on page 9, in line 21, by striking "2012" and inserting "2013"; in line 22, by striking the "and" and inserting a comma; also in line 22, after "17-1312a" by inserting "and 17-1366";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "2012" and inserting "2013"; in line 2, by striking "and" and inserting a comma; also in line 2, after "17-1312a" by inserting "and 17-1366"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 352** be passed.

Also **SB 10** be amended on page 1, following line 5, by inserting:

"New Section 1. (a) Record requests under the Kansas open records act that can be provided with less than one hour of staff time or less than 25 pages shall be provided at no charge. For requests that exceed one hour or 25 pages or require records to be mailed or faxed, the following rates shall apply: (1) \$.25 per page; (2) for mailed records, \$.50 for the first five pages, and \$.25 for additional five-page or less increments; and (3) \$.65 per 10-page or fewer faxes and \$.25 for additional five-page or less increments faxes.

(b) Staff time may be charged at the rate of pay for each person whose time is used in order to assist or respond to a specific request. This may include the time spent to access records maintained on computer facilities, to review records to determine whether closure exceptions apply and to redact open from closed information.

Attorney time may be charged at no more than \$60 per hour. Clerical time may be charged at no more than \$18 per hour. Information technology (IT) services may be charged at no more than \$38 per hour.

(c) Any other costs incurred by the public agency in connection with complying with a record request may be assessed to the requester. The public agency shall provide an estimate of the fees which shall be paid prior to such agency gathering the records. However, in order to assure payment, the final cost of providing access to or furnishing copies may be required to be paid before the records are provided. If the final cost is less than the estimate, the requester shall be reimbursed for the difference.

(d) Records may be faxed if the request is for 15 pages or less and fax time and facilities are readily available. If records for air express delivery are requested, the requester shall arrange for pick-up and packaging of the records and all associated costs for such delivery shall be paid by the requester. The records custodian has sole discretion as to whether to honor requests for faxing or express delivery.

(e) This section shall be a part of and supplemental to the Kansas open records act.";

Also on page 1, in line 6, by striking "2012" and inserting "2013"; in line 31, by striking all after "records"; by striking all in lines 32 through 36;

On page 2, by striking all in lines 1 through 15; in line 16, by striking all before the period and inserting "in accordance with section 1, and amendments thereto"; by striking all in line 26; in line 27, by striking all before "remit"; in line 42, by striking "2012" and inserting "2013";

On page 3, by striking all in lines 5 and 6; in line 7, by striking "page" and inserting "as provided in section 1, and amendments thereto";

On page 4, in line 3, by striking "2012" and inserting "2013";

On page 5, in line 20, by striking "2012" and inserting "2013";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "2012" and inserting "2013"; and the bill be passed as amended.

HB 2599 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 348**, **SB 402**, **SB 403** be passed.

Also **SB 312** be amended on page 3, in line 20, by striking "The state" and inserting "A party"; in line 25, by striking "the state" and inserting "a party"; and the bill be passed as amended.

SB 334 be amended on page 1, in line 33, by striking "in the case of a misdemeanor" and inserting ", except as provided in subsection (b)(1)(B)";

On page 2, in line 1, by striking "in the case of a misdemeanor" and inserting ", except as provided in subsection (b)(2)(B)"; in line 8, by striking "in the case of a misdemeanor" and inserting ", except as provided in subsection (b)(4)(B)";

On page 3, in line 14, by striking "or"; in line 16, after "duty;" by inserting:

"or

(E) court services officer, while such court services officer is engaged in the performance of such court services officer's duty;"

Also on page 3, in line 28, by striking "or"; following line 30, by inserting:

"(E) court services officer, while such court services officer is engaged in the performance of such court services officer's duty; or";

On page 4, in line 13, by striking "or"; following line 15, by inserting:

"(E) court services officer, while such court services officer is engaged in the performance of such court services officer's duty;"

Also on page 4, in line 25, by striking "or"; following line 27, by inserting:

"(E) court services officer, while such court services officer is engaged in the performance of such court services officer's duty; or";

On page 6, in line 14, by striking "and"; in line 17, by striking the period and inserting:

"; and

(9) "court services officer" means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court."; and the bill be passed as amended.

SB 359 be amended on page 2, in line 4, by striking "3" and inserting "4"; and the bill be passed as amended.

SB 401 be amended on page 1, in line 9, after "commercial" by inserting "or public"; also in line 9, by striking "knowingly" and inserting "recklessly"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 357** be passed.

REPORT ON ENGROSSED BILLS

SB 285, **SB 299**, **SB 306** reported correctly engrossed on February 20, 2014.

REPORT ON ENROLLED BILLS

SR 1790 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 24, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 25, 2014.

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 25, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

God of light, in this world which often seems very dark, we pray that all people of faith and goodwill would find a way to bring hope and warmth and life where it's needed the most. Whatever the coming days bring, remind us often of the needs of others, and help us to work toward finding peace. Help us to share the light of our hearts so that all your people may feel and see your presence. In your holy name we pray. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Masterson rose on a Point of Personal Privilege to recognize members of the Superintendent's Student Advisory Team from Andover Public Schools.

Introduced were Jamie Bohannon, Noah Bohannon, Colin Williams, Greg Rasmussen, Keturah Austin, Kevin Travia, Ryan Siebuhr and Garrett Swanson.

Senators honored the students with a standing ovation.

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce members of the Delta Sigma Theta Sorority, in recognition of their 100th Centennial celebration. Introduced were Trudy Baker, Sandra Kay Lyons, Sue Wilson, Monique King and Debra Riley.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 419, AN ACT concerning gold and silver bullion coins; recognizing such coins as legal tender; providing income tax deduction and sales tax exemption; amending K.S.A. 2013 Supp. 79-32,117 and 79-3606 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 420, AN ACT concerning the state capitol building; establishing the capitol meditation room; amending K.S.A. 2013 Supp. 75-3765a and repealing the existing section, by Committee on Ways and Means.

SB 421, AN ACT concerning the department of corrections; relating to program

credits earned by an inmate; amending K.S.A. 2013 Supp. 21-6821 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **Sub HB 2246; HB 2440.**

Ethics and Elections: **HB 2518.**

Financial Institutions and Insurance: **HB 2525, HB 2668.**

Judiciary: **SB 417, SB 418; HB 2398, HB 2444, HB 2447, HB 2448, HB 2466, HB 2490.**

Natural Resources: **HB 2548, HB 2550, HB 2551.**

Senate Select Committee on KPERS: **HB 2533, HB 2564, HB 2602.**

Transportation: **Sub HB 2452.**

Utilities: **HB 2636.**

CHANGE OF REFERENCE

The President withdrew **SB 400** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 362, SB 361** from the Committee on **Public Health and Welfare**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 374** from the Committee on **Utilities**, and referred the bill to the Committee on **Ways and Means**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Smith, Arpke, Love, Petersen and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1784—

A RESOLUTION commemorating the 230th Anniversary
of the Ratification of the Treaty of Paris and recognizing the Wyandot Chapter
of the Kansas Daughters of the American Revolution for preserving American history.

WHEREAS, On January 14, 1784, the United States ratified the treaty with England, known as the Treaty of Paris, ending the Revolutionary War. Negotiations for peace with England began in 1782, and the Treaty of Paris was signed on September 3, 1782. Benjamin Franklin, John Jay, Henry Laurens and John Adams were members of the American negotiation team, known as the American Peace Commissioners; and

WHEREAS, The Wyandot Chapter of the Kansas Daughters of the American Revolution was founded on October 29, 1953, and currently has over 50 members. The Wyandot Chapter was named in honor of the Wyandot Indians who settled in Kansas City, Kansas. The chapter celebrated its 60th Diamond Jubilee on October 5, 2013; and

WHEREAS, The Kansas Daughters of the American Revolution began to preserve Kansas history in 1902 by placing markers along the part of the Santa Fe Trail that runs through Kansas. Today, the Kansas Daughters of the American Revolution preserve Kansas and American history by presenting programs on historical figures, including Lewis and Clark and their expedition in Kansas, Benjamin Franklin and Tecumseh, a Native American leader of the Shawnee Nation; and

WHEREAS, The National Society of Daughters of the American Revolution works hard to sustain the heritage of the United States. As a volunteer women's service organization dedicated to promoting patriotism, they strive to preserve American history and secure America's future through better education for children; and

WHEREAS, Members of the National Society of Daughters of the American Revolution honor their commitment to the United States by reading the American's Creed at each meeting: "I believe in the United States of America as a government of the people, by the people, for the people, whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to love it; to support its constitution; to obey its laws; to respect its flag; and defend it against all enemies;" and

WHEREAS, Commemorating the anniversary of the ratification of the Treaty of Paris is important to promote patriotism in Kansas, preserve American history and educate Kansas children about the Revolutionary War: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the 230th Anniversary of the ratification of the Treaty of Paris and recognize the Kansas Daughters of the American Revolution for preserving American history; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Carolyn Clyde Dolan, Regent; Terry Allen, Vice-Regent; Patricia Gates, Recording Secretary; Barb Belt, Corresponding Secretary; and Barbara Sass, Registrar.

On emergency motion of Senator Smith **SR 1784** was adopted by voice vote.

Guests introduced were Jan English, Patricia Gates, Barbara Sass and Carolyn Clyde Dolan.

Senators honored the guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

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

"Senate Substitute for HOUSE BILL No. 2023

By Committee on Commerce

"AN ACT concerning workers compensation; enacting the public service benefits protection act; amending K.S.A. 2013 Supp. 44-501 and repealing the existing section.";

And the substitute bill be passed.

Committee on **Education** recommends **S Sub HB 2197** be amended on page 1, by striking all in lines 7 through 21;

On page 2, in line 18, by striking "board of"; by striking all in line 19; in line 20, by striking "with each league";

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

Committee on **Ethics and Elections** recommends **SB 343** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 343," as follows:

"Substitute for SENATE BILL No. 343

By Committee on Ethics and Elections

"AN ACT concerning governmental ethics; relating to use of public funds for lobbying.";

And the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **SB 346** be amended on page 1, in line 9, by striking "60,000" and inserting "30,000"; also in line 9, by striking "license" and inserting "calendar"; and the bill be passed as amended.

Also, **SB 381** be amended on page 1, in line 11, by striking all after "(b)"; by striking all in lines 12 through 19; in line 20, by striking all before the period and inserting:

"When a regional emergency response team contracting with the state fire marshal pursuant to subsection (a) is activated to respond to a hazardous materials or search and rescue incident caused by a negligent or willful act or omission, the party responsible for the incident shall be liable to the state fire marshal for the reasonable and necessary costs of the response. In the case of an incident caused by a natural disaster, a party shall not be liable for the costs of the response unless that party's acts or omissions contributed to or aggravated the incident";

By redesignating subsections accordingly;

Also on page 1, in line 22, by striking "subsections" and inserting "subsection"; also in line 22, by striking "and (c)"; in line 23, after "act" by inserting "after notice and an opportunity for a hearing"; in line 29, by striking all after "act"; in line 30, by striking "attorney fees"; in line 34, before "division" by inserting "emergency response"; following line 35, by inserting:

"(e) For purposes of this section, the term "hazardous materials" means any material defined as a hazardous substance under 29 C.F.R. § 1910.120(a)(3), as in effect on the effective date of this act or any later version adopted by the state fire marshal in rules and regulations."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 365** be passed.

Also, **SB 310** be amended on page 3, following line 30, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 22-3011 is hereby amended to read as follows: 22-3011. (a) An indictment may be found only on the concurrence of 12 or more grand jurors. When an indictment is found, the presiding juror shall endorse thereon "a true bill" and shall sign the presiding juror's name as presiding juror.

(b) When 12 or more grand jurors do not concur in finding an indictment, the presiding juror shall certify that the indictment is "not a true bill."

(c) Indictments found by the grand jury shall be presented by its presiding juror, in the jury's presence, to the court and shall be filed and remain as records of the court.

(d) A grand jury impaneled pursuant to subsection (c) of K.S.A. 22-3001, and amendments thereto, may request that the attorney general prosecute the case arising from an indictment found by such grand jury if, in the opinion of the grand jury, the prosecuting attorney would not diligently prosecute such case. The attorney general shall prosecute such case unless the attorney general finds that there is not probable cause to believe that a crime has been committed or that the defendant has committed such crime.";

Also on page 3, in line 41, after "substance" by inserting ", *exception*"; also in line 41, before "An" by inserting:

"(1)";

Also on page 3, in line 42, by striking "that" and inserting "as provided further.

(2) ";

On page 4, in line 1, by striking "amendment of an"; in line 2, by striking "indictment" and inserting "substance of an indictment to be amended"; in line 4, after "attorney." by inserting "The provisions of this paragraph shall apply only to an indictment found by a grand jury impaneled pursuant to subsection (a) or (b) of K.S.A. 22-3001, and amendments thereto, and shall not apply to an indictment found by a grand jury impaneled pursuant to subsection (c) of K.S.A. 22-3001, and amendments thereto.";

Also on page 4, in line 7, after "22-3001" by inserting ", 22-3011";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "22-3001" by inserting ", 22-3011"; and the bill be passed as amended.

SB 364 be amended on page 1, in line 8, by striking "On and after July 1, 2015," and inserting "For the fiscal year ending June 30, 2016, and for each fiscal year thereafter,"; in line 9, by striking "shall" and inserting "may elect to"; in line 12, by striking "shall" and inserting "who elects to"; in line 13, by striking "preparation of the"; also in line 13, by striking "to be submitted" and inserting "shall prepare such budget and submit it"; in line 14, after "thereto." by inserting "On or before August 1, 2014, and each August 1 thereafter, the chief judge shall notify the chief justice if such chief judge is electing to be responsible for the district court budget for the ensuing fiscal year."; in line 17, by striking "operation" and inserting "administration in which the chief judge has elected to be responsible for such budget"; in line 20, after "each" by inserting "such"; also in line 20, by striking "operation" and inserting "administration"; in line 21, after "each" by inserting "such"; also in line 21, after "district." by inserting "On or before June 30 of each fiscal year, the chief judge of each judicial district who elects to be responsible for the budget shall submit to the chief justice such district court's budget for the ensuing fiscal year based upon the dollar amount allocated to such district court by the chief justice for such fiscal year."; in line 32, by striking "each" and inserting "such"; also in line 32, after "district" by inserting "who elects to be responsible for the budget";

Also on page 1, following line 34, by inserting:

"(g) Whenever for any fiscal year it appears that the resources of any special revenue fund of the judicial branch are likely to be insufficient to cover the appropriations made against such special revenue funds, the chief justice shall be responsible for determining any allotment system so as to assure that expenditures for any particular fiscal year will not exceed the available resources of any special revenue fund of the judicial branch for that fiscal year. All chief judges who are responsible for the district court budget shall follow any allotment system determined by the chief justice for such fiscal year.";

On page 2, in line 5, by striking "take effect on July 1, 1979,"; in line 6, by striking "and shall"; in line 18, after the stricken material by inserting "In establishing the compensation for each type and class of personnel, the supreme court shall take into consideration: (1) The compensation of personnel in the executive branch of state government who have comparable duties and responsibilities; and (2) the compensation of similar personnel in the court systems of other states having comparable size, population and characteristics."; in line 33, by striking "each" and inserting "a"; in line 35, by striking "operations" and inserting "administration pursuant to section 1, and

amendments thereto";

On page 4, in line 19, after "court" by inserting "pursuant to section 1, and amendments thereto";

On page 5, in line 4, before the period by inserting "and, subject to the provisions of section 1, and amendments thereto, rules of the supreme court"; in line 13, before the period by inserting "pursuant to the personnel plan of the supreme court or subject to the provisions of section 1, and amendments thereto"; in line 22, before "the" by inserting "staffing limits prescribed by the supreme court and appropriations therefor or"; in line 30, before "chief" by inserting "judicial personnel classification system or the"; also in line 30, after "judge" by inserting ", whichever is applicable";

On page 6, in line 12, before "in" by inserting "either"; in line 14, before "approved" by inserting "plan adopted by the supreme court of"; in line 15, after "appointed" by inserting ", whichever is applicable";

On page 7, in line 13, after "commissioners." by inserting "Chief judges who have not elected to be responsible for the district court budget pursuant to section 1, and amendments thereto, shall be subject to the supreme court rules relating to the district court operations payable by the county."; by striking all in lines 29 through 36 and inserting "Except as provided further, the supreme court shall establish a formal pay plan for court reporters serving district judges. Within the limits of legislative appropriations therefor, compensation of court reporters shall be paid by the state in an amount prescribed by the pay plan established by the supreme court. The plan shall detail each reporter's position by classification, pay grade and pay step. Pursuant to section 1, and amendments thereto, compensation of court reporters shall be paid by the state in an amount prescribed by the chief judge of the district court where such reporter serves. No county may supplement the compensation of any court reporter.";

On page 1, in the title, in line 1, by striking "allocating" and inserting "allowing the allocation of"; in line 2, by striking "operation" and inserting "administration"; and the bill be passed as amended.

HB 2065 as further amended by House Committee be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2065," as follows:

"Senate Substitute for HOUSE BILL No. 2065

By Committee on Judiciary

"AN ACT concerning judges; relating to vacancies in the office of judge of the court and the office of district magistrate judge; amending K.S.A. 20-2909, 20-2911, 20-2914 and 25-312a and repealing the existing sections."

And the substitute bill be passed.

HB 2182 as further amended by House Committee be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2182," as follows:

"Senate Substitute for HOUSE BILL No. 2182

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas racketeer influenced and corrupt organization act; amending K.S.A. 2013 Supp. 21-6328 and 21-6329 and repealing the existing sections.";

And the substitute bill be passed.

HB 2446 be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2446," as follows:

"Senate Substitute for HOUSE BILL No. 2446
By Committee on Judiciary

"AN ACT concerning courts; relating to reinstatement fees; judicial branch nonjudicial salary adjustment fund; court trustee operations fund; amending K.S.A. 2012 Supp. 8-241, as amended by section 1 of 2013 House Bill No. 2303 and 20-1a15, as amended by section 2 of 2013 House Bill No. 2303 and K.S.A. 2013 Supp. 20-380 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Transportation** recommends **SB 273** be passed.

Committee on **Utilities** recommends **HB 2488**, as amended by House Committee, be amended on page 4, by striking all in lines 3 through 21; and by renumbering remaining paragraphs accordingly;

On page 5, in line 10, by striking "(14)" and inserting "(13)"; in line 12, by striking "(14)" and inserting "(13)"; in line 38, by striking "and" and inserting a comma; in line 39, after "99d07" by inserting "and 74-99d09";

On page 1, in the title, in line 4, after "sections" by inserting "; also repealing K.S.A. 2013 Supp. 74-99d09"; and the bill be passed as amended.

Also, **HCR 5014** be adopted.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Smith in the chair.

On motion of Senator Smith the following report was adopted:

Recommended: **SB 344**, **SB 351**, **SB 371** be passed.

SB 360, **SB 372** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2070** recommending **S Sub HB 2070** be adopted, and the substitute bill be passed.

SCR 1619 be amended by adoption of the committee amendments, and the resolution be adopted as amended.

SCR 1616 be amended by the adoption of the committee amendments, be further amended by Senator Tyson on page 1, in line 13, by striking "is central" and inserting "can be a contributing factor"; in line 16, by striking "necessary to" and inserting "encourage for"; in line 18, by striking all after the comma; in line 19, by striking "depend on Kansans"; in line 20, after "education" by inserting "is encouraged for economic prosperity for the state and the individual", and **SCR 1616** be adopted as further amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 26, 2014.

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 26, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-nine senators present.
Senator Pettey was excused.
Invocation by Father Don Davidson:

Lord, help us to attend to our own humanity, taking care not to hurt or cause pain to any other human being. As we read and know of the horror of others in many places, may we steadfastly try to do what is right, not in our minds but by your holy presence. May all that falls around us and within us be made new by living with grace and mercy and in pursuit of justice. This we ask in your holy name. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 422, AN ACT concerning local governments; relating to investment of idle funds; amending K.S.A. 2013 Supp. 12-1675 and repealing the existing section, by Committee on Ways and Means.

SB 423, AN ACT concerning real property; authorizing the secretary of administration to sell the Landon state office building and the Eisenhower state office building; authorizing the secretary of administration to exercise the option to purchase and sell the Van Buren project and the Curtis state office building and parking facility, by Committee on Ways and Means.

SB 424, AN ACT concerning hospital liens; relating to notice and amount of claims; requirements; amending K.S.A. 65-407 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 419**.
Federal and State Affairs: **SB 420**.
Judiciary: **SB 421**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 400** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Judiciary**.

The Vice President withdrew **SB 361**, **SB 362** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

The Vice President withdrew **SB 374** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Utilities**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2456**, **HB 2463**, **HB 2478**, **HB 2506**, **HB 2547**, **HB 2549**, **HB 2561**, **HB 2577**, **HB 2582**, **HB 2591**, **HB 2656**, **HB 2687**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2456, **HB 2463**, **HB 2478**, **HB 2506**, **HB 2547**, **HB 2549**, **HB 2561**, **HB 2577**, **HB 2582**, **HB 2591**, **HB 2656**, **HB 2687** were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Melcher introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1791—

A RESOLUTION congratulating Mission Trail Elementary School on receiving the U.S. Department of Education's Blue Ribbon award.

WHEREAS, The U.S. Department of Education's Blue Ribbon program honors exemplary elementary and secondary schools and sets a standard of excellence for all schools striving for the highest level of achievement; and

WHEREAS, The Blue Ribbon program has been honoring schools since 1982, and only 286 schools, including Mission Trail Elementary School, received this prestigious award in 2013; and

WHEREAS, Mission Trail Elementary School is dedicated to providing an "Education Beyond Expectations," which has been the driving force for the increase in student achievement; and

WHEREAS, The leaders of Mission Trail Elementary School, including Principal Debbie Bond, not only articulate a vision of excellence and hold everyone to high standards, but they also stay close to the real action of teaching and learning; and

WHEREAS, The entire school community embodies a sense of collegiality and commitment, and members are supported by mentoring and professional development; and

WHEREAS, Families and educators work together in partnership; and

WHEREAS, Mission Trail Elementary School's commitment is to be a school where every student is expected to excel and every adult is expected to inspire, encourage and facilitate the learning of every child; and

WHEREAS, The U.S. Department of Education recognized Mission Trail Elementary School as an "Exemplary High Performing" school because the school is one of Kansas' highest performing schools, as measured by state assessments and nationally-normed tests; and

WHEREAS, The Blue Ribbon honor is a recognition and affirmation of Mission Trail Elementary School's journey to personalize student learning: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Mission Trail Elementary School on receiving the Blue Ribbon award from the U.S. Department of Education and being one of Kansas' highest performing schools; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Melcher and Debbie Bond, Principal of Mission Trail Elementary School.

On emergency motion of Senator Melcher **SR 1791** was adopted by voice vote.
Debbie Bond, Principal of Mission Trail Elementary School was introduced.
Senators honored Ms. Bond with a standing ovation.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Governor to the Senate for confirmation was considered.

Senator Bruce moved the following appointment be confirmed.

Kansas Employment Security Board of Review:

Phillip Hayes, Term ends June 30, 2017

On roll call, the vote was: Yeas 33; Nays 5; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Haley, Hensley, Holland, Kelly.

Present and Passing: Hawk.

Absent or Not Voting: Pettey.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 344, AN ACT regulating traffic; concerning special permits; relating to oversized loads; amending K.S.A. 2013 Supp. 8-1911 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The bill passed.

SB 351, AN ACT concerning motor vehicles; relating to vehicle identification numbers; penalties; damages; amending K.S.A. 8-116 and K.S.A. 2013 Supp. 8-116a and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The bill passed.

SB 360, AN ACT concerning taxation; relating to property tax; homestead destroyed or substantially destroyed by natural disaster; certain agreements by board of county commissioners as to payment of taxes; amending K.S.A. 2013 Supp. 79-1613 and 79-1703 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The bill passed, as amended.

SB 371, AN ACT concerning employment security; relating to disposition of certain penalties; confidentiality and disclosure of certain information; amending K.S.A. 2013 Supp. 44-706 and 44-714 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The bill passed.

SB 372, AN ACT concerning employment security; relating to the shared work unemployment compensation program; layoff aversion; amending K.S.A. 2013 Supp. 44-757 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The bill passed, as amended.

SCR 1616, A CONCURRENT RESOLUTION, supporting the Kansas board of regents' strategic plan for postsecondary education excellence, known as Foresight

2020.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The resolution was adopted, as amended.

SCR 1619, A CONCURRENT RESOLUTION supporting information technology education opportunities in Kansas public schools, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

The resolution was adopted, as amended.

S Sub HB 2070, AN ACT concerning courts; relating to time limits for decisions, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Hawk, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Haley, Hensley, Holland, Kelly, McGinn, V. Schmidt.

Absent or Not Voting: Pettey.

The substitute bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **S Sub HB 2070**. As recommended by the Kansas Supreme Court's Blue Ribbon Commission, more timely releases of decisions by the Court of Appeals and the Supreme Court is a laudable goal and should be implemented. In this bill though, that would time the release as being within 180 days after the matter is submitted to a Court. The Chair of that same Blue Ribbon Commission, Hon. Judge Patrick McAnany, testified in OPPOSITION to this bill on behalf of the Commission and on the Kansas Supreme Court stating the Judicial Branch is already undertaking internal efforts to provide more timely release of decisions. I vote "No", Mr. Vice President, that we, the Legislature, might respect the insights of implementation the Judiciary might soon set for themselves and the time constraints that reasonably work for them without here undoing their contemplations by putting this ball-park recommendation in **S Sub HB 2070** in statute. — DAVID HALEY

Senator Hensley requests the record to show that he concurs with the "Explanation of Vote" offered by Senator Haley on **S Sub HB 2070**.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 380** be amended on page 1, in line 6, by striking "18" and inserting "seven"; by striking all in lines 8 through 35, and inserting:

(1) Three members appointed by the governor, including the chairperson of the task force;

(2) one member representing the Kansas department of agriculture appointed by the secretary of agriculture;

(3) one member representing the Kansas state university extension systems and agriculture research programs appointed by the dean of the college of agriculture of Kansas state university; and

(4) one member of the house committee on agriculture and natural resources appointed by the chairperson of the house committee on agriculture and natural resources and one member of the senate committee on agriculture appointed by the chairperson of the senate committee on agriculture. The legislative members shall be from different political parties.;"

On page 2, in line 5, by striking all after "(1)"; by striking all in lines 6 through 8; in line 9, by striking "(2)"; and by renumbering paragraphs accordingly;

Also on page 2, in line 15, after the period by inserting "To facilitate the organization and start-up of such plan and structure, the Kansas department of agriculture shall provide administrative assistance.;" in line 24, by striking "incentives" and inserting "opportunities"; in line 25, by striking "to assist farmers to transition to" and inserting "for"; in line 26, by striking all after "production"; in line 27, by striking "period"; and the bill be passed as amended.

Also, **SB 392** be amended on page 5, in line 35, by striking "or a network of" and inserting "and all"; also in line 35, by striking "a" and inserting "that"; in line 36, by striking "provides" and inserting "provide";

On page 13, in line 6, before the semicolon by inserting "\$600"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **HB 2378** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2378," as follows:

"Senate Substitute for HOUSE BILL No. 2378

By Committee on Assessment and Taxation

"AN ACT concerning sales taxation; relating to exemptions; certain machinery and equipment used in surface mining activities; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section.;"

And the substitute bill be passed.

Also, recommends **SB 295** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2013 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 thereto.

(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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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 all taxable years beginning after December 31, 2012, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S

corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For all taxable years beginning after December 31, 2012, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxi) For all taxable years beginning after December 31, 2012, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For all taxable years beginning after December 31, 2012, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For all taxable years beginning after December 31, 2012, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority,

commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2013 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. For all taxable years beginning after December 31, 2012, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(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. 2013 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) 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.

(xvii) 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.

(xviii) 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.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For all taxable years beginning after December 31, 2012, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For the taxable year beginning after December 31, 2012, amounts received by a retired employee of the city of Overland Park, Kansas, police department under the Overland Park, Kansas police department pension plan established by the city of Overland Park, pursuant to the city's home rule authority.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.";

And by renumbering sections accordingly;

On page 3, in line 6, after "Supp." by inserting "79-32,117 and"; also in line 6, by striking "is" and inserting "are";

On page 1, in the title, in line 2, after the semicolon by inserting "modification to Kansas adjusted gross income, amounts received by certain retirants;"; also in line 2, after "Supp." by inserting "79-32,117 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

SB 379 be amended on page 1, in line 21, by striking "measured in cubic feet"; in line 25, by striking "measured in pounds"; and the bill be passed as amended.

SB 411 be amended on page 2, in line 13, after "(1)" by inserting "Whenever"; also in line 13, after "district" by inserting "proposes an extension district budget in any year which such budget is an increase from the previous year's budget, such governing body"; and the bill be passed as amended.

HB 2057 be amended on page 1, in line 6, by striking "2012" and inserting "2013"; in line 8, after "commissioners" by inserting "or governing body of any unified government"; in line 10, by striking "and until a successor is appointed" and inserting "expiring on June 30 of the fourth year thereafter"; in line 16, after "commissioners" by inserting "or governing body of any unified government"; in line 17, by striking all following "term"; in line 18, by striking "is appointed";

On page 2, in line 5, after "commissioners" by inserting "or governing body of any

unified government"; in line 13, by striking "2012" and inserting "2013";

On page 1, in the title, in line 2, by striking "2012" and inserting "2013"; and the bill be passed as amended.

Committee on **Education** recommends **SB 335** be amended on page 1, by striking all in lines 7 through 36;

On page 2, by striking all in lines 1 through 12; following line 12, by inserting:

"New Section 1. (a) On or before January 1, 2015, the board of education of each school district shall adopt policies and procedures to establish and implement a drug screening program for employees of the school district. Such policies and procedures shall be adopted in accordance with the provisions of this section. A drug screening program established pursuant to this section shall be based upon a reasonable suspicion of illegal drug use by any employee of the school district.

(b) Any employee who tests positive for the use of drugs under an initial test administered as a part of a drug screening program may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any such employee who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Any disciplinary action taken by a school district against any employee as a result of a positive test for the use of drugs shall be taken only after the employee has tested positive under two consecutive drug screenings of the employee's specimen, except that disciplinary action may be taken by a school district against such employee after only one positive test if the employee does not request a second drug screening of the employee's specimen.

(c) Nothing herein shall be construed as prohibiting demotions, suspensions, terminations or any other disciplinary action taken in accordance with the professional negotiations act, K.S.A. 72-5413 et seq., and amendments thereto.

New Sec. 2. (a) The state board of education shall establish and implement an impaired teacher program. The purpose of the impaired teacher program is to provide support and assistance to impaired teachers who are unable to adequately engage in performance of the teaching profession due to a dependency on alcohol or drugs, or both.

(b) The superintendent of any school district, or any school district official designated by the superintendent, may refer any impaired teacher to the impaired teacher program established pursuant to subsection (a), and shall make such referral for any impaired teacher who is subject to disciplinary action as a result of failing one or more tests administered pursuant to a drug screening program established under section 1, and amendments thereto. Such referral shall be in writing and shall be submitted to the state board in such form and manner as prescribed by the state board. All referrals made pursuant to this section and any information related to a person's participation in any evaluations or education or treatment programs shall be confidential and shall not be disclosed publicly.

(c) The impaired teacher program shall:

(1) Assist those persons referred to the program in undergoing alcohol and drug evaluations and any education or treatment programs recommended as a result of such evaluations;

(2) provide support to persons who have successfully completed an alcohol or drug education or treatment program in returning to the teaching profession; and

(3) provide guidance on the establishment of programs similar to the impaired

teacher program by any board of education of a school district.

(d) The state board shall adopt rules and regulations necessary to carry out the provisions of this section. Such rules and regulations shall provide for the review and approval of any programs similar to the impaired teacher program established by a board of education of a school district. Such rules and regulations may provide for the suspension or revocation of a person's certificate or license by the state board if such person is referred to the impaired teacher program and refuses to participate in the impaired teacher program. Prior to the suspension or revocation of any license by the state board, the person shall be given notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(e) Pursuant to K.S.A. 45-229, and amendments thereto, the exception to the Kansas open records act contained in subsection (b) shall expire on June 30, 2019, unless the legislature reviews and reenacts these provisions prior to June 30, 2019.

(f) As used in this section:

(1) "Impaired teacher" means any employee of a school district who holds a valid Kansas certificate or license issued by the state board of education and who is either:

(A) Found to be engaged in the use of illegal drugs as verified through testing administered in accordance with a drug screening program established under section 1, and amendments thereto; or

(B) reasonably suspected of engaging in such person's duties as a teacher while under the influence of alcohol or drugs, or both.

(2) "State board" means the state board of education.";

Also on page 2, in line 17, after "agency" by inserting ", unless such person has previously submitted a complete set of legible fingerprints taken by a qualified law enforcement agency to the state department of education"; in line 18, by striking "regulation" and inserting "section, or which were previously submitted by the applicant";

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

Also, **SB 367** be amended on page 1, in line 20, by striking the comma and inserting "or"; also in line 20, by striking "or a"; in line 21, by striking all before the period; in line 22, by striking all after "(f)"; by striking all in lines 23 and 24; in line 25, by striking "(g)";

And by relettering subsections accordingly;

On page 2, in line 37, after "private" by inserting "audit and evaluation or"; in line 38, after "or" by inserting "audit and evaluation or";

On page 3, in line 7 by striking "and"; following line 7, by inserting:

"(2) any information required to be disclosed pursuant to K.S.A. 65-101, 65-118 and 65-202, and amendments thereto, provided such information is disclosed in accordance with any provisions of such statutes regarding the confidentiality and disclosure of such information; and";

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

Committee on **Federal and State Affairs** recommends **SB 264** be amended on page 1, in line 14, after "any" by inserting "student attendance center"; in line 24, after "to" by inserting "buildings not being used as student attendance centers or";

On page 2, in line 7, after "field" by inserting "or buildings not being used as student attendance centers"; and the bill be passed as amended.

Also, **SB 320** be amended on page 4, following line 4, by inserting:

"(e) The emergency medical services board shall prepare an annual report on or before January 15 of each year on the number, amount and reasons for the fines imposed by the board and the number of and reasons for subpoenas issued by the board during the previous calendar year. The report shall be provided to the senate committee on federal and state affairs and the house committee on federal and state affairs.";

And the bill be passed as amended.

Committee on **Transportation** recommends **SB 301** be passed.

Also, **SB 385** be amended on page 3, in line 14, after "settlement." by inserting "The form shall also include the last-known address of the owner of the vehicle, as well as any lienholder of record and the insurance company shall attest that it has given notice to lienholders of record and the last-known owner of the vehicle that it will apply for and obtain a salvage title in its own name which will be deemed to transfer legal ownership of the vehicle to the insurance company for failure to transfer title to the insurance company under the damage settlement with the owner. Upon receipt of the form, the division shall give written notice to any lienholder of record and the owner that it will issue the insurance company a certificate of title conveying ownership unless within 30 days of such notice the owner or lienholder, as the case may be, files an objection with the director of vehicles. Upon receipt of a timely objection, the director shall cause the matter to be heard in accordance with the provisions of the administrative procedure act for purposes of determining whether or not there is a damage settlement agreement under which the title should be issued to the insurance company. In the event there is such an agreement, then the request of the insurance company for a transfer of the title from the owner to the insurance company may be ordered and the title issued to the insurance company. Any lienholder whose lien has not been paid or released shall retain its security interest in the vehicle."; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2101** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2101," as follows:

"Senate Substitute for HOUSE BILL No. 2101

By Committee on Utilities

"AN ACT concerning utilities; relating to renewable energy resources; amending K.S.A. 2013 Supp. 66-1,184, 66-1264, 66-1265, 66-1266, 66-1267 and 66-1271 and repealing the existing sections.";

And the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

Recommended: **SB 348**, **SB 357** be passed.

Senator Olson offered an amendment on **SB 357**; a ruling of the chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was not germane.

SB 10, **SB 309**, **SB 311**, **SB 359** be amended by the adoption of the committee

amendments, and the bills be passed as amended.

A motion by Senator Hensley to amend **SB 10** failed and the following amendment was rejected: on page 6, in line 10, after "representatives" by inserting ", except that party caucuses of the Kansas senate and house of representatives shall be subject to the provisions of the open meetings law".

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 0; Absent or Not Voting 2.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Fitzgerald, Pettey.

A motion by Senator Hensley to amend **SB 10** was withdrawn.

A motion by Senator Holland to amend **SB 311** failed and the following amendment was rejected; on page 1, in line 16, by striking "\$300,000" and inserting "\$350,000"; in line 18, by striking "\$325,000" and inserting "\$450,000"; in line 20, by striking "\$350,000" and inserting "\$500,000"; in line 23, by striking "not"; in line 30, by striking "\$300,000" and inserting "\$350,000"; in line 32, by striking "\$325,000" and inserting "\$450,000"; in line 34, by striking "\$350,000" and inserting "\$500,000";

On page 2, by striking all in lines 8 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 14; in line 15, by striking "60-456, 60-457, 60-458,"; also in line 15, by striking ", 60-"; by striking all in lines 16 and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after "cap,"; in line 3, by striking "benefits,"; also in line 3, by striking "60-456, 60-457, 60-458,"; also in line 3, by striking ", 60-3801"; in line 4, by striking "and 60-3802"; also in line 4, by striking all after "existing"; in line 5, by striking all before the period and inserting "section".

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

On roll call, the vote was: Yeas 6; Nays 32; Present and Passing 1; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Kelly.

Absent or Not Voting: Pettey.

SB 352 be amended by motion of Senator V. Schmidt: on page 1, in line 35, after "law" by inserting "or later versions as established in rules and regulations adopted by the board"; also in line 35, by striking all after the period; by striking all in line 36; on page 2, by striking all in lines 1 through 4 and **SB 352** be passed as amended.

SB 274 be amended by adoption of the committee amendments, be further amended by motion of Senator O'Donnell: on page 1, in line 17, by striking "statute book" and

inserting "Kansas register" and **SB 274** be passed as further amended.

Senator Haley made a motion that **SB 274** be rereferred to the Committee on **Ethics and Elections**. The motion failed.

A motion by Senator Hensley to amend **SB 274** failed and the following amendment was rejected: on page 1, in line 12, by striking all after "to"; in line 13, by striking all before the period and inserting "July 1, 2000, shall not accept or solicit any contribution as defined by K.S.A. 25-4143, and amendments thereto, from any registered lobbyist, political committee or person, other than an individual after January 1 of each year and prior to adjournment sine die of the regular session of the legislature".

A motion by Senator Francisco to amend **SB 274** failed and the following amendment was rejected: on page 1, following line 14, by inserting:

"New Sec. 2. (a) Except as provided in subsection (b), the secretary of state, the attorney general, the insurance commissioner, the lieutenant governor or the governor shall not establish any political committee, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for the legislature or statewide office or make contributions or expenditures for the nomination, election or defeat of a clearly identified candidate for the legislature or a statewide office.

(b) The provisions of this section shall not apply to the secretary of state, the attorney general, the insurance commissioner, the lieutenant governor or the governor, when such officers establish a political committee for their own elections to such offices.

(c) Any political committee currently in existence, which is in violation of subsection (a), is hereby abolished.

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

And by renumbering remaining sections accordingly.

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

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

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, V. Schmidt.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

A motion by Senator Hensley to amend **SB 274** failed and the following amendment was rejected on: page 1, following line 14, by inserting:

"New Sec. 2. No political committee shall receive loans. No contribution to a political committee shall require that any amount of the contribution be repaid to the contributor. The provisions of this section shall be part of and supplemental to the campaign finance act.";

And by renumbering remaining sections.

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

On roll call, the vote was: Yeas 7; Nays 32; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Pettey.

A motion by Senator Holland to amend **SB 274** failed and the following amendment was rejected: on page 1, in line 8, after "legislature" by inserting "or the secretary of state"; in line 10, after "legislature" by inserting "or the secretary of state"; in line 11, after "legislature" by inserting "or the secretary of state".

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

On roll call, the vote was: Yeas 13; Nays 26; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle.

Absent or Not Voting: Pettey.

A motion by Senator Hensley to amend **SB 274** failed and the following amendment was rejected: on page 1, following line 14, by inserting:

"New Sec. 2. (a) Any person who spends or contracts to spend an amount of \$500 or more per calendar year for any electioneering communication shall submit a campaign finance report prescribed and provided by the governmental ethics commission for each electioneering communication, which shall include:

(1) The name of the clearly identified candidate mentioned in the electioneering communication.

(2) The name, street address, city, state and zip code of each individual or other entity that contributes more than \$50 per year to such person for an electioneering communication. In addition, the report shall list the occupation of any individual who contributed \$150 or more.

(3) The name, street address, city, state and zip code of the vendor to whom a payment of more than \$50 for such electioneering communication is made or contracted to be made.

(4) The amount spent on or contracted to be spent on such electioneering communication. If the person making the electioneering communication is an individual, such reports shall also include the occupation of such individual. Reports required by this section shall be in addition to any other reports required by law.

(b) (1) (A) For an electioneering communication concerning a candidate for state office, the report required by subsection (a) shall be filed only with the secretary of state.

(B) For an electioneering communication concerning a candidate for local office, the report required by subsection (a) shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot.

(2) Except as required by paragraph (3), each report required by subsection (a) shall be filed in time to be received in the offices required in accordance with the times set forth in K.S.A. 25-4148, and amendments thereto.

(3) For any electioneering communication occurring during the 11 days preceding the election, the report required by subsection (a) shall be filed on or before the close of the second business day following the day in which such funds are spent or contracted to be spent for such electioneering communication.

(c) For the purposes of this section:

(1) "Electioneering communication" means any communication that reaches 500 or more persons broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, advertised by paying another entity to place a general advertisement, banner advertisement, streaming video or pop-up advertisement on their webpage or otherwise distributed that:

(A) Unambiguously refers to any clearly identified candidate;

(B) is broadcast, printed, mailed, delivered or distributed within 30 days before a primary election or 60 days before a general election;

(C) is broadcast to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(2) "Electioneering communication" does not include:

(A) Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(B) any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(C) any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(D) any communication that refers to any candidate only as part of the popular name of a bill or statute;

(E) any communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring such debate or forum;

(F) any communication made as part of a nonpartisan activity designed to encourage individuals to vote or register to vote; or

(G) any internet communication that does not involve paying another entity for advertising, such as advertising on one's own website, email communication, or writing on a blog.

(d) If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after the semicolon by inserting "regarding reporting of electioneering communications;"

A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair ruled the amendment was germane.

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 0; Absent or Not Voting 2.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, V. Schmidt.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: McGinn, Pettey.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, February 27, 2014.

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 27, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

As our Olympic Athletes are welcomed home across the nation, let us consider what it took for them to achieve the status of “Olympian”, not alone earn a victory medal. Woven within the big picture are the ordinary human stories of people who gave of themselves for those to represent all of us; the families, the sacrifices and the whole communities. They are the ordinary human stories that weave their way inside every big picture and they are the stories that should influence how the big picture looks. Lord, please help our athletes know of the support of the proud people of our nation, and the hope for the future; pour out your blessing upon those who made their efforts possible. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 425, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems related thereto; interest credits on annuity savings and retirement annuity accounts; payment of annuity upon retirement; affiliation and membership of the department of corrections in the Kansas police and firemen's retirement system, security officers, employee and employer contributions; amending K.S.A. 2013 Supp. 74-49,306, 74-49,308 and 74-49,313 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2582**.

Assessment and Taxation: **HB 2456**.

Financial Institutions and Insurance: **SB 422**, **SB 424**; **HB 2687**.

Judiciary: **HB 2463**, **HB 2478**, **HB 2577**.

Local Government: **HB 2591**.

Natural Resources: **HB 2547**, **HB 2549**.

Public Health and Welfare: **HB 2561**.
Ways and Means: **SB 423; HB 2506, HB 2656**.

CHANGE OF REFERENCE

The President withdrew **SB 262** from the Committee on **Commerce**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 341, SB 369, SB 378** from the Committee on **Education**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 385** from the Calendar under the heading of General Orders, and referred to the Committee on **Ways and Means**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2456, HB 2463, HB 2478, HB 2506, HB 2547, HB 2549, HB 2561, HB 2582, HB 2591, HB 2577, HB 2656, HB 2687**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2456, HB 2463, HB 2478, HB 2506, HB 2547, HB 2549, HB 2561, HB 2577, HB 2582, HB 2591, HB 2656, HB 2687 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 10, AN ACT concerning openness in government; amending K.S.A. 2013 Supp. 45-219, 46-1207a and 75-4318 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Wagle.

Nays: Arpke, Kelly, McGinn, Pettey, V. Schmidt, Tyson, Wolf.

The bill passed, as amended.

SB 274, AN ACT concerning campaign finance; amending K.S.A. 25-4153b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 6; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Haley, Hawk, Hensley, Kelly, Pettey.

Present and Passing: Francisco, Holland, McGinn.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: This bill was confusing from the beginning. Assigned to the Ethics and Elections Committee, misinformation and printed inaccuracies were disseminated by what should be natural, accurate and credible sources and conferees; resulting in

misleading and confusing many committee members on Ethics and Elections, including myself. Few knew exactly, or certainly ALL of, whom were targeted by **SB 274** based, in part, on printed charts which were only, (as we ALL know NOW) an “example” for part of what the bill purported to do. Sound confusing? It is...and was. Whatever the bill's nefarious intent, this bill should have been returned by the Committee of the Whole to the Ethics and Elections Committee to be worked for accuracy and clarity. Procedurally, it was sloppily presented, confusingly “worked” and unprofessionally presented. The Senate should return to our pride in producing well reviewed, unquestionable product. I cannot support less and nor should any of us. Madam President, I vote “No” on **SB 274**. – DAVID HALEY

Madam President: The Senate Democrats stand ready and willing to act on real campaign finance reform, and I already have a record of supporting such reform. But **SB 274** is not reform. It is punishment and it is nothing less than silencing the opposition. Proponents of the bill argue that it creates a “level playing field.” Yet, they receive limitless support from political action committees such as Secretary of State Kris Kobach’s Prairie Fire PAC, the Kansas Chamber PAC, Americans for Prosperity, Gov. Brownback’s Roadmap PAC, Kansas Club for Growth, and Kansans for a True Republican Majority. I find it amazing that they are worried about making things fair when they’re supported by dozens of PAC's who receive thousands of dollars in contributions and can be used to advocate for candidates. If they’re seeking a target for reform, it’s time that they look in the mirror. I vote "No" on **SB 274**. – ANTHONY HENSLEY

Senators Faust-Goudeau, Hawk, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 274**.

Madam President: I vote “Aye” on **SB 274**. Our form of representative government is supposed to be power arising from the bottom up, whereas a leadership PAC is counter to that principle. Leadership PAC's are used by leadership members to reward or punish other members of their caucus in primary elections, which results in power coming down from the top. Such PAC's serve only to prolong the power of leadership regimes in both parties. **SB 274** eliminates leadership PAC's that the Legislature intended to be abolished 14 years ago. This bill is long overdue. – MITCH HOLMES

Senator Abrams, Knox and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Holmes on **SB 274**.

SB 309, AN ACT concerning insurance for qualified professional associations; amending K.S.A. 40-2222a and 40-2222b and K.S.A. 2013 Supp. 40-2222 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Kelly.

The bill passed, as amended.

SB 311, AN ACT concerning civil procedure and civil actions; relating to noneconomic damages cap; expert or other testimony; collateral source benefits; amending K.S.A. 60-456, 60-457, 60-458, 60-19a02, 60-3801 and 60-3802 and repealing the existing sections; also repealing K.S.A. 60-3803, 60-3804, 60-3805, 60-3806 and 60-3807, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote "No" on **SB 311**. It is a misguided measure that changes a longstanding simple and fair premise: Those who cause harm to others must pay for the resulting damages. With this bill, victims get the short end of the stick. The cap only increases to \$100,000 over the next eight years. This does not keep pace with inflation. This cap increase isn't just miserly, it's pitiful. It needs to be at least \$500,000. Furthermore, eliminating the collateral source rule and the Frye standard are financial wins for wrongdoers and their insurance companies. Juries will be asked to focus on the victim's financial status while the wrongdoer's insurance remains secret. There is no doubt that this bill will force victims – responsible Kansans – to pay for injuries caused by someone else. This is wrong, and simply not a Kansas value. That is why I vote "No". – TOM HOLLAND

Senators Francisco, Haley, Hawk, Hensley and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **SB 311**.

SB 348, AN ACT concerning law enforcement officers; relating to the office of sheriff; qualifications for office; amending K.S.A. 2013 Supp. 19-801b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

SB 352, AN ACT concerning real estate appraisers; relating to licensing; compliance standards; amending K.S.A. 58-4121 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bowers, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Lynn,

McGinn, Melcher, Olson, Ostmeyer, Pettey, Powell, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Abrams, Apple, Arpke, Denning, King, Love, Masterson, O'Donnell, Petersen, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

SB 357, AN ACT concerning wildlife, parks and tourism; relating to hunter education; amending K.S.A. 2013 Supp. 32-920 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

SB 359, AN ACT enacting the successor corporation asbestos-related liability fairness act, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Haley, Hawk, Hensley, Holland.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

SB 273, SB 402, SB 403 be passed.

SB 312; HB 2488 be amended by the adoption of the committee amendments, and the bills be passed as amended.

HCR 5014 be adopted.

SB 310 be amended by adoption of the committee amendments, be further amended by motion of Senator Smith: on page 4, in line 3, by striking "The attorney general shall prosecute such"; by striking all in lines 4 and 5; in line 6, by striking all before the period and inserting "The court shall notify the attorney general of such request and the attorney general may prosecute such case", and **SB 310** be passed as further amended.

Sub SB 343 be amended by the adoption of the committee amendment, recommending a substitute bill, be amended by motion of Senator Longbine: on page 1, by striking all in lines 18 through 20;

And by redesignating subsections accordingly, and **Sub SB 343** be passed as amended.

SB 381, SB 401 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 273, SB 310, SB 312, SB 343, SB 402, SB 403, HB 2488** and **HCR 5014** were advanced to Final Action and roll call.

SB 273, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the rotary international license plate.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The bill passed.

SB 310, AN ACT concerning grand juries; amending K.S.A. 2013 Supp. 22-3001, 22-3011 and 22-3015 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The bill passed, as amended.

SB 312, AN ACT concerning criminal procedure; relating to discharge of persons not brought promptly to trial; decision and disposition of case on appeal; amending K.S.A. 22-3605 and K.S.A. 2013 Supp. 22-3402 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The bill passed, as amended.

Sub SB 343, AN ACT concerning governmental ethics; relating to use of public funds for lobbying.

On roll call, the vote was: Yeas 28; Nays 10; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, McGinn,

Petty, V. Schmidt.

Present and Passing: Francisco, Longbine.

The bill passed, as amended.

SB 402, AN ACT concerning the Kansas criminal justice information system committee; amending K.S.A. 2013 Supp. 74-5701, 74-5702, 74-5703, 74-5704 and 74-5706 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Petty, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

SB 403, AN ACT concerning civil procedure and civil actions; relating to writ of habeas corpus; abuser of writ; amending K.S.A. 2013 Supp. 60-1501 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Petty, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2488, AN ACT concerning the Kansas electric transmission authority; purpose and composition of authority; creation of transmission advisory council; amending K.S.A. 2013 Supp. 74-99d01, 74-99d03, 74-99d04 and 74-99d07 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 74-99d09.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Petty, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HCR 5014, A CONCURRENT RESOLUTION, urging the Department of State and the White House to approve the Presidential Permit application allowing the construction and operation of the TransCanada Keystone XL Pipeline between the United States and Canada in order to strengthen United States energy security, to provide for critical pipeline infrastructure, to achieve North American energy independence and to stimulate the American economy and create jobs.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner,

Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Hawk.

And the concurrent resolution was adopted.

REPORT ON ENGROSSED BILLS

SB 360, SB 372; SCR 1619 reported correctly engrossed February 26, 2014.

SCR 1616 reported correctly engrossed February 27, 2014.

REPORT ON ENROLLED BILLS

SR 1784, SR 1791 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 27, 2014.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5030**.

HCR 5030, relating to adjournment of the legislature for a time during the 2014 Session, was thereupon introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5030** was adopted by voice vote.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:30 a.m. February 28, 2014.

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 28, 2014, 8:30 a.m.

The Senate met proforma with Vice President Jeff King in the chair.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Senate Select Committee on KPERS: **SB 425**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 262** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Commerce**.

The Vice President withdrew **SB 341**, **SB 369**, **SB 378** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Education**.

The Vice President withdrew **SB 385** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Transportation**.

The Vice President withdrew **S Sub HB 2101** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Utilities**.

The Vice President withdrew **SB 301**, **SB 334**, **SB 335**, **SB 380**, **SB 392**, **SB 401**, from the Calendar under the heading of General Orders, and referred the bills to the Committee on **Ways and Means**.

The Vice President withdrew **SB 292**, **SB 405** from the Committee on **Commerce**, and referred the bills to the Committee on **Ways and Means**.

The Vice President withdrew **SB 196** from the Committee on **Education**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 190**, **SB 259** from the Committee on **Judiciary**, and referred the bills to the Committee on **Ways and Means**.

The Vice President withdrew **SB 388** from the Committee on **Local Government**, and referred the bill to the Committee on **Ways and Means**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2417**, **HB 2433**, **HB 2445**, **HB 2480**, **HB 2482**, **HB 2487**, **HB 2489**, **HB 2545**, **HB 2552**, **HB 2568**, **HB 2576**, **HB 2580**, **HB 2595**, **HB 2596**, **HB 2612**, **HB 2651**, **HB 2655**, **HB 2684**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2417, HB 2433, HB 2445, HB 2480, HB 2482, HB 2487, HB 2489, HB 2545, HB 2552, HB 2568, HB 2576, HB 2580, HB 2595, HB 2596, HB 2612, HB 2651, HB 2655, HB 2684 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 298** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 298," as follows:

"Substitute for SENATE BILL No. 298

By Committee on Assessment and Taxation

"AN ACT concerning the recording of certain documents and instruments; relating to certain fees paid thereon to the register of deeds; mortgage registration tax; amending K.S.A. 79-3102 and K.S.A. 2013 Supp. 28-115 and repealing the existing sections; also repealing K.S.A. 79-3101, 79-3102, as amended by section 2 of 2014 Substitute for Senate Bill No. 298, 79-3103, 79-3104, 79-3105, 79-3106, 79-3107, 79-3107a and 79-3107b and K.S.A. 2013 Supp. 79-3107c. ";

And the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2338** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2338," as follows:

"Senate Substitute for HOUSE BILL No. 2338

By Committee on Ways and Means

"AN ACT concerning the judicial branch; relating to docket fees; making and concerning appropriations for the fiscal year ending June 30, 2015, for the judicial branch; creating the electronic filing and management fund; allowing the allocation of a budget for each judicial district court administration; authority and power of the chief judge of each judicial district; relating to district courts and the court of appeals; selection of chief judge; relating to vacancies in the office of judge of the district court and the office of district magistrate judge; longevity bonuses for judicial branch employees; amending K.S.A. 20-162, 20-318, 20-319, 20-329, 20-342, 20-343, 20-345, 20-346a, 20-349, 20-361, 20-2909, 20-2911, 20-2914, 20-3011, 25-312a and 60-729 and K.S.A. 2013 Supp. 20-367, 21-6614, 22-2410, 28-172a, 38-2312, 59-104, 60-256, 60-2001, 61-2704 and 75- 5541 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6614d, 38- 2312c and 60-2001b.";

And the substitute bill be passed.

ENGROSSED BILLS

SB 10, SB 274, SB 309, SB 310, SB 311, SB 312; Sub SB 343; SB 352, SB 359 reported correctly engrossed February 27, 2014.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 24-28, 2014:

Senator Apple: congratulating Samuel Delos Smith on achieving the rank of Eagle Scout;

Senator Faust-Goudeau: remembering John (Jack) Jonas Jr. for his service to the City of Wichita and the State of Kansas; remembering Linda Joslin for her service to the City of Wichita and the State of Kansas;

Senator Haley: remembering Mike Peterson for his service in the House of Representatives and for his contributions to the State of Kansas;

Senator Kelly: congratulating James and Barbara Decker on their 60th Wedding Anniversary; congratulating Howard and Doris Baker on their 65th Wedding Anniversary; and

Senator Ostmeyer: congratulating Kinsey Volk on receiving the Prudential Spirit of Community Award.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 5, 2014.

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 5, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-nine senators present.
Senator Powell was excused.
Invocation by Father Don Davidson:

Dear Lord, help us not to snicker too loudly if we see someone with a smudge on their forehead. The ashes are a symbol for many Christians this day of their mortality, and their total dependence upon your grace and tolerance with us, your imperfect human creations. Bless those, dear Lord, who take time to be introspective on this very special day. In your gracious name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Bruce rose on a Point of Personal Privilege to recognize and welcome members of the China Christian Council to the Kansas Statehouse. The China Christian Council is made up of leaders of church-sponsored senior care organizations and pastors of congregations that oversee senior care organizations. They have been called upon by the Chinese government to provide counsel to advance standards of care and develop the senior care workforce in China. They will be attending the World Mennonite Health Assembly in Kansas City later this week.

Members in attendance were Long Hui, Sun Renfu, Zheng Xiaogui, and Zheng Siyuan. They were accompanied by Ron Yoder, Director of International Relations for the Mennonite Health Services Alliance and his wife Shirley, Kevin Reimer, CEO of Pleasant View Home in Inman and James Kraybel, CEO of Bluestem Communities in Harvey County.

Senators honored the group with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 426, AN ACT concerning highways; requiring placement and maintenance of traffic control devices at the junction of United States highway 281 and United States highway 50 in Stafford, Kansas, by Committee on Federal and State Affairs.

SCR 1620, A CONCURRENT RESOLUTION approving the creation of a port authority in Stafford County, Kansas, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2417**.

Commerce: **HB 2576**.

Federal and State Affairs: **HB 2580, HB 2595**.

Judiciary: **HB 2433, HB 2445, HB 2489, HB 2568, HB 2612, HB 2651, HB 2655, HB 2684**.

Public Health and Welfare: **HB 2552**.

Senate Select Committee on KPERS: **HB 2596**.

Utilities: **HB 2480, HB 2482, HB 2487**.

Ways and Means: **HB 2545**.

CHANGE OF REFERENCE

The President withdrew **SB 380, SB 392** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Agriculture**.

The President withdrew **SB 292, SB 405** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Commerce**.

The President withdrew **SB 388** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

The President withdrew **SB 190, SB 259, SB 334, SB 335** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Judiciary**.

The President withdrew **SB 301** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Transportation**.

The President withdrew **SB 369** from the Committee on **Education**, and rereferred the bill to the Committee on **Ways and Means**.

An objection having been made to **HB 2599** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2424, Sub HB 2430, Sub HB 2442, Sub HB 2451; HB 2509, HB 2510, HB 2515, HB 2537, HB 2538, HB 2555, HB 2566, HB 2588, HB 2597, HB 2609, HB 2611, HB 2613, HB 2616; Sub HB 2633; HB 2648, HB 2669, HB 2673, HB 2693, HB 2715, HB 2724, HB 2727, HB 2728**.

Announcing adoption of **HCR 5029**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2424, Sub HB 2430, Sub HB 2442, Sub HB 2451; HB 2509, HB 2510, HB 2515, HB 2537, HB 2538, HB 2555, HB 2566, HB 2588, HB 2597, HB 2609, HB 2611, HB 2613, HB 2616; Sub HB 2633; HB 2648, HB 2669, HB 2673, HB 2693, HB 2715, HB 2724, HB 2727, HB 2728; HCR 5029 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hawk introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1792—

A RESOLUTION designating March 2014 as Social Work Awareness Month.

WHEREAS, There are over 7,000 licensed baccalaureate, master and clinical social workers practicing in nearly all 105 counties in Kansas; and

WHEREAS, Eight schools of social work are training hundreds of new social workers every year: Bethel University, Fort Hays State University, Newman University, the University of Kansas, Kansas State University, Pittsburg State University, Washburn University and Wichita State University; and

WHEREAS, The primary mission of the social work profession is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable in society; and

WHEREAS, Social workers know that poverty and trauma can create lifelong social and economic disadvantages; and

WHEREAS, Social workers know that discrimination of any kind limits human potential and must be eliminated; and

WHEREAS, Social workers stand up for individuals and support diverse families in every community; and

WHEREAS, Social workers help people in every stage of life function better in their environments, improve their relationships with others and solve personal and family problems; and

WHEREAS, All children have the right to safe environments and quality education; and

WHEREAS, Dignity and caregiving for older adults help define a nation's character; and

WHEREAS, Veterans and their families need community support to ensure successful transitions after service; and

WHEREAS, Access to mental health treatment, substance abuse services and health care saves millions of lives; and

WHEREAS, Social workers are agents of change who put the ideals of citizenship into action every day; and

WHEREAS, Social workers believe in shared prosperity and opportunity for everyone: Now, therefore,

Be it resolved by the Senate of the State of Kansas: In recognition of the numerous contributions made by the social workers of Kansas, the Senate of the State of Kansas designates March 2014 as Social Work Awareness Month and calls upon all citizens to join with the Kansas Chapter of the National Association of Social Workers in celebration and support of the Social Work profession; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Sky Westerlund, Executive Director of the Kansas Chapter of the National Association of Social Workers.

On emergency motion of Senator Hawk **SR 1792** was adopted by voice vote.

Guests present were Sky Westerlund, Executive Director of the Kansas Chapter of the National Association of Social Workers, Cano Agosto, Courtney Fields, Corey Lynn

Gier, Jessica Trombly, Abbie Kendall, Katelyn Melgren, RayeAnn Underwood, Kyle Tomlinson and Carol Mezo.

Senators honored the guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2514** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the Consent Calendar.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 6, 2014.

Journal of the Senate

THIRTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 6, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with thirty-nine senators present.

Senator Powell was excused.

President Wagle introduced guest chaplain Pastor Jim Peters of Our Savior's Lutheran Church, Topeka, who delivered the invocation:

Generous God, your goodness towards us, your people, is without limit, and we cherish your promise to always be with us. Look upon us now and fill us with the gifts of your presence. We ask you to bless the work of our senators today. Give them everything they will need for the work that lies ahead of them. Guide their hands and their hearts and their minds, so that they may accomplish this day. Bless their families, their friends, and all those whom they serve. May we all join together and give you praise for all that you do for us. Hear this prayer, and in your goodness, answer it, for you live and reign forever and ever. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 427, AN ACT creating the Johnson county community college go pro now program; making and concerning appropriations for the fiscal years ending June 30, 2014, June 30, 2015, and June 30, 2016, for the state board of regents, by Committee on Ways and Means.

SB 428, AN ACT concerning municipalities; relating to franchises; amending K.S.A. 12-2010 and K.S.A. 2013 Supp. 12-2001 and repealing the existing sections, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **Sub HB 2430; HB 2616, HB 2648.**

Financial Institutions and Insurance: **HB 2515, HB 2537.**

Judiciary: **Sub HB 2442; HB 2555, HB 2566, HB 2588, HB 2613; Sub HB 2633; HCR 5029.**

Local Government: **HB 2597.**

Natural Resources: **HB 2538**.

Public Health and Welfare: **HB 2509, HB 2510, HB 2609, HB 2611, HB 2673**.

Transportation: **SB 426; SCR 1620; Sub HB 2424, Sub HB 2451; HB 2693, HB 2715, HB 2724, HB 2727, HB 2728**.

Ways and Means: **HB 2669**.

CHANGE OF REFERENCE

The President withdrew **SB 335** from the Committee on **Judiciary**, and rereferred the bill to the Committee on **Education**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2455**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2455 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **HB 2210**, as amended by House Committee, be passed.

Committee on **Federal and State Affairs** recommends **SCR 1618** be amended by substituting a new concurrent resolution to be designated as "Substitute for SENATE CONCURRENT RESOLUTION No. 1618," as follows:

"Substitute for SENATE CONCURRENT RESOLUTION No. 1618"

By Committee on Federal and State Affairs

"A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, authorizing the legislature to permit the conduct of charitable raffles by certain nonprofit organizations.";

And the substitute concurrent resolution be passed.

Committee on **Judiciary** recommends **SB 394** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 394," as follows:

"Substitute for SENATE BILL No. 394

By Committee on Judiciary

"AN ACT concerning children and minors; enacting the Kansas foster parents' bill of rights act; relating to foster care; family foster homes; amending K.S.A. 2013 Supp. 38-2212, 38-2213 and 38-2258 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 316** be amended on page 1, in line 10, after "and" by inserting "medical and surgical"; in line 12, after "foot" by inserting ", subject to subsection (d) of K.S.A. 65-2002, and amendments thereto"; in line 24, by striking "or toes" and inserting ", ankle and tendons that insert into the foot"; in line 25, after "toes" by inserting "or part of the foot"; in line 32, by striking all following "surgery"; by striking all in lines 33 through 36;

On page 2, in line 1, by striking all before the period and inserting "on the ankle unless such person has completed a post-doctoral surgical residency program in foot and ankle surgery and is either board-qualified or board-certified in rearfoot reconstructive/ankle surgery or foot and ankle surgery by a nationally-recognized certifying organization acceptable to the board";

Also on page 2, following line 3, by inserting:

"(e) Not later than 90 days after the effective date of this act, the board shall appoint a five-member committee to be known as the podiatry interdisciplinary advisory committee. Such committee shall advise and make recommendations to the board on matters relating to licensure of podiatrists to perform surgery on the ankle pursuant to subsection (d). The podiatry interdisciplinary advisory committee shall consist of five members:

(1) One member of the board appointed by the board who shall serve as a nonvoting chairperson;

(2) two persons licensed to practice medicine and surgery specializing in orthopedics, chosen by the board from four names submitted by the Kansas medical society; and

(3) two podiatrists, at least one of whom shall have completed an accredited residency in foot and ankle surgery, chosen by the board from four names submitted by the Kansas podiatric medical association.

Members appointed to such committee shall serve at the pleasure of the board without compensation. All expenses of the committee shall be paid by the board. The provisions of this subsection shall expire on July 1, 2018."; and the bill be passed as amended.

Also recommends **SB 362** be amended on page 1, in line 19, by striking "a person" and inserting "an individual"; in line 21, after "any" by inserting "individual who performs the activities and duties identified in 42 U.S.C. § 18031(i) and who is employed by any"; in line 24, after "(i)" by inserting ". "Health care insurance navigator" shall include non-navigator assistants as outlined in 45 C.F.R. § 155.205(d) and certified application counselors outlined in 45 C.F.R. § 155.225";

On page 3, in line 4, after the semicolon by inserting "and"; in line 7, by striking "; and"; by striking all in lines 8 through 30; in line 31, by striking all before the period; in line 36, by striking "(a)(1)" and inserting "(a)(3)(A)";

On page 4, in line 3, after "issuance" by inserting ", except any health care insurance navigator who registers before June 30, 2015, shall have such registration expire on June 30, 2016"; in line 16, by striking "charged with or"; in line 23, by striking "or"; in line 24, by striking "committed" and inserting "been convicted of"; in line 25, after the semicolon by inserting "or"; in line 26, by striking all following "(6)"; by striking all in lines 27 through 29; in line 30, by striking "(7)";

On page 5, in line 33, by striking "January 1" and inserting "June 30";

On page 6, in line 19, after the period by inserting "Local law enforcement officers and agencies may charge a fee to be reimbursed for expenses incurred in taking and processing the fingerprints under this section."; in line 22, by striking all following "used"; by striking all in lines 23 and 24; in line 25, by striking all before the period and inserting "for the administration of this act"; in line 40, by striking all following "general"; in line 41, by striking all before the period;

On page 7, in line 18, after the semicolon by inserting "and"; in line 23, by striking "; and"; by striking all in lines 24 and 25; in line 26, by striking all before the period;

On page 8, in line 31, by striking ", within 20 days after notification,";

On page 1, in the title, in line 1, after "health" by inserting "care"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

HB 2047 be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Holland to amend **HB 2047** failed and the following amendment was rejected: on page 2, following line 29, by inserting:

"New Sec. 2. (a) The provisions of this section shall be known as the preservation of the American dream act.

(b) For any law enacted by the Kansas legislature that reduces tax receipts from any direct revenue source excluding residential real property and results in a reduction of revenue that impacts local units of government, or reduces state revenue sharing with local units of government, the division of budget shall publish in every official county newspaper by bill number the final action roll call votes from both the Kansas senate and the Kansas house of representatives, along with the following explanation:

"By reducing tax receipts providing a direct revenue source or revenue sharing with local units of government, (____ Bill No. ____) will most likely result in increased residential property taxes. Here are the final action votes from the Kansas legislature. This bill was signed into law by the Governor on (date).";

And by renumbering sections accordingly;

On page 1, in the title, in line 1 by striking "property"; in line 2, after "revenues;" by inserting "legislative effect on local units of government, notice;"

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

On roll call, the vote was: Yeas 8; Nays 31; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Powell.

A motion by Senator Hensley to amend **HB 2047** failed and the following amendment was rejected: on page 2, following line 29, by inserting:

"Sec. 2. K.S.A. 2013 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 the Kansas Statutes Annotated, and amendments 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 2013;~~

~~2014, and 2015. The amount of the transfer on each such date shall be \$22,500,000 during fiscal year 2015; and (2) the amount of the transfer on each such date shall be \$27,000,000 during fiscal year 2016 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 2016 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. 3. K.S.A. 79-2961 is hereby amended to read as follows: 79-2961. (a) The county clerk shall certify to the county treasurer when budgets are made pursuant to K.S.A. 79-2960, and amendments thereto, and tax levies are filed with the county clerk. Prior to crediting the proper amounts under subsection (c) and except as provided in subsection (d), the county treasurer shall divide the amount paid by the state treasurer to the county treasurer among the county and all other taxing subdivisions of the county except school districts and any incorporated city within which any portion of the Fort Riley military reservation is located and which would otherwise be a participant in the Riley county allocation, which comply with the requirements of this act, in the proportion that the product of the last preceding total tangible tax rate of each subdivision, times its equalized tangible assessed valuation for the preceding year, is to the sum of such products of all the tangible tax-levying political subdivisions, except school districts and any incorporated city within which any portion of the Fort Riley military reservation is located and which would otherwise be a participant in the Riley county allocation, exclusive of the levy by the county for any deficiency for state purposes.

(b) ~~No political subdivision shall be entitled to participate in the distribution of any money appropriated to carry out K.S.A. 79-2960, and amendments thereto, and this section unless and until such political subdivision has adopted and certified a budget for the ensuing year which shows as a separate item the amount of the distribution to one or more tax levy funds of general application within such subdivision except bond and interest funds and has certified a tax levy for each such fund that will produce a sum of money less than the amount which a maximum levy would produce for each such fund, in an amount equal to or in excess of the amount of such distribution. The budget of each political subdivision also shall show that the aggregate levies made by such tangible property tax-levying political subdivisions will produce a sum less than the amount which the aggregate levy would produce in an amount equal to or in excess of the aggregate amount of the budget items of such distribution shown in the aggregate levy that property tax revenues from the preceding year have been reduced by an amount equal to 80% of the amount received by the political subdivision from the local ad valorem tax reduction fund.~~

(c) In crediting the amount that has been divided pursuant to subsection (a) or

subsection (d), the county treasurer shall proceed as follows: Upon receipt of the payment from the state treasurer each year, credit the appropriate fund or funds of each political subdivision complying with the provisions of this act with its proportionate share of such payment and the county treasurer shall notify such political subdivision of the amounts so credited. This section and K.S.A. 79-2960, and amendments thereto, shall not apply to school districts.

(d) The amount paid by the state treasurer to the county treasurer of each county under subsection (d) of K.S.A. 79-2959, and amendments thereto, shall be divided only among the one or more community colleges or municipal universities, or both, which received amounts under this section from the payment made from the local ad valorem tax reduction fund on January 15, 1983. The amount received by each such community college or municipal university under this subsection shall bear the same proportion to the total amount paid to such county under subsection (d) of K.S.A. 79-2959, and amendments thereto, as the amount received by such community college or municipal university under this section from the payment made to such county from the local ad valorem tax reduction fund on January 15, 1983, bears to the total amount received by all such community colleges and municipal universities under this section from such payment.";

And by renumbering sections accordingly;

Also on page 2, in line 30, before "K.S.A." by inserting "K.S.A. 79-2961 and"; also in line 30, by striking "is" and inserting "and 79-2959 are";

On page 1, in the title, in line 1, by striking "property"; also in line 1, by striking "produced by" and inserting "and distributions;" in line 2, before "amending" by inserting "local ad valorem tax reduction fund; distribution to political subdivisions;"; also in line 2, after "amending" by inserting "K.S.A. 79-2961 and"; in line 3, after "79-2925b" by inserting "and 79-2959"; in line 3, by striking "section" and inserting "sections"

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

On roll call, the vote was: Yeas 14; Nays 23; Present and Passing 0; Absent or Not Voting 3.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, Longbine, McGinn, Petersen, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Kerschen, Knox, LaTurner, Love, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Pyle, Shultz, Smith, Tyson, Wagle.

Absent or Not Voting: Holmes, Masterson, Powell.

A motion by Senator Francisco to amend **HB 2047** failed and the following amendment was rejected: on page 1, in line 8, before "a" by inserting "adoption of a resolution or ordinance or".

S Sub HB 2197 as amended, be adopted, and the substitute bill be passed as amended.

HB 2599 be amended by motion of Senator Ostmeyer: on page 1, in line 32, by striking "deed conveying" and inserting "legal document granting"; in line 34, by striking "deed for the"; also in line 34, by striking "by warranty deed"; in line 35, by striking "or quitclaim deed" and inserting "in such form";

On page 2, in line 3, by striking "convey" and inserting "grant"; in line 4, by striking "deed conveying" and inserting "legal document granting" and **HB 2599** be passed as

amended.

S Sub HB 2338 be adopted, be amended by motion of Senator King on: page 3, following line 17, by inserting:

"(e) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.";

On page 32, following line 29, by inserting:

"(f) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.";

On page 35, following line 40, by inserting:

"Sec. 31. K.S.A. 2013 Supp. 75-5551 is hereby amended to read as follows: 75-5551.

(a) The compensation program (compensation and benefits opportunity and delivery) for state employees will be designed to support the mission of the various branches of government and the agencies and departments within those branches. The foundation of the compensation program is to attract and retain quality employees with competitive compensation based on relevant labor markets. The programs will be based upon principles of fairness and equity and will be administered with sound fiscal discipline.

(b) The compensation philosophy component statements are:

(1) The legislature will be accountable for the adoption of the compensation philosophy and framework. The executive branch through delegated authority from the governor to the department of administration will be accountable for the consistent administration of the program for classified employees. Agency heads will be accountable for proper administration of the program within their agencies. The chief justice, through delegated authority to the office of judicial administration will be accountable for the consistent administration of the program for judicial branch employees subject to section 2, and amendments thereto. The state board of regents, through delegated authority to the chief executive officer of each campus, will be accountable for the consistent administration of the program for higher education faculty and non-classified employees. The respective appointing authorities will have accountability for the consistent administration of compensation for non-classified employees.

(2) The compensation program will be based on consistent principles of fairness throughout the state, yet will be flexible to meet changing needs. This will allow for multiple pay plans to fit different needs and market variables for the different branches of government and within those branches.

(3) Establishing the value of compensation will be primarily based on establishing the appropriate market value of the job. For positions for which a market value cannot be readily identified, the value of compensation for those positions will be based on a fair, defensible and understandable method.

(4) While recognizing that service and tenure yields valued experience, pay delivery mechanisms will be based on a combination of achievement of performance objectives, recognition of differences in job content, acquisition and application of further skill and education and pay for the achievement of team/unit or department goals.

(5) All aspects of compensation (base salary, benefits, lump sum payments, allowances and other variable elements of compensation) will be considered as a total compensation package for state employees. The state's pay programs will utilize both fixed and variable compensation as well as non-cash reward and recognition programs.

(6) Total compensation, as defined above, will be targeted at a competitive level

when compared to the appropriate labor markets to allow the state to attract and retain the quality and quantity of employees needed to fulfill service commitments to its citizens.

(7) The state is committed to ensuring that its salary structures are up to date through the conduct of market surveys at regular intervals. There will be a planned approach to ensure that the classification structure and classification of employees is kept current.

(8) The compensation programs will reinforce a work culture and climate where employees are recognized and rewarded for their contribution. Any changes to compensation must be reasonable and take into consideration the needs of the state as an employer, the work culture afforded to the employees as public service providers and the citizens receiving services from the state.

(9) It is the intent of the legislature that longevity bonus payments shall not be considered as part of base pay.";

On page 36, in line 7, by striking "and" and inserting a comma; also in line 7, after "75-5541" by inserting "and 75-5551";

And by renumbering sections accordingly;

On page 1, in the title, in line 13, by striking the first "and" and inserting a comma; also in line 13, after "75-5541" by inserting "and 75-5551" and **S Sub HB 2338** be passed as amended.

A motion by Senator Haley to amend **S Sub HB 2338** failed and the following amendment was rejected: on page 1, by striking all in lines 28 through 36;

On page 2, by striking all in lines 1 through 39;

On page 3, by striking all in lines 26 through 43;

By striking all on pages 4 and 5;

On page 6, by striking all in lines 1 through 23; also by striking all in lines 36 through 43;

By striking all on pages 7 through 9;

On page 10, by striking all in lines 1 and 2;

By striking all of Sec. 31, amending K.S.A. 2013 Supp. 75-5551, which was amended into the bill on March 6, 2014, on motion of Senator King in fa_2014_hb2338_s_3814; and by striking the references to K.S.A. 2013 Supp. 75-5551 in the title and repealer of the bill;

On page 36, in line 3, by striking "20-162, 20-318, 20-319,"; also in line 3, by striking "20-342, 20-343, 20-"; in line 4, by striking "345, 20-346a, 20-349, 20-361,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after the semicolon; by striking all in line 5, in line 6, by striking "district,"; in line 9, by striking "20-162, 20-318, 20-319,"; in line 10, by striking "20-342, 20-343, 20-345, 20-346a, 20-349, 20-361,".

A motion by Senator Hensley to amend **S Sub HB 2338** failed and the following amendment was rejected; on page 1, by striking all in lines 28 through 36;

On page 2, by striking all in lines 1 through 39;

On page 3, by striking all in lines 26 through 43;

By striking all on pages 4 through 9;

On page 10, by striking all in lines 1 and 2;

On page 11, by striking all in lines 20 through 43;

By striking all on page 12;

On page 13, by striking all in lines 1 through 33;

On page 23, by striking all in lines 39 through 43;

On page 24, by striking all in lines 1 through 10;

On page 34, by striking all in lines 36 through 43;

On page 35, by striking all in lines 1 through 40;

By striking all of Sec. 31, amending K.S.A. 2013 Supp. 75-5551, which was amended into the bill on March 6, 2014, on motion of Senator King in fa_2014_hb2338_s_3814; and by striking the references to K.S.A. 2013 Supp. 75-5551 in the title and repealer of the bill;

On page 36, in line 3, by striking all after "K.S.A."; by striking all in line 4; in line 5, by striking "312a and"; in line 6, by striking the final comma and inserting "and"; in line 7, by striking "and 75-5541";

And renumbering remaining sections accordingly;

On page 1, in the title, in line 4, by striking all after the semicolon; by striking all in lines 5 through 8; in line 9, by striking all before "amending"; also in line 9, by striking all after "K.S.A."; by striking all in line 10; in line 11, by striking all before "60-729"; in line 13, by striking the comma and inserting "and"; also in line 13, by striking "and 75-5541".

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

On roll call, the vote was: Yeas 10; Nays 27; Present and Passing 2; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Love, Olson.

Absent or Not Voting: Powell.

EXPLANATION OF VOTE

Mr Chairman: I vote "Aye" to remove individual provisions from **S Sub HB 2338**. These provisions include policy decisions which were each before the Senate Judiciary committee in individual bills. **S Sub HB 2338** is designated a budget bill and the Senate should take into account the stakeholders of these policy decisions before passing this underlying bill. Those stakeholders include the chief judges of every judicial district in the State of Kansas who, to a person, have rejected some of these policy decisions; including allocating to each chief judge the responsibilities to set each judicial district's budget. We should respect the judicial branch's opinions when it weighs in on policy decisions that affect or disrupt its administration. This legislature should not get accustomed to mixing policy decisions with budget bills in that it does not serve our time-honored procedures well at all. This amendment, if passed, maintains our proud tradition of a noble Senate; mindful and respectful of both custom and separate, co-equal branches, of state government. – DAVID HALEY

Senators Francisco, Hensley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **S Sub HB 2338**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **HB 2047**; **S Sub HB 2197**; **S Sub HB 2338** and **HB 2599** were advanced to Final Action and roll call.

HB 2047, AN ACT concerning property taxation; relating to revenues produced by property tax levies; votes to increase revenues; publication; amending K.S.A. 2013 Supp. 79-2925b and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Powell.

The bill passed, as amended.

S Sub HB 2197, AN ACT concerning schools; relating to the Kansas state high school activities association; relating to the membership of the board of directors and executive board; amending K.S.A. 72-130 and repealing the existing section.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Holmes, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, McGinn, Ostmeyer, Pettey.

Absent or Not Voting: Powell.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I believe parental input is very important in the education process, as well as in athletics. However, when you are planning league events involving scheduling, locations and participation in sports activities, it is important to consider what is best for all students and all schools. I feel the current system addressed that concern. Furthermore, having the Governor make the selections, regardless of how well chosen, will still be criticized as being political. I vote "No" on **S Sub HB 2197**. – DAN KERSCHEN

Senators Francisco, Hawk, Holland, Kelly, Ostmeyer, and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Kerschen on **S Sub HB 2197**.

S Sub HB 2338, AN ACT concerning the judicial branch; relating to docket fees; making and concerning appropriations for the fiscal year ending June 30, 2015, for the judicial branch; creating the electronic filing and management fund; allowing the allocation of a budget for each judicial district court administration; authority and power of the chief judge of each judicial district; relating to district courts and the court

of appeals; selection of chief judge; relating to vacancies in the office of judge of the district court and the office of district magistrate judge; longevity bonuses for judicial branch employees; amending K.S.A. 20-162, 20-318, 20-319, 20-329, 20-342, 20-343, 20-345, 20-346a, 20-349, 20-361, 20-2909, 20-2911, 20-2914, 20-3011, 25-312a and 60-729 and K.S.A. 2013 Supp. 20-367, 21-6614, 22-2410, 28-172a, 38-2312, 59-104, 60-256, 60-2001, 61-2704 and 75-5541 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6614d, 38-2312c and 60-2001b.

On roll call, the vote was: Yeas 23; Nays 12; Present and Passing 4; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Shultz, Smith, Wagle.

Nays: Haley, Hawk, Hensley, Holland, Kelly, McGinn, Olson, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Tyson.

Present and Passing: Faust-Goudeau, Francisco, Love, Wolf.

Absent or Not Voting: Powell.

The bill passed, as amended.

HB 2599, AN ACT authorizing the secretary of state to grant an easement to the unified government of Wyandotte county, Kansas.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Powell.

The bill passed, as amended.

REPORT ON ENROLLED BILLS

SR 1792 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 6, 2014.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m., March 7, 2014.

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 7, 2014, 8:00 a.m.

The Senate met proforma with President Susan Wagle in the chair.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2455**.

Utilities: **SB 428**.

Ways and Means: **SB 427**.

CHANGE OF REFERENCE

The President withdrew **HB 2086** from the Committee on **Commerce**, and referred the bill to the Committee on **Federal and State Affairs**.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 3-7, 2014:

Senator Bowers: congratulating Milo and Sharlyn Shellito on receiving the 2013 Bankers Soil Conservation Award; congratulating Jim and Mary Gwennap on receiving the 2013 Bankers Soil Conservation Award; congratulating Jay Schmidt, Cierra Schmidt, and Monroe Schmidt for receiving the 2013 Bankers Windbreak Award; congratulating Ferrill and Cris Conant for receiving the 2013 Bankers Wildlife Habitat Award;

Senator Faust-Goudeau: recognizing Eyyup Esen, Aydin Chayir, and Salahattin Aydin for promoting the relationship between the United States and Kazakhstan; recognizing the Kansas Sierra Club on its 40th Anniversary; recognizing the Most Worshipful Prince Hall Grand Lodge F. & A.M. for its contributions to the State of Kansas;

Senator Hensley: recognizing St. Mark's A.M.E. Church for its service to the community;

Senator Holland: congratulating Logan Brown for receiving the Prudential Spirit of Community Award;

Senator McGinn: recognizing Joseph Brazell for achieving the rank of Eagle Scout; recognizing Daniel Brazell for achieving the rank of Eagle Scout;

Senator Olson: recognizing Kay O'Connor for her service to the State of Kansas;

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Senator Petersen: recognizing Zachary R. Petersen for achieving the rank of Eagle Scout; recognizing Landon Young for achieving the rank of Eagle Scout; recognizing Samuel Heinrich for achieving the rank of Eagle Scout; recognizing Cole Wilson for achieving the rank of Eagle Scout; recognizing Andrew Kemp for achieving the rank of Eagle Scout; and recognizing Cooper Cummings for achieving the rank of Eagle Scout.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, March 10, 2014.

Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 10, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

This prayer was originally delivered by South African Archbishop, Desmond Tutu:

“We are good because we are loved, not loved because we are good. Loving and accepting God, you love us for who and what we are, with our failings as well as our gifts. Help us to see others as you see them, so that when we fall short, we may know that you love and accept us.” Amen.

The Pledge of Allegiance was led by Vice President Jeff King.

POINT OF PERSONAL PRIVILEGE

Senator Wagle rose on a Point of Personal Privilege to recognize group leaders of Boys and Girls Club of Kansas on their annual achievements. Introduced were: Chad McNeal, LaShanta Robinson, Danielle Sigmon, Gilbert Galindo, Innocent Anavberokhai, Kennedy Felice, Kylie Woods, Micah Raider, Antonio Vega, Kiana Knolland, 2013 National Youth of the Year award winner for Girls and Boys Club of Kansas, and Joyce Glasscock, Director of Government Relations, Boys and Girls Club of Kansas.

Senators recognized the guests with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 429, AN ACT concerning postsecondary education; relating to postsecondary career technical education performance-based funding, by Committee on Ways and Means.

SB 430, AN ACT concerning teachers; relating to teacher licensure, by Committee on Ways and Means.

SB 431, AN ACT concerning a convention under article V of the constitution of the United States; prescribing appointment and qualifications of delegates; duties and responsibilities thereof; instruction for delegates by the legislature; creating a joint committee of correspondence, by Committee on Federal and State Affairs.

SB 432, AN ACT concerning postsecondary education; enacting the SUCCESS act;

relating to the funding of certain community colleges; making and concerning appropriations for the fiscal years ending June 30, 2015, and June 30, 2016, for the state board of regents; amending K.S.A. 71-204, 71-501, 71-502, 71-507 and 71-617 and repealing the existing sections, by Committee on Ways and Means.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

The President withdrew **SB 334** from the Committee on **Judiciary**, and referred to the calendar under the heading of General Orders.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, March 11, 2014.

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 11, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-nine senators present.
Senator Pettey was excused.
Invocation by Father Don Davidson:

There are few things more difficult to understand than why bad things happen to good people. Dear Lord, when we watch a person go through horrible disease, or a terrible accident we are brought to our knees in wonder, sometimes anger and disbelief. While we may never know why, we do know you are not absent from us even when we are unable or unwilling to sense your presence. When we are at our worst, pour your grace upon us as that is, spoken or unspoken, when we need you the most. In your holy name we pray. Amen.

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 433, AN ACT concerning energy; repealing the renewable energy standards act; amending K.S.A. 2013 Supp. 66-104d, 66-1,184, 66-1264, 66-1269 and 66-1282 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 66-1256, 66-1257, 66-1258, 66-1259, 66-1260, 66-1261, 66-1262 and 66-1271, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 431**.

Ways and Means: **SB 429**, **SB 430**, **SB 432**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1793—

A RESOLUTION congratulating and commending
The Honorable Christel E. Marquardt, Kansas Court of Appeals Judge,
for her retirement and many years of service to the legal profession.

WHEREAS, The Honorable Christel E. Marquardt was appointed in 1995 by Governor Bill Graves to the Kansas Court of Appeals, where she remained until her retirement in January 2013; and

WHEREAS, Judge Marquardt was born in Chicago, Illinois. She attended Concordia Teachers University in River Forest, Illinois and received her bachelor of science degree from Missouri Western State College in St. Joseph, Missouri; and

WHEREAS, Judge Marquardt graduated with honors from Washburn University School of Law in 1974, where she served as a managing editor of the Washburn Law Journal; and

WHEREAS, Judge Marquardt began her legal career with the firm of Cosgrove, Webb & Oman. In 1986, Judge Marquardt joined the firm of Palmer, Marquardt & Snyder and remained there until she joined the firm of Levy & Craig in 1991; and

WHEREAS, In 1994, Judge Marquardt and her son Andrew formed Marquardt & Associates, L.L.C. in Fairway, Kansas, where she practiced law until her appointment to the Kansas Court of Appeals in 1995; and

WHEREAS, In 2000, the Kansas Bar Association awarded Judge Marquardt the Phil Lewis Medal of Distinction, the highest award given by the association. Judge Marquardt has also received the Jennie Mitchell Kellogg Circle's Attorney of Achievement Award for professional excellence and commitment to service; and

WHEREAS, Judge Marquardt received the Distinguished Service Award from Washburn University School of Law in 2002; and

WHEREAS, Judge Marquardt has been a lecturer on legal issues for the American Bar Association, Kansas Bar Association, Kansas Trial Lawyers, Kansas Municipal Attorneys, Kentucky Bar, Louisiana Bar, Washburn University, Missouri Western University, Kansas Women Attorneys, The Menninger Foundation and a variety of civic organizations; and

WHEREAS, Judge Marquardt served as the first woman president of the Kansas Bar Association beginning in 1987. She has served on many committees of the American Bar Association, has been a member of its Board of Governors, has served in its House of Delegates since 1988, was State Delegate from 1995 to 1999 and is currently serving as a State Delegate; and

WHEREAS, Judge Marquardt is a past chair of the Washburn University Board of Regents and a past chair of the Washburn University School of Law Board of Governors; and

WHEREAS, Judge Marquardt currently serves on an advisory panel charged by the United States Secretary of Defense to study sexual assault in the military: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Judge Marquardt for her retirement from the Kansas Court of Appeals. We thank her for her many years of service to the legal profession and civic organizations in Kansas; and

Be it further resolved: That the Secretary of the Senate shall send 12 enrolled copies of this resolution to the Honorable Christel E. Marquardt.

On emergency motion of Senator V. Schmidt **SR 1793** was adopted by voice vote.

Guests also introduced were Philip Marquardt, Mary Jane Marquardt, Ben Marquardt, Grace Marquardt, Andrew Marquardt, Jackie Marquardt, Sarah Marquardt, Maddie Marquardt, Joel Marquardt, Gyaltzen Marquardt, Tash Marquardt, Amy

English, Pam Konetzni, Susan Farley, Juli Mazachek and Betty Barber.
Senators honored Judge Marquardt with a standing ovation.

Senators Holland, Abrams, Apple, Arpke, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Kerschen, King, Lynn, Ostmeyer, Petersen, Pettey, V. Schmidt, Tyson and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1794—

A RESOLUTION recognizing the
Kansas Small Business Development Center's
2014 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting, training and resources; and

WHEREAS, The KSBDC regional directors and staff select eight Emerging Business of the Year award recipients and eight Existing Business of the Year award recipients; and

WHEREAS, The Kansas Small Business Development Center's Business of the Year awards are designed to recognize KSBDC clients for superior performance; and

WHEREAS, Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and impact based on the KSBDC Economic Impact Tracking spreadsheet, a record of profitability and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2014 KSBDC Emerging Businesses of the Year are: After Hours Auto Repair, Inc. in Wichita, Kansas, owned by Mark and Summer Guerrero; Bolling's Meat Market and Deli in Iola, Kansas and Moran, Kansas, owned by Mitch and Sharon Bolling and Cara Bolling Thomas; Cardinal Pharmacy, LLC in Hoisington, Kansas, owned by Richard Bieber and Marla and Gene Mooney; Fulton Valley Farms, LLC in Towanda, Kansas, owned by David and Betty Corbin; Grip EQ in Lawrence, Kansas, owned by Justin Atwater-Taylor; Keltic Star Public House in Manhattan, Kansas, owned by Perry, Shirley and Darren McCall; notes to self, llc in Prairie Village, Kansas, owned by Laura Schmidt; and Wasinger Chiropractic and Acupuncture, LLC in Garden City, Kansas, owned by Dr. Blake Wasinger; and

WHEREAS, The 2014 KSBDC Existing Businesses of the Year are: Condray & Young Landscaping and Professional Groundskeeping in Topeka, Kansas, owned by Kelly Condray, Matt Young and Michael Young; Great Plains Quilt Company in Burlingame, Kansas, owned by Kathy and Larry Smith; Hooked on Ornaments in Olathe, Kansas, owned by Nicki Pierce; Independence Pharmacy in Independence, Kansas, owned by Terry Scott and Bonnie Tucker; Sander Furniture and Gifts in Norton, Kansas, owned by Bradley and Kim Sander; 6th Street Fashions & Footwear in Concordia, Kansas and Belleville, Kansas owned by Shari Haug; Studio 54 in Greensburg, Kansas, owned by Scott and Susan Reinecke; and Sunlite Science & Technology in Lawrence, Kansas, owned by Jeff Chen; and

WHEREAS, The KSBDC Businesses of the Year serve as examples of the success that the KSBDC and small business owners across Kansas can achieve: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Kansas Small Business Development Center's 2014 Emerging and Existing Businesses of the Year and wish all of them and the KSBDC continued success in the future; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1794** was adopted by voice vote.

The small business owners present were introduced.

Senators honored those present with a standing ovation.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1795—

A RESOLUTION designating March 11, 2014, as Kansas TRIO Day.

WHEREAS, A college education is an important part of the American dream. Our nation's commitment to the dream of education for all Americans regardless of race, ethnic background or economic circumstances led to the funding of Special Programs for Students from Disadvantaged Backgrounds. This program is for students who are first-generation college students from low-income backgrounds or who are physically disabled; and

WHEREAS, Congress established a series of programs to help low-income Americans enter college, graduate and move on to participate more fully in America's economic and social life. These programs are funded under Title IV of the Higher Educational Act of 1965 and are referred to as the TRIO programs. There are now seven TRIO programs; and

WHEREAS, The TRIO programs are designed to help students address educational discrepancies. They provide educational information, counseling, academic instruction, tutoring, assistance in applying for financial aid and supportive encouragement to both students and their families. While student financial aid programs help students overcome financial barriers to higher education, TRIO programs help students overcome class, social and cultural barriers to higher education; and

WHEREAS, The purpose of the TRIO programs is to provide services that assist disadvantaged students to begin and complete a post-secondary education. More than 2,700 TRIO programs currently serve nearly 866,000 low-income Americans. Many programs service students in grades six through 12; and

WHEREAS, Students enrolled in today's TRIO programs mirror our nation's multicultural and multiethnic society. Thirty-seven percent of TRIO students are white, 35% are African-American, 19% are Hispanic, 4% are Native American, 4% are Asian-American, and 1% are listed as "other," including multiracial students; and

WHEREAS, Twenty-two thousand students with disabilities and more than 25,000 U.S. veterans are currently enrolled in the TRIO programs; and

WHEREAS, Over 1,200 colleges, universities, community colleges and agencies now offer TRIO programs in America. All TRIO program services are available to low-income, physically disabled and first-generation college students; and

WHEREAS, Kansas is proud to host 45 TRIO programs, serving 12,259 students, with a \$12,413,166 federal budget. Specifically, there are nine Upward Bound programs, two Upward Bound Math and Science Centers, two Veterans Upward Bound

programs, six Education Talent Search programs, nineteen Student Support Services programs, three McNair Scholars programs, three Educational Opportunity Centers and one Disability Support Services program: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate March 11, 2014, as Kansas TRIO Day and recognize the importance of TRIO programs in helping all Kansans achieve the American dream; and

Be it further resolved: That the Secretary of the Senate shall send one enrolled copy of this resolution to Senator Faust-Goudeau; Mike Conley, Coordinator of the University of Kansas Upward Bound Program and President-Elect for MO-KAN-Ne Board of Directors; Kaye Monk Morgan, President-Elect of Mid-American Association of Educational Opportunity Program Personnel; Deltha Colvin, Associate Vice-President for Campus Life and University Relations, Special Programs at Wichita State University and former President of The Mid-America Association of Educational Opportunity Program Personnel; Ngondi Kamatuka, Director of the Center for Educational Opportunity Program at the University of Kansas; and Dr. Mildred Edwards, Executive Director of Kansas African American Affairs Commission.

On emergency motion of Senator Faust-Goudeau **SR 1795** was adopted by voice vote.

Guests present were Alan Dsouza, Lydia Santiago, Mulu Negash, Traniece Bruce and Karen Rogers.

Senators honored those present with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2595**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 415** be amended on page 1, by striking all in lines 28 through 35 and inserting:

"(A) (i) Subsection (a)(1) is a severity level 6, person felony, except as provided in subsection (c)(1)(B);

(ii) subsection (a)(2) is a severity level 7, nonperson felony, except as provided in subsection (c)(1)(B); and

(iii) subsection (a)(3) is a severity level 9, nonperson felony, except as provided in subsection (c)(1)(B); and

(B) (i) Subsection (a)(1), with intent to commit the theft of a firearm, is a severity level 5, person felony; and

(ii) subsection (a)(2) or (a)(3), with intent to commit the theft of a firearm, is a severity level 5, nonperson felony.";

Also on page 1, in line 36, by striking "(3)" and inserting "(2)";

And the bill be passed as amended.

Committee on **Local Government** recommends **HB 2597**, as amended by House Committee, be passed.

Also, **HB 2591** 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 **Ways and Means** recommends **SB 366**, **SB 370**, **SB 396** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Longbine in the chair.

On motion of Senator Longbine the following report was adopted:

SB 346, SB 362; HB 2172 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 394** recommending a **Sub SB 394**, be adopted, be amended by motion on Senator Faust-Goudeau: on page 2, by striking all in lines 37 through 40 and **Sub SB 394** be passed as amended.

The committee report on **HB 2154** recommending a **S Sub HB 2154** be adopted, be amended by a motion of Senator V. Schmidt: on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2013 Supp. 65-1904 is hereby amended to read as follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the nonrefundable license renewal fee established under this section and the filing of a successfully completed written renewal examination prescribed by the board under this subsection. For renewal applications the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant's understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant's understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. At least 30 days prior to the expiration of a license, the board shall provide to the licensee notice of the date of expiration of the license.

(b) (1) Any cosmetologist's, cosmetology technician's, esthetician's, electrologist's or manicurist's license may be renewed by the applicant within six months after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the board, of the applicant's qualifications to practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, successfully completing the renewal exam and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed pursuant to this section.

(2) Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist has been expired for more than six months may obtain reinstatement of such license upon application to the board, upon filing with the board a successfully completed written renewal examination and upon payment of the applicable nonrefundable delinquent renewal fee and a nonrefundable renewal penalty fee of \$100.

(c) Any applicant for a license other than a renewal license shall make a verified application to the board on such forms as the board may require and, upon payment of the license application fee and the examination fee shall be examined by the board or

their appointees and shall be issued a license, if found to be duly qualified to practice the profession of cosmetologist, esthetician, electrologist or manicurist.

(d) The board is hereby authorized to adopt rules and regulations fixing the amount of nonrefundable fees for the following items and to charge and collect the amounts so fixed, subject to the following limitations:

Cosmetologist license application fee, for two years – not more than.....	\$60
Cosmetologist license renewal fee.....	60
Delinquent cosmetologist renewal fee.....	25
Cosmetology technician license renewal fee, for two years – not more than	60
Delinquent cosmetology technician renewal fee.....	25
Electrologist license application fee, for two years – not more than	60
Electrologist license renewal fee.....	60
Delinquent electrologist renewal fee.....	25
Manicurist license application fee, for two years – not more than	60
Manicurist license renewal fee.....	60
Delinquent manicurist renewal fee.....	25
Esthetician license application fee, for two years – not more than.....	60
Esthetician license renewal fee	60
Delinquent esthetician renewal fee.....	25
Any apprentice license application fee – not more than.....	15
New school license application fee.....	150
School license renewal fee – not more than.....	75
Delinquent school license fee – not more than.....	50
New cosmetology services salon or electrology clinic license application fee – not more than.....	100
Cosmetology services salon or electrology clinic license renewal fee – not more than	50
Delinquent cosmetology services salon or electrology clinic renewal fee.....	30
Cosmetologist's examination – not more than.....	75
Electrologist's examination – not more than.....	75
Manicurist's examination – not more than.....	75
Esthetician examination – not more than.....	75
Instructor's examination – not more than.....	75
Reciprocity application fee – not more than.....	75
<u>Senior status license fee.....</u>	<u>30</u>
<u>Delinquent senior status license renewal fee.....</u>	<u>25</u>
Verification of licensure.....	20
Any duplicate of license.....	25
Instructor's license application fee, for two years – not more than.....	100
Renewal of instructor's license fee.....	75

Delinquent instructor's renewal fee – not more than.....75
 Temporary permit fee.....15
 Statutes and regulations book.....5
 Instructor-in-training permit.....50

(e) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

(f) Any person who has held a license issued by the board for at least 40 years and is 70 years or more of age and not regularly engaged in cosmetology practice in Kansas shall be entitled to a senior status license upon application and payment of the senior status license fee. The holder of the senior status license shall not be required to complete a written renewal examination. A senior status license shall entitle the holder to all privileges attendant to the cosmetology practice in which such holder was engaged, except that such senior license shall not entitle the holder of such license to practice cosmetology.

(g) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application, paying the nonrefundable renewal fee for the current year during which the person has been discharged and successfully completing the renewal exam.";

Also on page 1, in line 7, by striking "Section 1." and inserting "Sec. 2.";

On page 2, in line 15, by striking "2013" and inserting "2014"; in line 18, by striking "2012" and inserting "2013"; in line 43, by striking "2012" and inserting "2013";

On page 3, in line 25, by striking "2012" and inserting "2013";

On page 5, in line 4, by striking "2012" and inserting "2013"; in line 14, by striking "2012" and inserting "2013"; in line 28, by striking "2012" and inserting "2013"; also in line 28, after "Supp." by inserting "65-1904,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "2012" and inserting "2013"; also in line 3, after "Supp." by inserting "65-1904,

S Sub HB 2154 be further amended by motion of Senator Pilcher-Cook: on page 2, in line 15, by striking "2013" and inserting "2014"; in line 18, by striking "2012" and inserting "2013"; in line 43, by striking "2012" and inserting "2013";

On page 3, in line 25, by striking "2012" and inserting "2013";

On page 5, in line 4, by striking "2012" and inserting "2013"; in line 14, by striking "2012" and inserting "2013"; in line 28, by striking "2012" and inserting "2013";

On page 1, in the title, in line 3, by striking "2012" and inserting "2013" and **S Sub HB 2154** be passed as amended.

Sub SB 298 be passed over and retain a place on the calendar.

CHANGE OF REFERENCE

The Vice President withdrew **Sub SB 298** from the calendar under the heading of General Orders and rereferred the bill to the Committee on **Assessment and Taxation**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 12, 2014.

Journal of the Senate

THIRTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 12, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
The President introduced guest chaplain Pastor Mark Hoover, New Spring Church, Wichita:

This prayer was originally delivered by U.S. Senate Chaplain, Peter Marshall.

“Our Father, remove from us the sophistication of our age and the skepticism that has come, like frost, to blight our faith and to make it weak. Bring us back to a faith that makes men great and strong, a faith that enables us to love and to live, the faith by which we are triumphalist, the faith by which alone we can walk with Thee.

We pray for a return of that simple faith, that old-fashioned faith, that made strong and great the homes of our ancestors who built this good land and who in building left us our heritage. In the strong name of Jesus, our Lord, we make this prayer.” Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Masterson rose on a Point of Personal Privilege to introduce members of the Open World Leadership Center and the Friendship Force of Kansas. The mission of the Open World Leadership Center is to enhance understanding and capabilities for cooperation between the United States and the countries of Eurasia by developing a network of leaders in the region who have gained accountable government and it's free-market system.

Guests introduced were Ankica Agic, Marija Dacic, Tamara Glisic, Iva Radic, Dina Ratkin, Tatijana Bakraclac and Emese Purger-Kedmen.

Senators honored the guests with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 434, AN ACT concerning postsecondary education; enacting the SUCCESS act; making and concerning appropriations for fiscal years ending June 30, 2015, and June 30, 2016, for the state board of regents; amending K.S.A. 71-204 and 71-617 and repealing the existing sections, by Committee on Ways and Means.

SB 435, AN ACT concerning property tax; relating to exemptions; renewable energy resources or technologies; amending K.S.A. 2013 Supp. 79-201 and repealing the existing section, by Committee on Assessment and Taxation.

SB 436, AN ACT concerning elections; dealing with the Riley county law enforcement director; amending K.S.A. 19-4431 and repealing the existing section, by Committee on Federal and State Affairs.

SB 437, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, III, and IV; amending K.S.A. 2013 Supp. 65-4105, 65-4109 and 65-4111 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 438, AN ACT concerning weapons; relating to the regulation and possession of firearms and knives; amending K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 22-2512, 32-1047, 75-7c04 and 75-7c20 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6307 and 75-7c12, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Utilities: **SB 433**.

CHANGE OF REFERENCE

The President withdrew **HB 2086** from the Committee on **Federal and State Affairs**, and rereferred the bill to the Committee on **Commerce**.

The President withdrew **SB 335** from the Committee on **Education**, and referred to the calendar under the heading of General Orders.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **S Sub HB 2338**, requests a conference and has appointed Representatives Rhoades, Kinzer and Henry as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2715** be passed.

Also, **SB 301** 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 **Ways and Means** recommends **HB 2470**, **HB 2544** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

FINAL ACTION ON CONSENT CALENDAR

HB 2514 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

HB 2514, AN ACT concerning insolvent insurance companies; pertaining to certain exemptions for the federal home loan bank; amending K.S.A. 40-3609, 40-3619, 40-3625, 40-3629, 40-3630 and 40-3631 and repealing the existing sections.

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

Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: King.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 346, AN ACT concerning alcoholic beverages; dealing with microbreweries; amending K.S.A. 2013 Supp. 41-308b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

SB 362, AN ACT concerning the regulation of health care insurance navigators, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote "No" on **SB 362**. Kansas had the prime opportunity to set up our own health care exchange when we were granted \$31.5 million from the Department of Health and Human Services under the careful tutelage of our own former Governor and now Secretary of the Department, Kathleen Sebelius. We, well at least the current Governor of Kansas, foolishly refused that appropriation and left Kansas in the lurch and at the mercy of a federally devised, to my mind "one-size-fits-all", health care exchange model. This model includes the description and definitions for the role of "navigators"; persons employed to connect the newly-insured to an appropriate health insurance plan as required by the federal Patient Protection and Affordable Care Act (PPACA). This federal law (also now known as Obamacare) was passed by a majority of both chambers in the US Congress and was affirmed by the US Supreme Court as constitutional. Despite the remaining resistance that an increasingly smaller number of Americans have to Obamacare (as more and more studies suggest that managing health

care costs and connecting people to coverage are good for both the general economy and the personal wealth of our citizenry), most people are moving forward to comply with this law; as any law-abiding person would, whether they “like” the law...or not. Recently, I started the annual task of completing my tax returns; in order to comply with the US Code laws found and administered by the Internal Revenue Service (IRS). I engaged a paid professional to assist me; one who understands the laws. She is, in a way, “navigating” me through a set of laws and procedures I don’t particularly like but, as a law-abiding citizen, am obliged to follow. **SB 362** sets into play many additional, onerous and, in my opinion, unnecessary and potentially unconstitutional requirements for Navigators employed in Kansas to recruit and to inform and to enroll our citizenry into full compliance with the federal law sometimes known as “Obamacare.” Attempts to restrict and to punish these but extensions of civil service are completely the wrong ways to express the waning displeasures with the PPACA. We should not take pot shots at the messenger. It’s time, Madam President, for our society and its leadership to grow up on this issue and move on. Again, I applaud and express sincere appreciation to the hard-working men and women whom I have met who serve as Navigators and who are only trying to help all of our communities comply with the law. I proudly, in their honor, vote “No” on this petty little unconstitutional bill you all call **SB 362**.—DAVID HALEY

Madam President: **SB 362** is yet another blatant political bill brought to the Legislature by Americans for Prosperity. I oppose this bill for three basic reasons: First, this unnecessary bill does not protect Kansas consumers. Individuals referred to as “navigators” have been routinely used to assist consumers in accessing medical programs such as Medicare Part D and KanCare. Yet, this bill places onerous requirements only on navigators under the health care exchange. Second, it is universally opposed by health care and small business entities such as the Kansas Association for the Medically Underserved, American Cancer Society, Salina Family Health Center and the Wichita Independent Business Association. This bill is also opposed by the Republican Insurance Commissioner who is a health care expert in her own right. Third, the Senate is, again, ignoring independent experts in the health care field in favor of Americans for Prosperity which provides limitless support to its allies. This is just another reactionary, misguided and misinformed bill that will do nothing but subject our state to more litigation. I vote “No” on **SB 362**.—ANTHONY HENSLEY

Senator Faust-Goudeau and Senator Holland request the record to show they concur with the “Explanation of Vote” offered by Senator Hensley on **SB 362**.

Madam President: **SB 362** sets up unnecessary and onerous requirements for people who have been trained and certified by the federal government to help our constituents navigate the federal marketplace in search of affordable health insurance. Many of these people have been providing similar services for our senior citizens enrolling in Medicare Part D and our Medicaid recipients in KanCare without these regulations and cost and without complaint. The state of Missouri passed a bill very much like **SB 362**. It ended up in court where a preliminary injunction was awarded preventing the state from enforcing the law. The court noted that “the plaintiff had already complied with federal licensure requirement. Additional state licensure requirements obstruct and frustrate the federal government operation of the federal exchange, and thus are

unconstitutional." Whether we like it or not, we cannot, and we know we cannot, preempt federal law. I vote "No" on **SB 362**.—LAURA KELLY

Senators Francisco, Haley, Hawk, Holland and Pettey request the record to show that they concur with the "Explanation of Vote" offered by Senator Kelly on **SB 362**.

Madam President: I vote "No" on **SB 362** because it was opposed by the Wichita Independent Business Association and many safety net clinics across the state of Kansas. Many small businesses and safety net clinics have limited financial resources to help their clients find insurance. The healthcare assistance provided is not much different than the assistance for Medicare Part D enrollment, and yet the legislature did not impose special new fees and requirements on the organizations that provided that service. I don't think we should say that we support safety net clinics like GraceMed Health Clinic in Wichita and then vote to impose steep fees and other requirements on them. I would support background checks for healthcare navigators, but this bill goes far beyond background check requirements for similar professions. A similar law in Missouri was ruled unconstitutional.—CAROLYN MCGINN

Sub SB 394, AN ACT concerning children and minors; enacting the Kansas foster parents' bill of rights act; relating to foster care; family foster homes; amending K.S.A. 2013 Supp. 38-2212, 38-2213 and 38-2258 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 3; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Francisco, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Hensley, Holland.

Present and Passing: Haley, Hawk, Kelly.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: I have served under three Governors in the Kansas Legislature and during that time "The Grandparents as Caregivers ACT" was passed into law giving grandparents \$200 per month, while giving foster parents \$600 per month. Another "Act" became law concerning Children relating to Grandparent Custody, Visitation and Residency Placement. There was also another Grandparents Bill that passed into law in 2012 to whereas a grandparent would receive strong consideration by the Courts regarding placement of grandchildren. Also, on July 1, 2012, our current governor signed into law a bill acknowledging grandparents as interested parties in a court room hearing pertaining to their grandchildren. And, even with these new laws, the feedback from members of the Kansas Silver-Haired Legislature have said that grandparents are still being denied full acknowledgement in the court rooms, they are being denied the rights for their grandchildren to be placed with them, after meeting all the eligibility requirements, and passing a KBI investigation for placement, they are still being told they are too old for their grandchildren to live with them. Madam President, I have the utmost respect and I commend foster families for their willingness to provide temporary

placement for children during a difficult time in their lives. I feel **Sub SB 394** gives foster parents an unfair advantage over grandparents. For these reasons I respectfully vote "No" on **Sub SB 394**.—OLETHA FAUST-GOUDEAU

Senators Hensley and Holland request the record to show they concur with the "Explanation of Vote" offered by Senator Faust-Goudeau on **Sub SB 394**.

S Sub HB 2154, AN ACT concerning cosmetology; relating to licensure and renewal of persons, salons and clinics; amending K.S.A. 65-1904a and K.S.A. 2013 Supp. 65-1904, 65-1904b, 65-1905, 65-1943, 65-1945 and 65-1950 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2172, AN ACT concerning cemetery corporations; amending K.S.A. 2013 Supp. 16-320, 16-321, 16-329, 17-1301c, 17-1311, 17-1312, 17-1312a and 17-1366 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Smith in the chair.

On motion of Senator Smith the following report was adopted:

Recommend **HB 2210** be passed.

A motion by Senator Haley to amend **HB 2210** failed and the following amendment was rejected: on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2013 Supp. 25-2430 is hereby amended to read as follows: 25-2430. (a) Electioneering is knowingly attempting to persuade or influence eligible voters to vote for or against a particular candidate, party or question submitted. Electioneering includes wearing, exhibiting or distributing labels, signs, posters, stickers or other materials that clearly identify a candidate in the election or clearly indicate support or opposition to a question submitted election within any polling place on election day or advance voting site during the time period allowed by law for casting a ballot by advance voting or within a radius of ~~250~~ 25 feet from the entrance thereof.

Electioneering shall not include bumper stickers affixed to a motor vehicle that is used to transport voters to a polling place or to an advance voting site for the purpose of voting.

(b) As used in this section, "advance voting site" means the central county election office or satellite advance voting sites designated as such pursuant to subsection (c) of K.S.A. 25-1122, and amendments thereto, and adult care homes and hospital based care units at the time of an election participating in the voting procedures prescribed in K.S.A. 2013 Supp. 25-2812, and amendments thereto.

(c) Electioneering is a class C misdemeanor.;

On page 2, in line 35, after "25-3304" by inserting "and K.S.A. 2013 Supp. 25-2430";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "electioneering,"; also in line 2, after "25-3304" by inserting "and K.S.A. 2013 Supp. 25-2430"

A motion by Senator Francisco to amend **HB 2210** failed and the following amendment was rejected: on page 1, in line 20, by striking ", 25-305"

A motion by Senator Francisco to amend **HB 2210** failed and the following amendment was rejected: on page 1, in line 21, after "results" by inserting "for such primary election"

A motion by Senator McGinn to amend **HB 2210** failed and the following amendment was rejected.: on page 1, in line 19, after "from" by inserting "7 days after"

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

On roll call, the vote was: Yeas 13; Nays 26; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson.

Absent or Not Voting: Wagle.

SB 316, SB 367 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Fitzgerald to amend **SB 367** failed and the following amendment was rejected: , on page 1, by striking all in lines 4 through 35; in line 36,

By striking all on page 2 and 3 and inserting:

"Section 1. Sections 1 through 11, and amendments thereto, shall be known and may be cited as the student and teacher data privacy act.

Sec. 2. As used in sections 1 through 11, and amendments thereto:

(a) "Biometric data" means one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics and handwriting.

(b) "Aggregate data" means data collected or reported at the group, cohort or institutional level.

(c) "De-identified data" means a student dataset in which personally identifiable information has been removed.

(d) "Department" means the state department of education.

(e) "Educational agency" means a school district, the department or a

postsecondary educational institution.

(f) "Postsecondary educational institution" shall have the same meaning as that term is defined in K.S.A. 74-3201b, and amendments thereto.

(g) "School district" means a unified school district organized and operated under the laws of this state.

(h) "Statewide longitudinal student data system" means any student data system maintained by the department, which assigns a state identification number for each student who attends an accredited public or private school in Kansas and uses the state identification number to collect student data.

(i) "Personally identifiable information" includes:

(1) Parent, student or teacher identifying information, such as name, address or date of birth;

(2) a student's or teacher's state identification number; and

(3) any other information that, alone or in combination with other information, is connected to a specific student or teacher that would allow a reasonable person to identify a student or teacher with reasonable certainty.

(j) "State board" means the state board of education.

(k) "Student data" means data collected or reported at the individual student level in a student's educational record and includes, but is not limited to:

(1) State and national assessment results, including information on untested students;

(2) courses taken and completed, credits earned and other transcript information;

(3) course grades and grade point average;

(4) grade level and expected date of graduation;

(5) degree, diploma, credential attainment, and other school exit information such as general education development and drop-out data;

(6) attendance and mobility;

(7) data required to calculate the federal four-year adjusted cohort graduation rate, including sufficient exit and drop-out information;

(8) discipline reports limited to objective information sufficient to produce any reports that are required to receive federal title IV funding;

(9) remediation;

(10) special education data;

(11) demographic data such as date of birth, place of birth, residential address, social security numbers; and

(12) any other information included in a student's educational record.

(l) "Teacher data" means data collected or reported at the individual teacher level in a teacher's educational record and includes:

(1) Courses taken and completed in college, credits earned, date of graduation and other transcript information;

(2) courses and grade levels taught in K-12 schools;

(3) date of birth, place of birth, residential address or social security number;

(4) degree, diploma, credential attainment, and other teacher licensure information; and

(5) names and addresses of schools in which the teacher has taught.

Sec. 3. No school district shall collect biometric data from a student or teacher, or use any device or mechanism to assess a student's or teacher's physiological or

emotional state, unless the student, if an adult, or the parent or legal guardian of the student, if a minor, or the teacher first signs a written consent.

Sec. 4. (a) On and after July 1, 2014, neither the state board, the department, nor any other state agency shall:

(1) Expend any funds, whether from federal grants, funds provided by the American recovery and reinvestment act of 2009 (Pub. L. 111-5), funds appropriated from the state general fund or from any other source, on the construction, enhancement, or expansion of any state-wide longitudinal student data system; or

(2) share or provide access to any aggregate data compiled on students or teachers with any entity outside the state of Kansas, except as provided in subsection (b).

(b) The state board shall use only aggregate data in its reporting:

(1) To any federal agency, state or local agency inside or outside the state of Kansas, or any other in-state or out-of-state organization or entity;

(2) in its public reports; or

(3) in response to record requests.

(c) Only local school districts may compile personally identifiable student and nonacademic family information which is necessary either for administrative functions directly related to the student's education, for evaluation of academic programs and student progress, or for compliance with the requirements of the United States department of education as outlined in subsection (f).

(d) In compliance with K.S.A. 72-6214(b)(2), and amendments thereto, no personally identifiable student or teacher data shall be released to any local, state or federal agency, contractor or researcher by any local school district without first receiving the written consent of the student's parent or guardian or the affected teacher.

(e) (1) Except as provided by paragraph (2), any student and teacher data and de-identified data maintained by the department is confidential.

(2) A local school district may transfer student or teacher level data to any federal agency, state or local agency inside or outside the state of Kansas, or any other out-of-state organization or entity in the following circumstances:

(i) An adult student, a minor student's parent or guardian or a teacher first requests, in writing, that their personally identifiable data be transferred to an in-state or out-of-state school district or postsecondary educational institution;

(ii) a student or teacher registers for or takes a national assessment or certification test;

(iii) an adult student, a minor student's parent or guardian or a teacher voluntarily agrees in writing to participate in a program for which such a data transfer is a requirement of participation.

(f) Student or teacher aggregate data, but not personally identifiable, student-level or teacher-level data may be shared by a local school district, the state board or the department with the United States department of education only when:

(1) Such sharing or access provided is required by the United States department of education as a condition of receiving a federal education grant;

(2) the United States department of education agrees in writing to use the data only to evaluate the program or programs funded by the grant;

(3) the United States department of education agrees in writing that the data will not be used for any research beyond that related to evaluation of the program or programs funded by the grant, unless the parent or guardian of any student, and any

teacher, whose data will be used for such research affirmatively consents in writing to that use;

(4) the United States department of education agrees in writing to destroy or return to the state agency, local school district board, or educational agency all personally identifiable information in its custody upon request and at the termination of the contract. Destruction shall be compliant with the NISTPS800-88 standards of data destruction; and

(5) the grant or program in connection with which the data are required is one authorized by federal statute or by federal rule properly promulgated under the federal administrative procedure act, 5 U.S.C. § 500 et seq.

Sec. 5. No test, questionnaire, survey, or examination containing any questions about the student's personal beliefs or practices on issues such as sex, family life, morality and religion, or any questions about the student's parents' or guardians' beliefs and practices on issues such as sex, family life, morality, and religion, shall be administered to any student in kindergarten or grades one to 12, inclusive, unless the parent or guardian of the student is notified in writing that this test, questionnaire, survey or examination is to be administered and the parent or guardian of the student gives written permission for the student to take this test, questionnaire, survey, or examination.

Sec. 6. Any student results or a record of accomplishment shall be private, and may not be released to any person, other than the student's parent or guardian and a teacher, counselor or administrator directly involved with the student, without the express written consent of either the parent or guardian of the student if the student is a minor, or the student if the student has reached the age of majority or is emancipated.

Sec. 7. No test, examination, or assessment given as part of the statewide student assessment program shall contain any questions or items that solicit or invite disclosure of a student's or such student's parents' or legal guardians' personal beliefs or practices in sex, family life, morality or religion nor shall it contain any question designed to evaluate personal behavioral characteristics, including, but not limited to, honesty, integrity, sociability or self-esteem.

Sec. 8. Notwithstanding any other provision of law, a parent's or guardian's written request to school officials to excuse such parent's or legal guardian's child from any or all parts of the Kansas state assessments shall be granted.

Sec. 9. (a) State agencies, local school boards and institutions shall not disclose personally identifiable information from education records or teacher records without the prior written consent of parents or eligible students or of the affected teachers, to a contractor, consultant, or other party to whom the state agency, school board, or institution has outsourced institutional services or functions. If and when written consent is provided by the research subjects, the outside party must certify in writing that it:

(1) Performs an institutional service or function for which the state agency, school board, or institution would otherwise use its employees;

(2) is under the direct control of the state agency, school board, or institution with respect to the use and maintenance of education records or teacher records;

(3) limits internal access to education records or teacher records to those individuals who require access to those records for completion of the contract;

(4) does not use the education records or teacher records for any purposes other than those explicitly authorized in the contract;

(5) does not disclose any personally identifiable information from education records or teacher records to any other party:

(A) Without the written consent of the parent or eligible student, or the affected teacher; or

(B) unless required by statute or court order and the party provides a notice of the disclosure to the state agency, school board or institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by the statute or court order;

(6) maintains reasonable administrative, technical, and physical safeguards to protect the security, confidentiality and integrity of the personally identifiable student or teacher data in its custody;

(7) uses encryption technologies to protect data while in motion or in its custody from unauthorized disclosure using a technology or methodology specified by the secretary of the United States department of health and human services in guidance issued under section 13402(H)(2) of the American recovery and reinvestment act (Pub. L. 111-5);

(8) has sufficient administrative and technical procedures to monitor continuously the security of personally identifiable student or teacher data in its custody;

(9) conducts a security audit annually and provides the results of that audit to each state agency, school board or institution that provides education records or teacher records;

(10) provides the state agency, school board or institution with a breach-remediation plan acceptable to the state agency, school board, or institution before initial receipt of education records or teacher records. Results of these audits need to be accessible by the parents or legal guardians of the students or teachers;

(11) reports all suspected security breaches to the state agency, school board or institution that provided education records or teacher records as soon as possible but not later than 48 hours after a suspected breach was known or would have been known by exercising reasonable diligence, as well as parents or legal guardians of students or any other victim connected with the suspected security breach;

(12) reports all actual security breaches to the state agency, school board or institution that provided education records as soon as possible but not later than 24 hours after an actual breach was known or would have been known by exercising reasonable diligence and reports such breach to the parents or legal guardians of students, affected teachers or any other victim connected with the suspected security breach;

(13) in the event of a security breach or unauthorized disclosure of personally identifiable information, pays all costs and liabilities incurred by the state agency, school board or institution related to the security breach or unauthorized disclosure, including, but not limited to, the costs of responding to inquiries about the security breach or unauthorized disclosure, of notifying subjects of personally identifiable information about the breach, of mitigating the effects of the breach for the subjects of the personally identifiable information and of investigating the cause or consequences of the security breach or unauthorized disclosure; and

(14) destroys or returns to the state agency, school board or institution all

personally identifiable information in its custody upon request and at the termination of the contract. Destruction shall be compliant with the NISTPS800-88 standards of data destructions.

Sec. 10. In the event of a security breach or unauthorized disclosure of personally identifiable student or teacher data, whether by a state agency, school board or educational institutional, or by a third party given access to education records or teacher records, the state board, department, state agency, local school board or educational institution shall:

- (a) Immediately notify the subjects of the breach or disclosure;
- (b) report the breach or disclosure to the family policy compliance office of the United States department of education; and
- (c) investigate the causes and consequences of the breach or disclosure.

Sec. 11. The attorney general or any district attorney may enforce the provisions of sections 1 through 10, and amendments thereto, by investigating and bringing an action in a court of competent jurisdiction, and may seek injunctive relief to enjoin any educational agency, any employee or agent thereof, or any other entity in possession of student or teacher data from disclosing any student or teacher data in violation of the provisions of sections 1 through 10, and amendments thereto. To carry out such investigation, the attorney general or any deputy or assistant attorney general is authorized to subpoena witnesses, compel their attendance, examine them under oath, and require that any books, records, documents, papers, or electronic records relevant to the inquiry be turned over for inspection, examination, or audit.

Sec. 12. This act shall take effect and be in force from and after its publication publication in the statute book.";

On page 1, in the title, in line 1, after "student" by inserting "and teacher"

The committee report on **SCR 1618** recommending a **Sub SCR 1618** be adopted, be amended by motion of Senator Ostmeyer: on page 1, in line 18, by striking ", as defined by law,"; in line 24, by striking "slot" and inserting "vending" and **Sub SCR 1618** be adopted as amended.

SB 334 be amended by adoption of the committee amendments, be further amended by motion of Senator Apple: on page 5, in line 10, by striking "of social and rehabilitation" and inserting "for aging and disability";

On page 6, in line 14, after "means" by inserting ": (A)"; in line 19, after "thereto" by inserting "; and (B) an employee of a contractor who is under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility" and **SB 334** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce, an emergency was declared by a 2/3 constitutional majority, and **SB 316, SB 334, SB 367; Sub SCR 1618** and **HB 2210** were advanced to Final Action and roll call.

SB 316, AN ACT concerning public health; relating to the podiatry act; amending K.S.A. 65-2001, 65-2002 and 65-2004 and K.S.A. 2013 Supp. 65-2005 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wolf.

Absent or Not Voting: Wagle.

The bill passed, as amended.

SB 334, AN ACT concerning crimes and punishment; relating to interference with law enforcement; battery; amending K.S.A. 2013 Supp. 21-5413 and 21-5904 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wolf.

Absent or Not Voting: Wagle.

The bill passed, as amended.

SB 367, AN ACT concerning schools; creating the student data privacy act.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wolf.

Absent or Not Voting: Wagle.

The bill passed, as amended.

Sub SCR 1618, A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, authorizing the legislature to permit the conduct of charitable raffles by certain nonprofit organizations.

On roll call, the vote was: Yeas 35; Nays 0; Present and Passing 4; Absent or Not Voting 1.

Yeas: Abrams, Apple, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Tyson, Wolf.

Present and Passing: Arpke, Masterson, Pyle, Smith.

Absent or Not Voting: Wagle.

A two-thirds constitutional majority having voted in favor of the concurrent resolution, **Sub SCR 1618** was adopted, as amended.

HB 2210, AN ACT concerning elections; relating to change of party affiliation; when not permissible; amending K.S.A. 25-3301 and 25-3304 and repealing the existing sections.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

Absent or Not Voting: Wagle.

The bill passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 13, 2014.

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 13, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

A young man visited his priest for confession and after listing a number of tame mistakes the priest asked, "Tell me are you not entertaining impure thoughts?" Finally after a long pause the young man replied, "No father, but they are sure entertaining me."

Dear Lord, keep us from the temptations that we may for the moment think are the right idea, but we know in our heart are less than what you would have us do. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 439, AN ACT concerning certain state officers; amending K.S.A. 2013 Supp. 74-99f06 and repealing the existing section, by Committee on Federal and State Affairs.

SB 440, AN ACT concerning the Kansas expanded lottery act; amending K.S.A. 2013 Supp. 74-8741, 74-8746 and 74-8747 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 441, AN ACT concerning driver's license examiners; amending K.S.A. 74-2015 and repealing the existing section, by Committee on Ways and Means.

SB 442, AN ACT concerning labor and employment; enacting the Kansas employee credit consideration act, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 436**.

Federal and State Affairs: **SB 438**.

Judiciary: **SB 437**.

Utilities: **SB 435**.

Ways and Means: **SB 434**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and Bruce introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1796—

A RESOLUTION designating March 13, 2014, as Kidney Awareness Day.

WHEREAS, The state of Kansas recognizes that healthy citizens are essential for strong communities to thrive; and

WHEREAS, High blood pressure and diabetes are the main causes of chronic kidney disease, which is a major public health problem, with increasing prevalence, poor outcomes, long waits for kidney transplants and high costs; and

WHEREAS, One in eight Americans has chronic kidney disease and over 2,722 Kansans receive life-sustaining dialysis treatment; and

WHEREAS, Controlling high blood pressure and diabetes can delay or prevent chronic kidney disease; and

WHEREAS, As the costs of health care continue to grow, early and accurate identification of kidney disease is a critical component of efforts to reduce the negative clinical and economic impact on individuals and on the state of Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate March 13, 2014, as Kidney Awareness Day. We, along with the National Kidney Foundation, the Kidney Coalition and Alpha Kappa Alpha Sorority, encourage Kansans to monitor and treat high blood pressure and diabetes to the best of their abilities; and

Be it further resolved: That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1796** was adopted by voice vote.

Guests introduced were Tanisha Forte, Kelly Loeb, Zelia Wiles, Elizabeth Ross, Gwen Sharpe, Harriett Herbert, Wendy Schrag, Mark Green, Eric Swim, Lesley Pratt Dyer, Chad Iseman, Elaine Bahadori, Alexandra Wilson, Wilma Moore-Black, Gail Finney, Lanna Simon, Prisca Barnes and Dr. Sharon Cranford.

Senators honored the guests with a standing ovation.

Senator O'Donnell introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1797—

A RESOLUTION commemorating the 80th Anniversary
of Newman University in Wichita, Kansas.

WHEREAS, The origins of Newman University can be traced to the village of Acuto, Italy, where in 1834 a young woman named Maria De Mattias (now St. Maria De Mattias) founded the order of religious women known as the Adorers of the Blood of Christ. The Sisters came to the United States beginning in 1870, and by 1902 they had settled in Wichita, Kansas; and

WHEREAS, In 1933, Mother Beata Netenmeyer established Sacred Heart Junior College, at the height of the Great Depression. Despite the obstacles, the college steadily developed, training the Sisters as teachers and providing education for lay

women in teacher education, nursing, secretarial science and home economics; and

WHEREAS, Sacred Heart Junior College experienced numerous transformations over the years, and with the growth in campus facilities, enrollment, academic programs and student services, the institution changed its name in July 1988 to Newman University; and

WHEREAS, Newman University's identity is best described by its Mission, Core Values, the Newman Code and the Mission of the Adorers of the Blood of Christ; and

WHEREAS, Newman University's Mission Statement is: "We are a Catholic University named for John Henry Cardinal Newman and founded by the Adorers of the Blood of Christ for the purpose of empowering graduates to transform society." This corresponds to the mission of the Sisters of the Adorers of the Blood of Christ, which is "To celebrate life, foster oneness, walk as compassionate companions and empower others"; and

WHEREAS, Newman University's Mission Statement is grounded in the following Core Values: Catholic identity, academic excellence, culture of service and global perspective; and

WHEREAS, As a Catholic institution of higher learning, Newman finds guidance in teachings of the Catholic Church and draws nourishment from its relationships with surrounding Catholic communities and dioceses. Its Catholic identity is distinctively shared by the influence of both its founders and sponsors, the Adorers of the Blood of Christ, and of its namesake, the Catholic theologian and educator John Henry Cardinal Newman. With a strong liberal arts foundation, its curriculum honors the richness and vitality of its Catholic intellectual heritage while affirming the value of dialogue involving persons of varied cultures and religious traditions; and

WHEREAS, Newman University seeks to educate the whole person. Newman's faculty strives to utilize best practices in instruction, the insights derived from scholarly research and a culture of assessment to promote classroom and program improvement, while the small college atmosphere facilitates the development of an active, dynamic learning community; and

WHEREAS, Newman University fosters a culture of service where members of the community are encouraged to find personally fulfilling ways of growing through serving more than 240,000 hours per year. Through its humanitarian commitment to helping the underserved, Newman students honor the mission of the Adorers of the Blood of Christ by developing and empowering people; and

WHEREAS, Newman University is committed to promoting an interdependent global perspective formed by a critical consciousness that hungers and thirsts for justice and peace. This perspective affirms the interdependent nature of all of creation, while at the same time speaks to the ideal of the educated person in the modern world. Newman University seeks to encourage a diverse array of students in outstanding educational experiences designed to cultivate the knowledge, skills and values that they will need to become leaders in the transformation of an increasingly complex and interconnected world; and

WHEREAS, Newman University's Code is "As a member of the Newman community, I pledge to live in the spirit of critical consciousness by respecting the dignity of every person, honoring both personal and institutional integrity and striving to embrace all humanity"; and

WHEREAS, Approximately 3,300 students attend Newman University, and they hail

from 23 states and 33 countries; and

WHEREAS, More than 15,000 alumni are proud to call Newman University their alma mater; with graduates including doctors, attorneys, health care professionals, educators, scientists and business leaders from across the United States; and

WHEREAS, Newman University's commitment to education is unparalleled. Its history and stature are secured by the superlative caliber of its educational professionals and the students they inspire: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and celebrate the 80th Anniversary of Newman University in Wichita. Newman University provides students of Kansas with incredible opportunities and we urge all Kansans to celebrate its success; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator O'Donnell.

On emergency motion of Senator O'Donnell **SR 1797** was adopted by voice vote.

Guests introduced were Dr. Noreen Carrocci, Rosemary Niedens, Dr. Joshea Papsdorf, Dr. Kelly McFall, Jonathan Albers, Chase Blasi and Sister Charlotte O'Donnell.

Senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2542**.

Announcing passage of **SB 265**, as amended, **SB 266**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2542 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2576**, as amended by House Committee, be amended on page 7, in line 33, by striking all following "(3)"; by striking all in lines 34 through 46 and inserting "*Entering and expanding employer.* (A) The secretary, as a method of providing for a reduced rate of contributions to an employer shall verify the qualifications in this statute that bear a direct relation to unemployment risk for that employer.

(B) If, as of the computation date, an eligible, positive balance employer's reserve ratio is significantly affected due to an increase in the employer's taxable payroll of at least 100% and such increase is attributable to a growth in employment, and not to a change in the taxable wage base from the previous year, the secretary shall assign a reduced rate of contributions for a period of four years.

(i) Such reduced rate of contributions shall be the new employer rate described in subsection (a)(1)(B)(i)(c) or a rate based on the employer's demonstrated risk as reflected in the employer's reserve fund ratio history.

(ii) To be eligible for such reduced rate, the employer must maintain a positive account balance throughout the reduced-rate period and must have an increase in account balance for each year.";

On page 12, in line 3, after "(v)" by inserting "For rate year 2014 and rate years thereafter, an eligible employer other than a negative account balance employer, who has filed all reports due and paid all contributions due and owing on or before January

31 of the applicable year is entitled to a rate discount of 15% except as provided in this subsection.";

On page 16, in line 10, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **HB 2130** be amended on page 10, in line 20, after "felony" by inserting "or if convicted of a felony under the law of any state or of the United States, has been pardoned or restored to such person's civil rights"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 422, SB 424** be passed.

Also, **HB 2516**, as amended by House Committee, be amended on page 4, in line 10, by striking "professional" and inserting "advanced practice registered"; in line 12, after the first "nurse" by inserting "in the classification of a nurse-midwife"; also in line 12, by striking "professional" and inserting "advanced practice registered"; in line 14, after "nurse" by inserting "in the classification of a nurse-midwife"; in line 24, after "who" by inserting "is authorized by the state board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife";

On page 23, following line 38, by inserting:

"(c) (1) Payments from the fund for attorney fees, expert witness fees, and other costs related to claims, including invoices, statements and other documentation thereof, shall not be subject to K.S.A. 45-218, and amendments thereto.

(2) The provisions of this subsection shall expire on June 30, 2019, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2019.";

On page 28, following line 13, by inserting:

"(g) Notwithstanding the provisions of K.S.A. 40-3402, and amendments thereto, the plan shall make available policies of professional liability insurance covering prior acts. Such professional liability insurance policies shall have limits of coverage not exceeding \$1,000,000 per claim, subject to not more than \$3,000,000 annual aggregate liability for all claims made as a result of personal injury or death arising out of the rendering of or the failure to render professional services within this state on or before December 31, 2014. Such professional liability insurance policies shall be made available only to physician assistants licensed by the state board of healing arts, licensed advanced practice registered nurses authorized by the state board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, nursing facilities licensed by the state of Kansas, assisted living facilities licensed by the state of Kansas and residential health care facilities licensed by the state of Kansas that will be in compliance with K.S.A. 40-3402, and amendments thereto, on January 1, 2015. The premiums for such professional liability insurance policies shall be based upon reasonably prudent actuarial principles. The provisions of this subsection shall expire on January 1, 2016."; and the bill be passed as amended.

HB 2525 be amended on page 1, following line 34, by inserting:

"(f) The provisions of this section shall be part of and supplemental to the Kansas money transmitter act.";

On page 7, in line 32, after "(b)" by inserting "(1)"; following line 34, by inserting:

"(2) The provisions of this subsection shall expire on June 30, 2019, unless the legislature acts to reenact such provisions. The provisions of this paragraph shall be

reviewed by the legislature prior to July 1, 2019.";

On page 8, in line 32, by striking "Sec. 7.";

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

HB 2687 be amended on page 1, in line 20, by striking "58-3945" and inserting "58-3935"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2611** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

CHANGE OF REFERENCE

The President withdrew **SB 380** from the Committee on **Agriculture**, and referred to the calendar under the heading of General Orders.

The President withdrew **SB 392** from the Committee on **Agriculture**, and referred to the calendar under the heading of General Orders.

STRICKEN FROM THE CALENDAR

On motion of Senator Bruce, the following bills were stricken from the Calendar under the heading of General Orders: **SB 162, SB 313, SB 364, SB 365**.

REPORT ON ENGROSSED BILLS

SB 346, SB 362, Sub SB 394 reported correctly engrossed March 12, 2014.

SB 316, SB 334, SB 367, Sub SCR 1618 reported correctly engrossed March 13, 2014.

REPORT ON ENROLLED BILLS

SR 1793, SR 1794, SR 1795 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 13, 2014.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 14, 2014.

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 14, 2014, 8:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 31 members present.

Senators Donovan, Faust-Goudeau, Holland, Holmes, Longbine, Love, V. Schmidt, Shultz, Wolf were excused.

Invocation by Father Don Davidson:

Dear Lord, reaching-out is not all that difficult or even time consuming and yet we human beings are not always ready to stop our busyness long enough to try. Help us today, Lord, to take a moment and use our hands to craft a note, make a phone call, stop and visit or just remember in prayer someone who may be alone or in need of kind word, smile, faithful grasp or prayer. In so many ways dear Lord all we have is each other; give us your presence as we seek to love. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2542**.

Commerce: **SB 442**.

Federal and State Affairs: **SB 439, SB 440**.

Transportation: **SB 441**.

CHANGE OF REFERENCE

The President withdrew **HB 2118** and **HB 2122** from the Committee on **Interstate Cooperation**, and referred the bills to the Committee on **Natural Resources**.

The President withdrew **HB 2125** and **HB 2272** from the Committee on **Interstate Cooperation**, and referred the bills to the Committee on **Federal and State Affairs**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 298** be amended as recommended by Senate Committee on Assessment and Taxation as reported in the Journal of the Senate on February 28, 2014, and the bill, as printed as Substitute for

SENATE BILL NO. 298, be further amended on page 2, in line 12, by striking "not exceed" and inserting "be"; in line 14, by striking "\$7" and inserting "\$8"; in line 16, by striking "\$3" and inserting "\$5"; in line 17, by striking "\$21" and inserting "\$23"; in line 19, by striking "\$6" and inserting "\$8"; in line 20, by striking "\$2" and inserting "\$4"; in line 21, by striking "\$1.50" and inserting "\$3.50"; in line 23, by striking "\$6" and inserting "\$8"; in line 26, by striking "\$6" and inserting "\$8"; in line 28, by striking "\$6" and inserting "\$8"; in line 30, by striking "not exceed" and inserting "be"; in line 32, by striking "\$8" and inserting "\$11"; in line 34, by striking "\$4" and inserting "\$8"; in line 35, by striking "\$22" and inserting "\$26"; in line 37, by striking "\$7" and inserting "\$11"; in line 38, by striking "\$3" and inserting "\$7"; in line 39, by striking "\$2.50" and inserting "\$6.50"; in line 41, by striking "\$7" and inserting "\$11";

On page 3, in line 1, by striking "\$7" and inserting "\$11"; in line 3, by striking "\$7" and inserting "\$11"; in line 5, by striking "not exceed" and inserting "be"; in line 7, by striking "\$9" and inserting "\$14"; in line 9, by striking "\$5" and inserting "\$11"; in line 10, by striking "\$23" and inserting "\$29"; in line 12, by striking "\$8" and inserting "\$14"; in line 13, by striking "\$4" and inserting "\$10"; in line 14, by striking "\$3.50" and inserting "\$9.50"; in line 16, by striking "\$8" and inserting "\$14"; in line 19, by striking "\$8" and inserting "\$14"; in line 21, by striking "\$8" and inserting "\$14"; in line 23, by striking "not exceed" and inserting "be"; in line 25, by striking "\$10" and inserting "\$17"; in line 27, by striking "\$6" and inserting "\$14"; in line 28, by striking "\$24" and inserting "\$32"; in line 30, by striking "\$9" and inserting "\$17"; in line 31, by striking "\$5" and inserting "\$13"; in line 32, by striking "\$4.50" and inserting "\$12.50"; in line 34, by striking "\$9" and inserting "\$17"; in line 37, by striking "\$9" and inserting "\$17"; in line 39, by striking "\$9" and inserting "\$17"; in line 42, after "page" by inserting "prior to January 1, 2015, and \$3 per page on and after January 1, 2015,";

On page 4, in line 6, after the period by inserting "Prior to January 1, 2015, "; in line 8, after the period by inserting "On and after January 1, 2015, the county treasurer shall deposit \$2 of such funds in the register of deeds technology fund as provided by K.S.A. 2013 Supp. 28-115a, and amendments thereto, and \$1 of such funds in the county clerk technology fund as provided by section 3, and amendments thereto.";

On page 5, in line 13, after the period by inserting "No payments under this subsection shall be made by the county treasurer to the state treasurer during any calendar year in excess of a total of \$30,000. All moneys collected in excess of this amount which under this subsection would be paid to the state treasurer shall be credited to the county general fund.

(j) On and after January 1, 2015, the fee shall not exceed \$125 for recording single family mortgages on principal residences imposed pursuant to this section where the principal debt or obligation secured by the mortgage is \$75,000 or less.";

On page 6, following line 39, by inserting:

"New Sec. 3. (a) On January 1, 2015, there is hereby created in each county a county clerk technology fund.

(b) Upon receipt thereof, the county treasurer shall credit to the county clerk technology fund of the county all moneys attributable to the fees collected pursuant to subsection (b) of K.S.A. 28-115, and amendments thereto.

(c) Moneys in the county clerk technology fund shall be used by the county clerk to acquire equipment and technological services for the storing, recording, archiving, retrieving, maintaining and handling of data recorded, stored or generated in the office of the county clerk.

(d) Moneys in such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In making the budget of the county, the amounts credited to, and the amount on hand in, such special fund and the amount expended from such fund shall be shown on the budget for the information of the taxpayers of the county. Any action taken by the county clerk under this subsection shall be in accordance with K.S.A. 19-302, and amendments thereto.

(e) Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

(f) The fund shall be administered by the county treasurer who shall pay out moneys from the fund upon orders signed by the county clerk.

(g) At the end of any calendar year, if the balance in such fund exceeds \$50,000 and the county clerk indicates that such amount in excess of \$50,000 shall not be needed and is not designated for technology, the county commission may authorize the transfer and use of such excess moneys by other county offices for equipment or technological services relating to the land or property records filed or maintained by the county.

(h) If a charter form of government is adopted and implemented pursuant to K.S.A. 19-2680 et seq., and amendments thereto, the provisions of this section shall apply to the official, department or office which performs the duties and functions prescribed for the office of the county clerk.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "county clerk technology fund;"; and the substitute bill be passed as amended.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2479, HB 2662, Sub for Sub HB 2721.**

The House concurs in Senate amendments to **HB 2599.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2479, HB 2662, Sub for Sub HB 2721 were thereupon introduced and read by title.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 10-14, 2014:

Senator Bowers: recognizing Sheryl Williams on her retirement as Cloud County Treasurer; congratulating Travis Schwerdtfager on being named the 2014 Chamber Member of the Year; congratulating Jim Gabelmann on receiving the Lincoln County Chamber Community Leadership Award; congratulating Michael Harbaugh on his induction into the String Teacher's Hall of Fame; congratulating Alyce and Sam Gillett on receiving the 2013 Jewell County Windbreak Award; congratulating the St. John's Catholic High School Scholars Bowl Debate Team for winning the Scholars Bowl State Championship;

Senator Faust-Goudeau: commending the TRIO Programs for service to Kansas students;

Senator Kelly: congratulating Darlene and Joe McCarter on their 60th Wedding Anniversary;

Senator LaTurner: recognizing Alice Allen for 16,000 hours of volunteer service at Mercy Hospital-Fort Scott; and recognizing Nancy Patterson for 16,000 hours of volunteer service at Mercy Hospital-Fort Scott.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Senator Wagle in the chair.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, March 17, 2014.

Journal of the Senate

FORTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 17, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-seven senators present.
Senators Faust-Goudeau, Fitzgerald, Haley were excused.
Invocation by Father Don Davidson:

Almighty God, in your providence you chose your servant Patrick to be the apostle of the Irish people, to bring those who were wandering in darkness and error to the true light and your knowledge. Grant us so to walk in that light that we may come at last to the light. Bless the people of Ireland, and their descendants, and bless our nation, a place where many are one. In your Holy Name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

POINT OF PERSONAL PRIVILEGE

Senator Lynn rose on a Point of Personal Privilege to recognize members of the fifth grade Girl Scout troop from Ravenwood Elementary School, Olathe, Kansas. Introduced were Isabelle Davis, Erin Stenson, Heidi Savoy, Kaitlyn Savoy, and Lisa Allen, troop leader. Also introduced were Nicholas Stenson and Sam Harootunian.
Senators honored the guests with applause.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 443, AN ACT concerning education; relating to capital outlay; making and concerning appropriations for the fiscal year ending June 30, 2015, for the department of education; amending K.S.A. 2013 Supp. 72-8814 and repealing the existing section, by Committee on Ways and Means.

SCR 1621, A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning a budget stabilization fund and a disaster relief fund in the state treasury, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **Sub Sub HB 2721**.

Judiciary: **HB 2479, HB 2662**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2419; Sub HB 2541; HB 2578.**

Announcing passage of **SB 248, SB 284.**

Also, passage of **SB 40**, as amended by **H Sub SB 40.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2419; Sub HB 2541; HB 2578 were thereupon introduced and read by title.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Vice President Jeff King referred **HB 2578** to the Committee on **Federal and State Affairs.**

CHANGE OF REFERENCE

An objection having been made to **HB 2595** appearing on the Consent Calendar, the Vice President directed the bill be removed and placed on the Calendar under the heading of General Orders.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Donovan, the Senate nonconcurred in the House amendments to **SB 265** and requested a conference committee be appointed.

The Vice President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

On motion of Senator Donovan, the Senate nonconcurred in the House amendments to **SB 266** and requested a conference committee be appointed.

The Vice President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **S Sub HB 2338.**

The Vice President appointed Senators Masterson, King and Francisco as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **HB 2141** be amended as recommended by Senate Committee on Ethics, Elections and Local Government as reported in the Journal of the Senate on March 21, 2013, and the bill as printed as Senate Substitute for House Bill No. 2141, be further amended by substituting a new bill to be designated as "Senate Substitute for Senate Substitute for HOUSE BILL No. 2141," as follows:

"Senate Substitute for Senate Substitute for HOUSE BILL No. 2141"

By Committee on Ethics and Elections

"AN ACT concerning elections; relating to certain municipalities; amending K.S.A. 2-623, 12-344, 13-1220, 13-1221, 24-504, 25-209, 25-1115, 25-2006, 25-2007, 25-2010, 25-2014, 25-2017, 25-2018, 25-2022, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 25-3901, 72-8003 and 72-8008 and K.S.A. 2013 Supp. 2-624,

12-363, 24-412, 24-414, 24-459, 24-506, 25-213, 25-611, 25-1122, 25-2020, 25-2102, 25-2108a, 25-2110, 25-2311, 25-3902 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 and 12-1038.";

And the substitute bill be passed.

Committee on **Judiciary** recommends **SB 416; Sub HB 2442; HB 2445, HB 2489, HB 2501, HB 2502** be passed.

Also, **SB 259** be amended on page 2, in line 21, by striking the comma; in line 22, by striking "commencing October 1993"; in line 26, after "procedures." by inserting "Such report also shall include information summarizing the board's actions pursuant to subsection (l), including, but not limited to: (1) Each request for access that was denied, the purpose stated in the request and the reason such request was denied; and (2) each request for access that was granted, the purpose stated in the request and the reason such request was granted.";

Also on page 2, in line 40, by striking "The board may extract information from its records and enter"; by striking all in lines 41 and 42; in line 43, by striking "(2)"; also in line 43, by striking "or authorize disclosure of"; also in line 43, after "information" by inserting "extracted";

On page 3, in line 1, by striking "secured database" and inserting "board's records"; in line 6, by striking "complete address" and inserting "street number and street name"; in line 7, by striking "complete address" and inserting "street number and street name"; in line 9, after "only" by inserting "for the purpose of public health or education to"; by striking all in lines 10 through 12 and inserting:

"(i) An organization that has a federal-wide assurance (FWA) for the protection of human subjects in good standing with the United States department of health and human services office for human research protections and that has provided documentation that an institutional review board designated in the FWA has reviewed the organization's research proposal; or

(ii) a governmental agency; and"; in line 15, by striking "(3)" and inserting "(2)"; and the bill be passed as amended.

HB 2447, as amended by House Committee, be amended on page 1, in line 9, by striking "as of" and inserting "on"; and the bill be passed as amended.

HB 2491, as amended by House Committee, be amended on page 1, in line 24, after "filing" by inserting ", briefing"; and the bill be passed as amended.

HB 2577, as amended by House Committee, be amended on page 1, in line 18, by striking "child's" and inserting "infant's"; in line 19, by striking "a child" and inserting "an infant"; in line 20, by striking "be required to"; in line 21, by striking "child" and inserting "infant"; in line 22, by striking "child" and inserting "infant"; in line 30, by striking "child" and inserting "infant";

On page 1, in the title, in line 2, by striking "a child" and inserting "an infant"; and the bill be passed as amended.

HB 2478 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 **Natural Resources** recommends **SB 410** be amended on page 1, in line 24, by striking all after the period; by striking all in lines 25 through 36;

On page 2, by striking all in lines 1 and 2; in line 3, by striking "determination" and inserting "With regard to a request for exemption from property tax pursuant to the provisions of K.S.A. 79-201g and 82a-409, and amendments thereto, not filed with the court of tax appeals by the county appraiser on or before the effective date of this act, if the county appraiser recommends the exemption request be granted, the exemption shall be provided in the amount recommended by the county appraiser and the county appraiser shall not file the request for exemption and recommendations of the county appraiser with the state court of tax appeals. The county clerk or county assessor shall annually make such adjustment in the taxes levied against the real property as the owner may be entitled to receive under the provisions of K.S.A. 79-201g, and amendments thereto, as recommended by the county appraiser, beginning with the first period, following the date of issue of the certificate of completion on which taxes are regularly levied, and during the years which the landowner is entitled to such adjustment";

Also on page 2, in line 4, by striking all after "exemption"; in line 5, by striking all before the comma; in line 6, by striking all after "fact"; by striking all in line 7; in line 8, by striking all before the period; in line 9, by striking the comma and inserting "and"; in line 10, by striking all after "thereto"; in line 11, by striking all before the second comma; in line 12, by striking all after the comma; in line 13, by striking all before the second "and"; in line 14, by striking the first comma and inserting "and"; also in line 14, by striking all after "appraiser"; in line 15, by striking all before "of"; and the bill be passed as amended.

Also, **HB 2551**, as amended by House Committee, be amended on page 1, in line 7, by striking the third "and" and inserting a comma; in line 8, after "65-3490" by inserting "and 75-5673";

On page 1, in the title in line 3, by striking "and" and inserting a comma; also in line 3, after "65-3490" by inserting "and 75-5673"; also in line 3, by striking "regulation of PCB disposal facilities" and inserting "department of health and environment"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 393** be amended on page 2, in line 18, after the period by inserting "An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met: (i) The suspended license that expired was issued by the division of vehicles; (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state; and (iv) the individual has not previously received a stayed suspension as a result of a driving while suspended conviction."; and the bill be passed as amended.

Also, **Sub HB 2424** be amended on page 3, in line 22, after "Sharp" by inserting "memorial"; in line 25, after "Sharp" by inserting "memorial";

On page 1, in the title, in line 5, after "Sharp" by inserting "memorial"; and the bill be passed as amended.

Sub HB 2451 be amended on page 1, in line 17, by striking the semicolon; by striking all in lines 18 through 20; in line 21, by striking all before the period; in line 22,

by striking "(5)" and inserting "(4)";

On page 15, in line 22, after "after" by inserting "January 1, 2015, and"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 423** be passed.

REPORT ON ENROLLED BILLS

SR 1796, SR 1797 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 17, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, March 18, 2014.

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 18, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Almighty and everlasting God, we are continuing this new week, a week filled with possibilities and opportunities, to do what you have called us to do. Give us minds to think so that we are not inhibited. Give us hearts to love so that we are not blocked. Give us eyes to see so that we do not become shortsighted. In every moment, give us the intuition to see you in the work that needs to be done. We pray in your strong name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Local Government: **HB 2419**; **Sub HB 2541**.

Ways and Means: **SB 443**; **SCR 1621**.

CHANGE OF REFERENCE

The President withdrew **SB 435** from the Committee on **Utilities**, and referred the bill to the Committee on **Assessment and Taxation**.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 265** and has appointed Representatives Carlson, Edmonds and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 266** and has appointed Representatives Carlson, Edmonds and Sawyer as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt, Hensley and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1799—

A RESOLUTION commemorating the 40th anniversary
of the Washburn University School of Nursing.

WHEREAS, The Washburn University School of Nursing is celebrating its 40th anniversary in 2014; and

WHEREAS, The School of Nursing began in 1974 under the direction of Dr. Alice Adam-Young, who envisioned a School of Nursing that promoted a commitment to excellence in nursing education; and

WHEREAS, The School of Nursing graduates nurses who support a culture of compassionate care to their patients; and

WHEREAS, The School of Nursing continues to embrace a strong commitment to our community partners for the learning opportunities they provide; and

WHEREAS, The School of Nursing is committed to educating nurses to lead at the bedside, in the community and at the executive level, so as to forge an outstanding system of health care for all Kansans: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we celebrate and commemorate the Washburn University School of Nursing for its long-standing commitment to professional nursing education in the state of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator V. Schmidt.

On emergency motion of Senator V. Schmidt **SR 1799** was adopted by voice vote.

Guests introduced were Dr. Jerry Farley, Dr. Cynthia Hornberger, Dr. Monica Schelbmeir, Dr. Marian Jamison, Dr. Randy Pembroke, Susan Maendele, Carrie Magill and Bill Sneed.

Senators honored the guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2422**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2455**, as amended by House Committee, 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 **Commerce** recommends **Sub HB 2246** be amended on page 1, in line 11, by striking "or geologist"; in line 23, after "(8)" by inserting " "Professional engineer" shall have the meaning ascribed to such term in K.S.A. 74-7003, and amendments thereto.

(9)";

And by renumbering paragraphs accordingly;

On page 3, in line 14, by striking "offered by the licensee"; in line 15, by striking all after the period; in line 16, by striking "by the licensee" and inserting "Peer review committee process, records, testimony or reports received by the board"; in line 26, by striking all following the period; by striking all in lines 27 through 30; and the bill be passed as amended.

Also, **SB 405** 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 **Federal and State Affairs** recommends **SB 375** be amended on page 2, in line 21, before "sporting" by inserting "amateur athletic or"; in line 24, after "of 18" by inserting ", including, but not limited to, events under the jurisdiction and control of the Kansas state high school activities association"; and the bill be passed as amended.

Also **HB 2125** be amended on page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 34 and inserting:

"New Section 1. The Kansas lottery commission shall negotiate an addendum to existing lottery gaming facility management contracts that prohibit the state from operating electronic gaming machines at parimutuel licensee locations in the south central gaming zone until after July 1, 2032.

Sec. 2. K.S.A. 2013 Supp. 74-8741 is hereby amended to read as follows: 74-8741.

(a) The executive director of the Kansas lottery shall negotiate a racetrack gaming facility management contract to place electronic gaming machines at one parimutuel licensee location in each gaming zone except the southwest Kansas gaming zone and the south central Kansas gaming zone.

(b) To be eligible to enter into a racetrack gaming facility management contract the prospective racetrack gaming facility manager shall, at a minimum:

(1) Have sufficient access to financial resources to support the activities required of a racetrack gaming facility manager under the Kansas expanded lottery act; and

(2) be current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the state of Kansas and any taxing subdivision where such prospective manager is located in the state of Kansas, excluding items under formal appeal pursuant to applicable statutes.

(c) A racetrack gaming facility management contract shall include:

(1) The term of the contract;

(2) provisions for the Kansas racing and gaming commission to oversee all racetrack gaming facility operations, including, but not limited to: Oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and any required certification or licensing of officers, directors, board members, employees, contractors and agents of the racetrack gaming facility manager; auditing of net electronic gaming machine income and maintenance of the integrity of electronic gaming machine operations;

(3) provisions for the racetrack gaming facility manager to pay the costs of oversight and regulation of the racetrack gaming facility manager under this act and such manager's racetrack gaming facility operations by the Kansas racing and gaming commission; and

(4) enforceable provisions: (A) Prohibiting the state, until July 1, 2032, from (i) entering into management contracts for more than ~~three~~ four lottery gaming facilities or similar gaming facilities, one to be located in the northeast Kansas gaming zone, one to be located in the south central Kansas gaming zone, one to be located in the southwest Kansas gaming zone and one to be located in the southeast Kansas gaming zone, (ii) designating additional areas of the state where operation of lottery gaming facilities or similar gaming facilities would be authorized or (iii) operating an aggregate of more than 2,800 electronic gaming machines at all parimutuel licensee locations; and (B) requiring the state to repay to the racetrack gaming facility manager an amount equal to the privilege fee paid by such racetrack gaming facility manager, plus interest on such

amount, compounded annually at the rate of 10%, if the state violates the prohibition provision described in (A).

(d) Racetrack gaming facility management contracts authorized by this section may include provisions relating to:

(1) Accounting procedures to determine net electronic gaming machine income, unclaimed prizes and credits;

(2) minimum requirements for a racetrack gaming facility manager to provide qualified oversight, security and supervision of electronic gaming machines including the use of qualified personnel with experience in applicable technology;

(3) eligibility requirements for employees, contractors or agents of a racetrack gaming facility manager who will have responsibility for or involvement with electronic gaming machines or for the handling of cash or tokens;

(4) background investigations to be performed by the Kansas racing and gaming commission;

(5) credentialing or certification requirements of any employee, contractor or agent as provided by the Kansas expanded lottery act or rules and regulations adopted pursuant thereto;

(6) provision for termination of the management contract by either party for cause; and

(7) any other provision deemed necessary by the parties, including such other terms and restrictions as necessary to conduct racetrack gaming facility operations in a legal and fair manner.

(e) A person who is the manager of a lottery gaming facility in a gaming zone shall not be eligible to be the manager of the racetrack gaming facility in the same zone.

(f) A racetrack gaming facility management contract shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, except upon approval by the executive director, nor shall it be subject to being encumbered or hypothecated.

Sec. 3. K.S.A. 2013 Supp. 74-8746 is hereby amended to read as follows: 74-8746.

(a) ~~Except as provided in subsection (b):~~

~~(1) No electronic gaming machines shall be operated at a parimutuel licensee location in Sedgwick county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 100 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 with at least 13 live races conducted each day for not less than five days per week the south central Kansas gaming zone.~~

~~(2) (b) Except as provided in subsection (c):~~ (1) No electronic gaming machines shall be operated at a parimutuel licensee location in Wyandotte county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts live horse racing programs for at least 60 days, with at least 10 live races conducted each program, and must offer and make a reasonable effort to conduct a minimum number of three live races restricted for quarter horses each day and seven live thoroughbred races each day, of which not less than two races each day shall be limited to registered Kansas-bred horses apportioned in the same ratio that live races are offered, except that the licensee shall not be required to conduct the second live race restricted to Kansas-bred horses

unless there are at least seven qualified entries for such race, and with at least 100 live greyhound races each calendar week for at least the same number of weeks raced during calendar year 2003, with at least 13 live races conducted each day for not less than five days per week.

~~(3)~~ (2) No electronic gaming machines shall be operated at a parimutuel licensee location in Crawford county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 85 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 in Sedgwick county, with at least 12 live races conducted each day for not less than five days per week.

~~(4)~~ (3) If a parimutuel licensee has not held live races pursuant to a schedule approved by the Kansas racing and gaming commission in the preceding 12 months, the Kansas racing and gaming commission shall hold a hearing to determine the number of days of live racing required for the remaining days of the first calendar year of operation to qualify for operation of electronic gaming machines. At such hearing, the commission shall receive testimony and evidence from affected breed groups, the licensee and others, as the Kansas racing and gaming commission deems appropriate concerning the schedule of live race days. The operation of electronic gaming machines shall not commence more than 90 days prior to the start of live racing at such facility.

~~(b)~~ (c) The Kansas racing and gaming commission may not grant exceptions to the requirements of subsection ~~(a)~~ (b) for a parimutuel licensee conducting live racing unless such exception is in the form of an agreement which: (1) Is between the parimutuel licensee and the affected recognized greyhound or recognized horsemen's group, as defined in K.S.A. 74-8802, and amendments thereto; (2) has been approved by the appropriate official breed registering agencies; and (3) has been submitted to and approved by the commission. In the case of emergencies, weather related issues or immediate circumstances beyond the control of the licensee, the Kansas racing and gaming commission may grant an exception.

Sec. 4. K.S.A. 2013 Supp. 74-8747 is hereby amended to read as follows: 74-8747. (a) Net electronic gaming machine income from a racetrack gaming facility shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 25% of net electronic gaming machine income;

(2) 7% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2013 Supp. 74-8767, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

(3) 7% of net electronic gaming machine income shall be credited to the live greyhound racing purse supplement fund established by K.S.A. 2013 Supp. 74-8767, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per

electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

(4) (A) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the ~~racetrack gaming facility revenues~~ net electronic gaming machine income to the county in which the racetrack gaming facility is located; or (B) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the ~~racetrack gaming facility revenues~~ net electronic gaming machine income to the city in which the racetrack gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;

(5) (A) if the racetrack gaming facility is located in the southeast ~~or south central~~ Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the ~~racetrack gaming facility revenues~~ net electronic gaming machine income to the county in which the racetrack gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the racetrack gaming facility is located in the southeast or south central Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the ~~racetrack gaming facility revenues~~ net electronic gaming machine income to the city in which the racetrack gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;

(6) 2% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2013 Supp. 79-4805, and amendments thereto;

(7) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto;

(8) 40% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund; and

(9) 15% of electronic gaming machine income shall be used for gaming expenses, subject to agreement between the Kansas lottery and the racetrack gaming facility manager.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate, subject to the requirements of subsection (a)(9).";

Also on page 2, in line 35, by striking "2012 Supp. 58-3063 is" and inserting "2013 Supp. 74-8741, 74-8746 and 74-8747 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "real estate brokers and salespersons; relating to"; in line 2, by striking "license fees" and inserting "the Kansas expanded lottery act"; also in line 2, by striking "2012 Supp. 58-3063" and inserting "2013 Supp. 74-8741, 74-8746 and 74-8747"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2655**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2655," as follows:

"Senate Substitute for HOUSE BILL No. 2655

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to the sentencing of veterans; interference with law enforcement; giving a false alarm; amending K.S.A. 2013 Supp. 21-5904, 21-6207, 21-6604 and 73-1209 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Local Government** recommends **HB 2420**, as amended by House Committee, be amended on page 1, in line 10, before "employees" by inserting "designated"; and the bill be passed as amended.

The **Select Committee on KPERS** recommends **HB 2533**, (CORRECTED), be passed.

Also, **HB 2596** be amended on page 1, in line 9, by striking all after "dies"; by striking all in line 10; in line 11, by striking "2017,,"; and the bill be passed as amended.

HB 2602 be amended on page 2, in line 17, by striking all after the period; by striking all in line 18; in line 19, by striking "the unclassified service."; in line 22, by striking "the effective date of this act" and inserting "July 1, 2014" and the bill be passed as amended.

HB 2564 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 385**, be amended as recommended by the Senate Committee on Transportation as reported in the Journal of the Senate, on February 26, 2014, and the bill as printed with Senate Committee amendments be further amended on page 3, in line 11, after "that" by inserting ": (A)"; in line 13, by striking "and" and inserting "; (B) there is"; in line 14, by striking all following "settlement"; by striking all in lines 15 through 33; in line 34, by striking all before the period and inserting "; (C) that there are no existing liens on the vehicle or all liens on the vehicle have been released; (D) the insurance company has physical possession of the vehicle; and (E) the insurance company has provided the owner, at the owner's last known address, 30 days' prior notice of such intent to transfer and the owner has not delivered a written objection to the insurance company"; and the bill be passed as amended.

Also, **Sub HB 2452** be amended on page 1, in line 8, by striking the second "or" and inserting a comma; in line 9, after "less" by inserting "or motorcycles"; in line 11, by striking "or" and inserting a comma; also in line 11, after "truck" by inserting "or motorcycle";

On page 2, in line 2, by striking "or" and inserting a comma; also in line 2, after "truck" by inserting "or motorcycle";

On page 7, following line 34, by inserting:

"Sec. 5. K.S.A. 2013 Supp. 8-1,141 is hereby amended to read as follows: 8-1,141. (a) Any new distinctive license plate authorized for issuance on and after July 1, 1994, shall be subject to the personalized license plate fee prescribed by subsection (c) of K.S.A. 8-132, and amendments thereto. This section shall not apply to any distinctive license plate authorized prior to July 1, 1994.

(b) The director of vehicles shall not issue any new distinctive license plate authorized for issuance on and after July 1, 1995, unless there is a guarantee of an initial issuance of at least 500 license plates.

(c) The provisions of this section shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,145, or K.S.A. 2013 Supp. 8-177d, 8-1,163 or 8-1,166, and amendments thereto.

(d) The provisions of subsection (a), shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,146 or 8-1,148, and amendments thereto, or K.S.A. 2013 Supp. 8-1,153, 8-1,158 or 8-1,161, and amendments thereto.

(e) The provisions of subsection (f) shall not apply to distinctive license plates issued under the provisions of K.S.A. 2013 Supp. 8-1,160, and amendments thereto, except that the division shall delay the manufacturing and issuance of such distinctive license plate until the division has received not less than 1,000 orders for such plate, including payment of the personalized license plate fee required under subsection (a). Upon certification by the director of vehicles to the director of accounts and reports that not less than 1,000 paid orders for such plate have been received, the director of accounts and reports shall transfer \$40,000 from the state highway fund to the distinctive license plate fund.

(f) (1) Any person or organization sponsoring any distinctive license plate authorized by the legislature on and after July 1, 2004, shall submit to the division of vehicles a nonrefundable amount not to exceed \$20,000, to defray the division's cost for developing such distinctive license plate.

(2) All moneys received under this subsection shall be remitted by the secretary of revenue to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the distinctive license plate fund which is hereby created in the state treasury. All moneys credited to the distinctive license plate fund shall be used by the department of revenue only for the purpose associated with the development of distinctive license plates. All expenditures from the distinctive license plate application fee fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of revenue.

(g) (1) Except for educational institution license plates issued under K.S.A. 8-1,142, and amendments thereto, the director of vehicles shall discontinue the issuance of any distinctive license plate authorized prior to July 1, 2004, and which is subject to the provisions of subsection (b) if:

(A) Less than 500 license plates, including annual renewals, are issued for that distinctive license plate by July 1, 2006; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period after July 1, 2006.

(2) The director of vehicles shall discontinue the issuance of any distinctive license plate authorized on and after July 1, 2004, if:

(A) Less than 500 plates, including annual renewals, are issued for that distinctive license plate by the end of the second year of sales; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period.

(h) An application for any distinctive license plate issued after December 31, 2012,

and the corresponding royalty fee may be collected either by the county treasurer or the entity benefiting from the issuance of the distinctive license plate. Annual royalty payments collected by the county treasurers 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 a segregated royalty fund which shall be administered by the state treasurer. All expenditures from the royalty 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 state treasurer or the state treasurer's designee. Payments from the royalty fund shall be made to the entity benefiting from the issuance of the distinctive license plate on a monthly basis.

(i) Notwithstanding any other provision of law, for any distinctive license plate, the division shall produce such distinctive license plate for a motorcycle upon request to the division by the organization sponsoring the distinctive license plate.

(j) In addition to any residency requirements for all distinctive license plates, any person not a resident of Kansas, serving as a member of the armed forces stationed in this state shall be eligible to apply for any distinctive license plate as if the individual was a resident of this state. Such person shall be eligible to renew the distinctive license plate registration as long as the person is still stationed in this state at the time the registration is renewed."

And by renumbering sections accordingly;

Also on page 7, in line 35 by striking "is" and inserting "and K.S.A. 2013 Supp. 8-1,141 are";

On page 1, in the title, in line 2, after "international" by inserting ", armed forces"; in line 3, after "plates;" by inserting "motorcycles;"; also in line 3, after "8-161" by inserting "and K.S.A. 2013 Supp. 8-1,141"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate recessed until 3:30 p.m.

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

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

SB 366, SB 370, SB 396, SB 422, SB 424; HB 2597, HB 2715 be passed.

SB 264, SB 320, SB 379, SB 392; HB 2057, HB 2130, HB 2152, HB 2525, HB 2576, HB 2687 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion to send **SB 320** back to the Committee on **Federal and State Affairs** failed.

The committee report on **HB 2023** recommending **S Sub HB 2023** be adopted, and the substitute bill be passed.

The committee report on **HB 2446** recommending **S Sub HB 2446** be adopted, and

the substitute bill be passed.

The committee report on **HB 2378** recommending **S Sub HB 2378** be adopted, and the substitute bill be passed.

A motion by Senator Pettey to amend **S Sub HB 2378** failed and the following amendment was rejected: on page 34, in line 24, by striking "and"; in line 26, after "hunting" by inserting "; and

(hhhh) all sales of tangible personal property purchased by or on behalf of the epilepsy foundation of Missouri and Kansas, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of leading the fight to stop seizures, finding a cure and overcoming the challenges created by epilepsy, and all sales of any such property by or on behalf of such organization for such purpose";

On page 1, in the title, in line 2, after "activities;" by inserting "epilepsy foundation of Missouri and Kansas;"

SB 295 be amended by adoption of the committee amendments, be further amended by motion of Senator Apple: on page 8, in line 27, by striking "the" and inserting "all"; also in line 27, by striking "year" and inserting "years"; in line 28, by striking all after "received"; by striking all in line 29; in line 30, by striking all before "established" and inserting "under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as" and **SB 295** be passed as further amended.

SB 335 be amended by adoption of the committee amendments, be further amended by motion of Senator Abrams: on page 2, in line 38, after "(a) " by inserting "Except as provided in subsection (d)."; also in line 38, by striking "state"; also in line 38, after "education" by inserting "of each school district";

On page 3, in line 6, by striking all after the period; by striking all in line 7; in line 8, by striking all before "All"; following line 21, by inserting:

"(d) In lieu of establishing an impaired teacher program, the board of education of a school district may enter into an agreement with the board of education of another school district for the purpose of referring impaired teachers to such other school district's impaired teacher program.";

And by redesignating remaining subsections accordingly;

Also on page 3, in line 24, by striking all after "of"; in line 25, by striking "program" and inserting "programs"; also in line 25, by striking all after "established"; in line 26, by striking all before the period and inserting "pursuant to this section"

SB 335 be further amended by motion of Senator Hensley: on page 9, following line 37, by inserting:

"Sec. 6. K.S.A. 2013 Supp. 75-4362 is hereby amended to read as follows: 75-4362.
(a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor, attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person

currently holding one of the following positions or offices:

- (1) The office of governor, lieutenant governor or attorney general;
- (2) members of the Kansas senate or house of representatives;
- (3) any safety sensitive position;
- (4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;
- (5) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto;
- (6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; or
- (7) any employee of a state veteran's home operated by the Kansas commission on veteran's affairs as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.

(d) Except for a person who has access to a secured biological laboratory in the office of laboratory services of the department of health and environment, no person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

- (1) The employee has not previously had a valid positive test result; and
- (2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) Any member of the Kansas senate or house of representatives who has a valid positive test result shall be required to complete a substance abuse treatment program approved by the division of legislative administrative services. Any member of the Kansas senate or house of representatives who fails to complete or refuses to participate in the substance abuse treatment program as required under this section shall be ineligible to receive public funds for legislative compensation or expenses until completion of such substance abuse treatment program. Upon completion of substance abuse treatment, such member of the Kansas senate or house of representatives shall be subject to periodic drug screening. Upon a second valid positive test result, the member of the Kansas senate or house of representatives shall be ordered to complete again a substance abuse treatment program approved by the director of legislative administrative services and shall not receive legislative compensation or expenses for a period of 12 months, or until such member of the Kansas senate or house of representatives completes the substance abuse treatment program. Upon a third valid positive test result, such member's compensation and expenses shall be terminated.

~~(f)~~ (g) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

~~(g)~~(h) "Safety sensitive positions" means the following:

- (1) All state law enforcement officers who are authorized to carry firearms;
- (2) all state corrections officers;
- (3) all state parole officers;
- (4) heads of state agencies who are appointed by the governor and employees on the governor's staff;
- (5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 2013 Supp. 21-5914, and amendments thereto;
- (6) all employees of a juvenile correctional facility, as defined in K.S.A. 2013 Supp. 38-2302, and amendments thereto;
- (7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or habilitative services to the clients and patients of those institutions; and
- (8) all employees who have access to a secured biological laboratory in the office of laboratory services of the department of health and environment.;

Also on page 9, in line 38, by striking "and" and inserting a comma; also in line 38, after "72-1923" by inserting "and 75-4362";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning" by striking all in line 2, in line 3, by striking all before the semicolon and inserting "government officers and employees; relating to drug screening programs and substance abuse treatment programs for teachers and members of the legislature; relating to teacher licensure"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "72-1923" by inserting "and 75-4362" and **SB 335** be passed as further amended.

SB 380 be amended by adoption of the committee amendments, be further amended by motion of Senator Hawk: on page 2, in line 23, by striking "10" and inserting "four" and **SB 380** be passed as further amended.

HB 2516 be amended by adoption of the committee amendments, be further amended by motion of Senator Olson: on page 4, in line 30, after "nurse-midwife" by inserting "and who" and **HB 2516** be passed as further amended.

The committee report on **SB 298** recommending a **Sub SB 298** as amended, be adopted, be further amended by motion of Senator Donovan: on page 2, in line 18, by striking "\$5" and inserting "\$4"; in line 21, by striking "\$8" and inserting "\$7"; in line 37, by striking "\$8" and inserting "\$7"; in line 40, by striking "\$11" and inserting "\$10";

On page 3, in line 13, by striking "\$11" and inserting "\$10"; in line 16, by striking "\$14" and inserting "\$13"; in line 31, by striking "\$14" and inserting "\$13"; in line 34, by striking "\$17" and inserting "\$16".

Sub SB 298 be further amended by motion of Senator O'Donnell: on page 4, in line 16, by striking the second "and"; in line 17, by striking "\$1" and inserting "\$.50"; in line 18, after "thereto" by inserting ", and \$.50 of such funds in the county treasurer technology fund as provided by section 4, and amendments thereto";

On page 8, following line 6, by inserting:

"New Sec. 4.(a) On January 1, 2015, there is hereby created in each county a county treasurer technology fund.

(b) Upon receipt thereof, the county treasurer shall credit to the county treasurer technology fund of the county all moneys attributable to the fees collected pursuant to subsection (b) of K.S.A. 28-115, and amendments thereto.

(c) Moneys in the county treasurer technology fund shall be used by the county treasurer to acquire equipment and technological services for the storing, recording, archiving, retrieving, maintaining and handling of data recorded, stored or generated in the office of the county clerk.

(d) Moneys in such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In making the budget of the county, the amounts credited to, and the amount on hand in, such special fund and the amount expended from such fund shall be shown on the budget for the information of the taxpayers of the county. Any action taken by the county treasurer under this subsection shall be in accordance with K.S.A. 19-503, and amendments thereto.

(e) Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

(f) The fund shall be administered by the county treasurer who shall pay out moneys from the fund upon orders signed by the county treasurer.

(g) At the end of any calendar year, if the balance in such fund exceeds \$50,000 and the county treasurer indicates that such amount in excess of \$50,000 shall not be needed and is not designated for technology, the county commission may authorize the transfer and use of such excess moneys by other county offices for equipment or technological services relating to the land or property records filed or maintained by the county.

(h) If a charter form of government is adopted and implemented pursuant to K.S.A. 19-2680 et seq., and amendments thereto, the provisions of this section shall apply to the official, department or office which performs the duties and functions prescribed for the office of the county treasurer.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, before "amending" by inserting "county treasurer technology fund;" and **Sub SB 298** be passed as further amended.

SB 415 be passed over and retain a place on the calendar.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Smith the Senate nonconcurred in the House amendments to **H Sub SB 40** and requested a conference committee be appointed.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 19, 2014.

Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 19, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Gracious God, you have taught us that forgiveness and understanding are difficult; they demand our best following you. As we learn of events in our world which cause pain, help us to learn to forgive even those who seem beyond our capacity to love or forgive. It is in forgiving that we further understand your love for us and our humanity. Please, dear Lord, help us to love and forgive. In your holy name. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 444, AN ACT concerning school districts; relating to capital outlay tax levies; amending K.S.A. 72-8809 and repealing the existing section, by Committee on Ways and Means.

SB 445, AN ACT concerning economic development; relating to business recruitment, PEAK; amending K.S.A. 2013 Supp. 74-50,211 and 74-50,213 and repealing the existing sections, by Committee on Ways and Means.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **HB 2014** from the Committee on **Interstate Cooperation**, and referred the bill to the Committee on **Utilities**.

MESSAGES FROM THE GOVERNOR

March 14, 2014

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Commissioner, Office of the State Bank Commissioner; Deryl Schuster (R), Wichita, pursuant to the authority vested in me by K.S.A. 75-4315b effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Edwin Splichal.

REFERENCE OF APPOINTMENT

The Vice President referred the appointment of Deryl Schuster to the Committee on **Financial Institutions and Insurance**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2475**.

Announcing adoption of **HCR 5031**.

Announcing passage of **SB 278, SB 371**.

Also, passage of **SB 349**, as amended.

The House accedes to the request of the Senate for a conference on **H Sub SB 40** and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2475; HCR 5031 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1798—

A RESOLUTION congratulating and commending Statehouse Architect, Barry Greis, for his dedication, perseverance and steadfast commitment to the preservation and restoration of the Kansas State Capitol.

WHEREAS, Barry Greis was a United States Army Aviator in the 101st Airborne Division Airmobile and the 1st Air Cavalry Division, and served his country in Southeast Asia; and

WHEREAS, Barry Greis has been a resident of Kansas for the past 47 years and is a graduate of Kansas State University with a Bachelor's degree in Architecture; and

WHEREAS, Barry Greis has served the State of Kansas as a former deputy director of the Division of Facilities Management; a former assistant to the Secretary of Health and Environment for internal management; and a former project manager for the renovation of Cedar Crest, the Governor's residence; and

WHEREAS, Barry Greis is currently working for the legislative branch as Project Manager and for the executive branch as Statehouse Architect for the preservation and restoration of the Kansas State Capitol; and

WHEREAS, Barry and Sandy Greis have been married for 45 years and Sandy is a parent-educator with Parents As Teachers for the Topeka Public Schools, USD 501. They have a daughter, Jessica, a graduate of Wichita State University, who is an assistant attorney for the Commonwealth of Virginia and her husband Eric is in private practice as an attorney also in Virginia; and

WHEREAS, Throughout the past 13 years, Barry Greis has been the man behind the scenes, spending countless hours beyond the typical work day in overseeing the architectural planning and construction work for the Kansas State Capitol restoration project; and

WHEREAS, The members of the Kansas Legislature and the people that they represent will be forever grateful to Barry Greis for keeping the project on its course and for keeping the faith to see it through: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Statehouse Architect Barry Greis for his dedication, perseverance and steadfast commitment to the preservation and restoration of the Kansas State Capitol; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1798** was adopted by voice vote. Senators honored Barry Greis and his wife, Sandy, with a standing ovation.

FINAL ACTION ON CONSENT CALENDAR

SB 301; HB 2470, HB 2544, HB 2591 and HB 2611, having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 301, AN ACT concerning roads and highways; relating to right-of-ways; annexation by cities; amending K.S.A. 2013 Supp. 12-520 and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed.

HB 2470, AN ACT concerning the state board of regents; relating to state educational institutions; pertaining to the purchase of certain insurance; amending K.S.A. 2013 Supp. 75-4101 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2544, AN ACT concerning postsecondary educational institutions; relating to distance education; state authorization reciprocity agreement; amending K.S.A. 2013 Supp. 74-32,164 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2591, AN ACT concerning the department of administration; relating to filing of certain audit reports; amending K.S.A. 75-1124 and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed.

HB 2611, AN ACT concerning dentists; conduct of dental offices; amending K.S.A. 2013 Supp. 65-1435 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I am voting in support of **HB 2611** as I believe that this is a good first step to increasing access to dental care, especially in under-served areas such as my district in Southeast Kansas. Allowing dentists to work in multiple offices will allow more patients to be treated. However, I do believe that this is only the first step, and I hope that we will consider additional opportunities, such as approving the licensure of mid-level dental providers to practice in cooperation with dentists around the state. This will increase access even more and serve as an economic boost to our state, allowing dentists to grow their businesses. I am looking forward to hearing the mid-level dental practitioner bill in Health Committee next session, but this bill is a good first step, and we should support it. – JACOB LATURNER

Mr. Vice President: I support **HB 2611** because I think it is good, common-sense policy to allow dentists to see more patients. I hope that we don't stop here though, because while this is a good first step, we need to move another step forward and look at approving mid-level dental practitioners in Kansas. That's the only way to truly increase access to dental care, and it will help us to generate new economic activity. I know that Wichita State University is very excited about the opportunity to train mid-

level providers and equip them to serve the people of Kansas. This bill is a good first step and I support it, and I hope that we will be able to examine approval of mid-level practitioners to work with supervising dentists next session. – MICHAEL O'DONNELL

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 264, AN ACT concerning school districts; requiring storm shelters as a part of certain construction projects, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

Present and Passing: Hawk.

The bill passed, as amended.

SB 295, AN ACT concerning income taxation; relating to credits; community services contributions; modification to Kansas adjusted gross income, amounts received by certain retirants; amending K.S.A. 2013 Supp. 79-32,117 and 79-32,195 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

Sub SB 298, AN ACT concerning the recording of certain documents and instruments; relating to certain fees paid thereon to the register of deeds; mortgage registration tax; county clerk technology fund; county treasurer technology fund; amending K.S.A. 79-3102 and K.S.A. 2013 Supp. 28-115 and repealing the existing sections; also repealing K.S.A. 79-3101, 79-3102, as amended by section 2 of 2014 Substitute for Senate Bill No. 298, 79-3103, 79-3104, 79-3105, 79-3106, 79-3107, 79-3107a and 79-3107b and K.S.A. 2013 Supp. 79-3107c, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 12; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Donovan, Fitzgerald, Holmes, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle.

Nays: Apple, Denning, Francisco, Hawk, Hensley, Holland, Kelly, Knox, McGinn, Pettey, V. Schmidt, Wolf.

Present and Passing: Faust-Goudeau, Haley.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote YES on **Sub SB 298**. This bill will cut the tax burden on hard-working Kansans that need to borrow money to buy a home, small business or farmland by nearly \$19 million each year. In doing so, the state will eliminate a tax policy that discriminates against Kansans that must borrow money to invest in property ownership and the American Dream in our state. **Sub SB 298** levels the playing field for all Kansans purchasing real estate. This legislation eliminates a hidden tax on mortgage borrowers and replaces it with a fair and credible fee that will be paid by all document filers in return for the actual services provided by counties. Accordingly, I vote YES on **Sub SB 298**. — TOM ARPKE

Senator Abrams, Holmes, LaTurner, Lynn, Olson and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Arpke on **Sub SB 298**.

Mr. Vice President: Mortgage registration fees have been collected in Kansas since 1925. The 26-cent fee is collected on each hundred dollars of the mortgage amount, making it a sliding scale. The bill as amended lowers and eliminates the registration fee over five years while increasing recording fees for mortgages and other documents. There is a \$125 cap on the fees for mortgages of \$75,000 or less, however the cost to record a fifteen-page mortgage of a hundred thousand dollars would be \$259 in 2019, the same as the cost to record a mortgage of a million dollars or more. The counties have the responsibility for processing foreclosures with no fees for those services. All taxes can be considered burdensome, however while some counties will make up the revenue reduction through the increase in filing fees, other counties including both Douglas and Jefferson may need to raise property taxes to cover the shortfall. Although there are arguments on both sides, we are left with just one proposal to vote on. Because of my concern that we are again shifting costs onto property taxes, some for those who have already paid these fees, and to those with lower incomes, I vote NO on **Sub SB 298**. — MARCI FRANCISCO

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Francisco on **Sub SB 298**.

Mr. Vice President: The Kansas Supreme Court has firmly held that the mortgage registration fee is a tax because of its clear purpose to go beyond the costs of recording the mortgage to generate revenue. By repealing the mortgage registration fee in **Sub SB 298** and simultaneously increasing the document fees collected by local units of government well beyond the cost of recording those documents, it is clear that these increases are intended to generate revenue for those local units in place of the mortgage registration fee. This is not a fee increase, it's a tax increase. The shift of this tax from the mortgage registration tax to document fees is an attempt to subject FCS loans to a hidden tax disguised as a "fee." This action runs afoul of the federal tax exemption for these FCS loans which will likely trigger yet another lawsuit. Additionally, **Sub SB 298** leaves a hole in local budgets that will undoubtedly result in more property tax increases. I vote NO on **Sub SB 298**. — ANTHONY HENSLEY

Senators Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **Sub SB 298**.

Mr. Vice President: Should **Sub SB 298** be passed today, it will be a great day for Kansas taxpayers who must borrow money for the American Dream. Passage of **Sub SB 298** equates to a \$18 million tax cut to hard working families and small businesses. The \$18 million saved by taxpayers can be used to pursue their own version of the American Dream and shifts an unfair and hidden tax to its rightful place as a fee for services rendered. – JULIA LYNN

Senators Abrams, LaTurner, Olson and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Lynn on **Sub SB 298**.

SB 320, AN ACT concerning the emergency medical services board; imposition of fines; investigation authority; issuance of subpoenas; amending K.S.A. 65-6130 and K.S.A. 2013 Supp. 65-6111 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 19; Nays 20; Present and Passing 1; Absent or Not Voting 0.

Yeas: Bowers, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, Longbine, McGinn, Ostmeyer, Pettey, V. Schmidt, Shultz, Smith, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Fitzgerald, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Tyson.

Present and Passing: Wagle.

A constitutional majority having failed to vote in favor of the bill, **SB 320** did not pass.

SB 335, AN ACT concerning school districts; relating to drug screening of employees; relating to background checks of teachers; relating to revocation of teaching licenses; amending K.S.A. 2013 Supp. 72-1397 and 72-1923 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 4; Present and Passing 6; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Hensley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wagle, Wolf.

Nays: Haley, Hawk, Shultz, Tyson.

Present and Passing: Francisco, Holland, Kelly, McGinn, Pettey, V. Schmidt.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "No" on **SB 335**. As the original author of the idea to add legislators to the original bill that randomly drug tests unemployment and welfare recipients, I appreciate the amendment added to this bill, which moves us toward equal treatment for SOME who receive taxpayer money. Still, not ALL recipients of taxpayer funds are tested or can have benefits withheld, for failing drug tests. (For example, if the theory were equitable, farmers would have the same requirement before they could receive drought assistance.) There is an undemocratic disconnect between elected officials' drug use and pay; or teachers or welfare recipients. (Crack smoking mayors

may be re-elected by their constituents, and if they do their job, they should be paid. When U.S. Presidents can admit to illicit drug use and still be elected and reelected; they should STILL be paid.) A public official, whatever their vices or problems might be, can be vindicated and even retained by the voters. Sunshine or exposure is the true “penalty” for a legislator and there is no need for pay denial. It’s all part of democracy. I ALSO disagree with the underlying legislation that requires testing and registration; as if our teachers are all criminals. Like swatting a fly with an elephant gun, **SB 335** does too much and goes too far to solve a rare issue; one that could be done less invasively, and by less expensive or burdensome means. – DAVID HALEY

SB 380, AN ACT concerning agriculture; establishing the local food and farm task force, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Petersen, Pettey, V. Schmidt, Shultz, Wagle, Wolf.

Nays: Arpke, Fitzgerald, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson.

The bill passed, as amended.

S Sub HB 2023, AN ACT concerning workers compensation; enacting the public service benefits protection act; amending K.S.A. 2013 Supp. 44-501 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

SB 366, AN ACT concerning wildlife, parks and tourism; relating to the purchase of land in Cherokee county, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Longbine, Love, Masterson, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Wagle, Wolf.

Nays: Abrams, Denning, Fitzgerald, King, Knox, Lynn, Melcher, Olson, Pilcher-Cook, Pyle, Smith, Tyson.

The bill passed.

SB 370, AN ACT concerning wildlife, parks and tourism; relating to the purchase of land in Pottawatomie county, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Longbine, Love, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Wagle, Wolf.

Nays: Abrams, Denning, Fitzgerald, King, Knox, Lynn, Masterson, Melcher, Olson, Pilcher-Cook, Pyle, Smith, Tyson.

The bill passed.

SB 379, AN ACT concerning taxation; relating to the liquefied petroleum motor-fuel law; rates of taxation; amending K.S.A. 79-3492 and K.S.A. 2013 Supp. 79-3495 and 79-34,141 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

SB 392, AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1718, 47-1719, 47-1720, 47-1733 and 47-1734 and K.S.A. 2013 Supp. 47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726 and 47-1731 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-1732 and 47-1736, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Masterson, McGinn, Ostmeyer, Petersen, Pettey, V. Schmidt, Shultz, Wagle, Wolf.

Nays: Arpke, Fitzgerald, Knox, Lynn, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Pyle, Smith, Tyson.

The bill passed, as amended.

SB 396, AN ACT concerning state building projects; relating to negotiating committees; relating to alternative procurement; amending K.S.A. 2013 Supp. 75-1253 and 75-37,143 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Pyle.

The bill passed.

SB 422, AN ACT concerning local governments; relating to investment of idle funds; amending K.S.A. 2013 Supp. 12-1675 and repealing the existing section, was

considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

SB 424, AN ACT concerning hospital liens; relating to notice and amount of claims; requirements; amending K.S.A. 65-407 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2057, AN ACT concerning property taxation; relating to county appraisers; appointing interim appraiser; amending K.S.A. 2013 Supp. 19-430 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2130, AN ACT concerning elections; relating to petitions; amending K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and 25-4320 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2152, AN ACT concerning the uniform land sales practices act; amending K.S.A. 2013 Supp. 17-12a601 and repealing the existing section; also repealing K.S.A. 58-3301, 58-3302, 58-3303, 58-3304, 58-3305, 58-3306, 58-3307, 58-3308, 58-3309, 58-3310, 58-3311, 58-3312, 58-3313, 58-3315, 58-3316, 58-3317, 58-3318, 58-3319, 58-3320, 58-3321, 58-3322 and 58-3323 and K.S.A. 2013 Supp. 58-3314, was considered

on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

S Sub HB 2378, AN ACT concerning sales taxation; relating to exemptions; certain machinery and equipment used in surface mining activities; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

S Sub HB 2446, AN ACT concerning courts; relating to reinstatement fees; judicial branch nonjudicial salary adjustment fund; court trustee operations fund; amending K.S.A. 2012 Supp. 8-241, as amended by section 1 of 2013 House Bill No. 2303 and 20-1a15, as amended by section 2 of 2013 House Bill No. 2303 and K.S.A. 2013 Supp. 20-380 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

HB 2516, AN ACT concerning health care provider liability insurance; relating to mutual insurance companies organized to provide health care provider liability insurance; health care provider insurance availability act; amending K.S.A. 40-12a02, 40-12a06, 40-12a09, 40-3402, 40-3403a, 40-3403b, 40-3407, 40-3408, 40-3411, 40-3412, 40-3413, 40-3416, 40-3419 and 40-3422 and K.S.A. 2013 Supp. 40-3401, 40-3403, 40-3404, 40-3414 and 40-3421 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The bill passed, as amended.

HB 2525, AN ACT concerning the Kansas money transmitter act; concerning change in controlling interest; relating to notification of state bank commissioner; certain records not required to be open; amending K.S.A. 2013 Supp. 9-508, 9-509, 9-513c, 9-513d and 45-221 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed, as amended.

HB 2576, AN ACT concerning the employment security law; pertaining to rate; amending K.S.A. 2013 Supp. 44-710a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2597, AN ACT concerning solid waste; relating to municipal collection of recyclables; amending K.S.A. 2013 Supp. 12-2036 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Pilcher-Cook, Tyson.

The bill passed.

HB 2687, AN ACT concerning the distribution of unclaimed property act; relating to hearings; amending K.S.A. 58-3963 and 58-3967 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz,

Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2715, AN ACT regulating traffic; concerning permits; relating to farm machinery and equipment; commercial drivers' license, exemptions; amending K.S.A. 2013 Supp. 8-2,127 and 8-1911 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2464**, **HB 2511** be passed.

Committee on **Commerce** recommends **HB 2440**, **HB 2648** be passed.

Committee on **Federal and State Affairs** recommends **SB 439** be amended on page 1, in line 8, by striking "as designated by the governor"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2537** be amended on page 3, following line 22, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 40-222 is hereby amended to read as follows: 40-222.

(a) Whenever the commissioner of insurance deems it necessary but at least once every five years, the commissioner may make, or direct to be made, a financial examination of any insurance company in the process of organization, or applying for admission or doing business in this state. In addition, at the commissioner's discretion the commissioner may make, or direct to be made, a market regulation examination of any insurance company doing business in this state.

(b) In scheduling and determining the nature, scope and frequency of examinations of financial condition, the commissioner shall consider such matters as the results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, reports of independent certified public accountants and other criteria as set forth in the examiner's handbook adopted by the national association of insurance commissioners and in effect when the commissioner exercises discretion under this subsection.

(c) For the purpose of such examination, the commissioner of insurance or the persons appointed by the commissioner, for the purpose of making such examination shall have free access to the books and papers of any such company that relate to its business and to the books and papers kept by any of its agents and may examine under oath, which the commissioner or the persons appointed by the commissioner are empowered to administer, the directors, officers, agents or employees of any such company in relation to its affairs, transactions and condition.

(d) The commissioner may also examine or investigate any person, or the business of any person, in so far as such examination or investigation is, in the sole discretion of the commissioner, necessary or material to the examination of the company, but such

examination or investigation shall not infringe upon or extend to any communications or information accorded privileged or confidential status under any other laws of this state.

(e) In lieu of examining the financial condition of a foreign or alien insurance company, the commissioner of insurance may accept the report of the examination made by or upon the authority of the company's state of domicile or port-of-entry state until January 1, 1994. Thereafter, such reports as they relate to financial condition may only be accepted if:

(1) The insurance department conducting the examination was at the time of the examination accredited under the national association of insurance commissioners' financial regulation standards and accreditation program; or

(2) the examination is performed under the supervision of an accredited insurance department, or with the participation of one or more examiners who are employed by such an accredited insurance department and who after a review of the examination work papers and report state under oath that the examination was performed in a manner consistent with the standards and procedures required by their insurance department.

(f) Upon determining that an examination should be conducted, the commissioner or the commissioner's designee shall appoint one or more examiners to perform the examination and instruct them as to the scope of the examination. In conducting an examination of financial condition, the examiner shall observe those guidelines and procedures set forth in the examiners' handbook adopted by the national association of insurance commissioners. The commissioner may also employ such other guidelines or procedures as the commissioner may deem appropriate.

(g) The refusal of any company, by its officers, directors, employees or agents, to submit to examination or to comply with any reasonable written request of the examiners shall be grounds for suspension or refusal of, or nonrenewal of any license or authority held by the company to engage in an insurance or other business subject to the commissioner's jurisdiction. Any such proceedings for suspension, revocation or refusal of any license or authority shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(h) When making an examination under this act, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants or other professionals and specialists as examiners, the reasonable cost of which shall be borne by the company which is the subject of the examination.

(i) Nothing contained in this act shall be construed to limit the commissioner's authority to terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this state.

(j) Nothing contained in this act shall be construed to limit the commissioner's authority to use and, if appropriate, to make public any final or preliminary examination report in the furtherance of any legal or regulatory action which the commissioner may, in the commissioner's sole discretion, deem appropriate.

(k) (1) No later than 30 days following completion of the examination or at such earlier time as the commissioner shall prescribe, the examiner in charge shall file with the department a verified written report of examination under oath. No later than 30 days following receipt of the verified report, the department shall transmit the report to the company examined, together with a notice which shall afford such company

examined a reasonable opportunity of not more than 30 days to make a written submission or rebuttal with respect to any matters contained in the examination report.

(2) Within 30 days of the end of the period allowed for the receipt of written submissions or rebuttals, the commissioner shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiners workpapers and enter an order:

(A) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, regulation or prior order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure such violations; or

(B) rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation or information, and refile pursuant to subsection (k); or

(C) call and conduct a fact-finding hearing in accordance with K.S.A. 40-281, and amendments thereto, for purposes of obtaining additional documentation, data, information and testimony.

(3) All orders entered as a result of revelations contained in the examination report shall be accompanied by findings and conclusions resulting from the commissioner's consideration and review of the examination report, relevant examiner workpapers and any written submissions or rebuttals. Within 30 days of the issuance of the adopted report, the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders.

(4) Upon the adoption of the examination report, the commissioner shall hold the content of the examination report as private and confidential information for a period of 30 days except to the extent provided in paragraph (5). Thereafter, the commissioner may open the report for public inspection so long as no court of competent jurisdiction has stayed its publication.

(5) (A) Except as provided in paragraph (B), nothing contained in this act shall prevent or be construed as prohibiting the commissioner from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, at any time to:

(i) The insurance department of this or any other state or country;

(ii) law enforcement officials of this or any other state or agency of the federal government or any other country; or

(iii) officials of any agency of another country.

(B) The commissioner shall not share any information listed in paragraph (A) unless the agency or office receiving the report or matters relating thereto agrees in writing to hold it confidential and in a manner consistent with this act.

(6) In the event the commissioner determines that regulatory action is appropriate as a result of any examination, the commissioner may initiate any proceedings or actions as provided by law.

(7) All working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the commissioner or any other person in the course of an examination made under this act including analysis by the commissioner pertaining to either the financial condition or the market regulation of a company must be given confidential treatment and are not subject to subpoena and may not be made

public by the commissioner or any other person, except to the extent otherwise specifically provided in K.S.A. 45-215 et seq., and amendments thereto. Access may also be granted to the national association of insurance commissioners and its affiliates. Such parties must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the company to which it pertains has been obtained.

(8) Whenever it appears to the commissioner of insurance from such examination or other satisfactory evidence that the solvency of any such insurance company is impaired, or that it is doing business in violation of any of the laws of this state, or that its affairs are in an unsound condition so as to endanger its policyholders, the commissioner of insurance shall give the company a notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act. If the hearing confirms the report of the examination, the commissioner shall suspend the certificate of authority of such company until its solvency shall have been fully restored and the laws of the state fully complied with. The commissioner may, if there is an unreasonable delay in restoring the solvency of such company and in complying with the law, revoke the certificate of authority of such company to do business in this state. Upon revoking any such certificate the commissioner shall commence an action to dissolve such company or to enjoin the same from doing or transacting business in this state.

New Sec. 3. (a) (1) Except as provided in paragraph (2), whenever a municipality provides for the payment of premiums for any health benefit plan for its emergency personnel, it shall pay premiums for the continuation of coverage under COBRA for the surviving spouse and eligible dependent children under the age of 26 years of any emergency personnel who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) A municipality may not be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the end of the 18th calendar month after the date of death of the deceased emergency personnel;

(B) upon the remarriage of the deceased emergency personnel's surviving spouse;

or

(C) upon the deceased emergency personnel's surviving spouse reaching the age of 65.

(b) For the purposes of this section:

(1) "Emergency personnel" means an attendant as such term is defined in K.S.A. 65-6112, and amendments thereto.

(2) "Health benefit plan" shall have the meaning ascribed to it in K.S.A. 40-4602, and amendments thereto.

(3) "Municipality" means a city or county.";

Also on page 3, in line 23, by striking "is" and inserting "and 40-222 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "relating to the confidentiality of certain documents; relating to the continuation of health insurance for certain emergency personnel;"; also in line 3, after "40-216" by inserting "and 40-222"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2552** be passed.

Committee on **Transportation** recommends **HB 2728** be amended on page 3, in line 6, after "released." by inserting "In the event that an insurance company is unable to obtain voluntary assignment of the title after 30 days from the date the vehicle owner enters into an oral or written damage settlement agreement where the owner agrees to transfer the title, the insurance company may submit an application on a form prescribed by the division for a salvage title. The form shall be accompanied by an affidavit from the insurance company stating that: (A) The insurance company is unable to obtain a transfer of the title from the owner following an oral or written acceptance of an offer of damage settlement; (B) there is evidence of the damage settlement; (C) that there are no existing liens on the vehicle or all liens on the vehicle have been released; (D) the insurance company has physical possession of the vehicle; and (E) the insurance company has provided the owner, at the owner's last known address, 30 days' prior notice of such intent to transfer and the owner has not delivered a written objection to the insurance company.";

On page 1, in the title, in line 1, by striking "title" and inserting "titles;"; in line 2, after "copies;" by inserting "acquisitions;"; and the bill be passed as amended.

Also, **HB 2724**, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2727, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SCR 1620 be adopted.

Committee on **Utilities** recommends **HB 2101** be amended as recommended by Senate Committee on Utilities as reported in the Journal of the Senate on February 26, 2014, and the bill as printed as Senate Substitute for House Bill No. 2101, be further amended on page 4, by striking all in lines 13 through 34;

On page 5, in line 14, by striking "and"; in line 23, after "customer-generator" by inserting "; and

(e) for any customer-generator which began operating its renewable energy resource under an interconnect agreement with the utility on or after July 1, 2014, have the option to propose, within an appropriate rate proceeding, the application of time-of-use rates, minimum bills or other rate structures that would apply to all such customer-generators prospectively";

Also on page 5, in line 37, after the period by inserting:

"(3) Any interconnect agreement between such customer-generator and a utility and"; in line 37, after "NEG" by inserting "generated under such agreement";

On page 6, in line 16, by striking "expire" and inserting "be credited to the customer at a rate of 100% of the utility's monthly system average cost of energy per kilowatt hour"; in line 27, by striking "expire" and inserting "be credited to the customer at a rate of 100% of the utility's monthly system average cost of energy per kilowatt hour";

On page 7, in line 4, by striking "and"; in line 5, by striking "school" and inserting "religious institution"; in line 7, by striking "50" and inserting "100"; in line 8, after "kilowatts" by inserting ", unless otherwise agreed to by the utility and the customer-generator; and

(3) school customer-generators to generate electricity subject to net metering up to 150 kilowatts. For the purpose of this section, "school" means any postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto, or any

public or private school which provides instruction for students enrolled in grade kindergarten or grades one through 12";

Also on page 7, in line 17, by striking "66-1264,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "66-1264,"; and the bill be further amended, passed as amended.

REPORT ON ENGROSSED BILLS

SB 264, SB 295, SB 320, SB 335, SB 379, SB 380, SB 392 reported correctly engrossed March 19, 2014.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 20, 2014.

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 20, 2014, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-nine senators present.
Senator Love was excused.
Invocation by Father Don Davidson:

Grit is described as a singular passion, uninterrupted at times by rational thought. Grit is understood as being synonymous with resilience, possibly stubbornness. Dear Lord, help us to have gritty faith, filled with understanding, compassion and an eye toward reality and yet enabled with a sincerely held love of you. May we always have grit when it comes to our relationship with you, O Lord, and each other. In your holy name. Amen

The Pledge of Allegiance was led by Vice President Jeff King

INTRODUCTION OF GUESTS

Vice President King recognized retired Senate Chaplain, Fred Holloman and his wife Pat. Senators honored him with a standing ovation.

Senator Bowers recognized retired Representative Bob Fuller and his wife, Janet. Also introduced were Joann Zlatnik, House Page Scheduler, and Linda Wulfkuhle, Senate Page Scheduler. Senators honored them with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 446, AN ACT concerning alcoholic beverages; relating to the consumption of alcoholic beverages in public; amending K.S.A. 2013 Supp. 41-719 and 41-2653 and repealing the existing sections, by Committee on Ways and Means.

SB 447, AN ACT concerning weapons; relating to the regulation and possession of firearms and knives; amending K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 22-2512, 32-1047, 75-7c04 and 75-7c20 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6307 and 75-7c12, by Committee on Federal and State Affairs.

SB 448, AN ACT concerning abortion; relating to medical emergencies; relating to the woman's-right-to-know act; amending K.S.A. 65-6704 and K.S.A. 2013 Supp. 65-4a01, 65-4a07, 65-6701, 65-6705, 65-6709, 65-6723 and 76-3308 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 445**.

Education: **HB 2475**.

Federal and State Affairs: **HCR 5031**.

Ways and Means: **SB 444**.

MESSAGES FROM THE GOVERNOR

March 19, 2014

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 14-451 for your information.

SAM BROWNBACK
Governor

The Vice President announced Executive Directive No. 14-451, Authorizing Expenditure of Federal Funds and Authorizing Fund Transfers, is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2642**, **Sub HB 2681**.

Announcing passage of **SB 147**, as amended by **H Sub SB 147**, **SB 231**, as amended by **H Sub SB 231**, **SB 258**, as amended, **SB 329**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2642; **Sub HB 2681** were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2058** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2058," as follows:

"Senate Substitute for HOUSE BILL No. 2058
By Committee on Assessment and Taxation

"AN ACT concerning sales taxation; relating to exemptions; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section.";

And the substitute bill be passed.

Also, **HB 2417**, as amended by House Committee, be amended on page 1, following line 28, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 79-32,267 is hereby amended to read as follows: 79-32,267. (a) For taxable years commencing after December 31, 2011, and before January 1, 2017, there shall be allowed as a credit against the tax liability of a resident individual taxpayer an amount equal to the resident individual's income tax liability under the provisions of the Kansas income tax act, when the resident individual:

(1) Establishes domicile in a rural opportunity zone on or after July 1, 2011, and prior to January 1, 2016, and was domiciled outside this state for five or more years immediately prior to establishing their domicile in a rural opportunity zone in this state;

(2) had Kansas source income less than \$10,000 in any one year for five or more years immediately prior to establishing their domicile in a rural opportunity zone in this state; ~~and~~

(3) was domiciled in a rural opportunity zone during the entire taxable year for which such credit is claimed; and

(4) for taxable years commencing after December 31, 2013, and before January 1, 2017, is employed in a for-profit business or cooperative during the year in which such credit is claimed; or is employed in a for-profit or nonprofit hospital, clinic, nursing home, long-term residential care facility, hospice or medical professional office and directly engaged in providing professional management or professional medical, dental, psychiatric, optometric or other professional healthcare services to the public during the year for which such credit is claimed; and is not employed by a public entity during the year for which such credit is claimed. For purposes of this section, "public entity" means the state of Kansas, political subdivisions, cities, counties, state universities or colleges, school districts, all special districts, joint agreement entities, public authorities, public trusts and nonprofit corporations or other organizations which are operated with public money, but not including hospitals, clinics, nursing homes, long-term residential care facilities, hospices or professional offices providing medical, dental, psychiatric, optometric or other healthcare services to the public. This paragraph shall not apply to resident individuals who established domicile in a rural opportunity zone before July 1, 2014.

(b) A resident individual may claim the credit authorized by this section for not more than five consecutive years following establishment of their domicile in a rural opportunity zone.

(c) The maximum amount of any refund under this section shall be equal to the amount withheld from the resident individual's wages or payments other than wages pursuant to K.S.A. 79-3294 et seq., and amendments thereto, or paid by the resident individual as estimated taxes pursuant to K.S.A. 79-32,101 et seq., and amendments thereto.

(d) As used in this section, "cooperative" shall mean any of the following:

(1) Any association that is governed by the provisions and applications of article 16 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, the cooperative marketing act;

(2) any association, trust, agreement or arrangement that is governed by the Capper-Volstead act (7 U.S.C. § 291 et seq.);

(3) any corporation organized under the electric cooperative act, K.S.A. 17-4601 et seq., and amendments thereto, or which becomes subject to the electric cooperative act in any manner therein provided, or any limited liability company or corporation, or wholly owned subsidiary thereof, providing electric service at wholesale in the state of Kansas that is owned by four or more electric cooperatives that provide retail service in the state of Kansas, or any member-owned corporation formed prior to 2004;

(4) any association that is governed by the provisions and applications of article 22 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, the credit union act;

(5) any association that is governed by the provisions and applications of article 15 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, the cooperative societies act; or

(6) any rural telephone company, as defined in K.S.A. 66-1,187, and amendments thereto.

(e) No credit shall be allowed under this section if:

(1) The resident individual's income tax return on which the credit is claimed is not timely filed, including any extension; or

(2) the resident individual is delinquent in filing any return with, or paying any tax due to, the state of Kansas or any political subdivision thereof.

~~(e)~~ (f) This section shall be part of and supplemental to the Kansas income tax act.;"

Also on page 1, in line 29, by striking "is" and inserting "and 79-32,267 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "zones;" by inserting "private business employment;"; also in line 2, after "74-50,222" by inserting "and 79-32,267"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2557, as amended by House Committee of the Whole, be amended on page 3, by striking all in lines 33 through 43;

On page 4, by striking all in lines 1 through 4, and inserting:

"Sec. 2. K.S.A. 2013 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 thereto.

(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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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 all taxable years beginning after December 31, 2012, the amount of any: (1) loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S-corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.~~

(xx) ~~For all taxable years beginning after December 31, 2012, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.~~

(xxi)(xx) For all taxable years beginning after December 31, 2012, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii)(xxi) For all taxable years beginning after December 31, 2012, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

~~(xxiii)~~(xxii) For all taxable years beginning after December 31, 2012, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

~~(xxiv)~~(xxiii) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

~~(xxv)~~(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to

the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2013 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. For all taxable years beginning after December 31, 2012, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(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. 2013 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) 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.

(xvii) 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.

(xviii) 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.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For all taxable years beginning after December 31, 2012, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(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.";

Also on page 4, in line 5, by striking "is" and inserting "and 79-32,117 are";

On page 1, in the title, in line 2, by striking all after "returns"; line 3, by striking all before the semicolon and inserting "and certain income modifications"; also in line 3, after "79-3228" by inserting "and 79-32,117"; in line 4 by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2616** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2616," as follows:

"Senate Substitute for HOUSE BILL No. 2616

By Committee on Commerce

"AN ACT concerning workplace safety; authorizing and directing the secretary of labor to make a study of whether the state should enter into an agreement with the federal government regarding state enforcement of federal occupational safety and health act standards.";

And the substitute bill be passed.

Also, **HB 2086** be amended on page 1, in line 8, by striking "2012" and inserting "2013"; in line 12, by striking "2012" and inserting "2013"; in line 18, by striking "2012" and inserting "2013"; in line 22, by striking "2012" and inserting "2013";

On page 2, in line 17, by striking "2012" and inserting "2013";

On page 3, in line 21, after "district" by inserting "and such infrastructure is related to a project within the district or substantially for the benefit of the district"; in line 22, by striking "2012" and inserting "2013";

On page 9, in line 41, by striking "2012" and inserting "2013";

On page 10, in line 28, by striking "2012" and inserting "2013"; in line 31, by striking "2012" and inserting "2013";

On page 11, in line 40, by striking "2012" and inserting "2013";

On page 12, in line 8, by striking "2012" and inserting "2013";

On page 14, in line 24, by striking "2012" and inserting "2013"; in line 29, by striking "2012" and inserting "2013";

On page 1, in the title, in line 3, by striking "2012" and inserting "2013"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **Sub HB 2223** be amended 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 16 and inserting:

"Section 1. K.S.A. 2013 Supp. 41-104 is hereby amended to read as follows: 41-104. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in this act shall prevent:

(a) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

(b) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker and, the maker's family, guests and judges at a contest or competition of such beverages, provided, the maker receives no compensation for producing such beverages or for allowing the consumption thereof;

(c) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(e) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

(g) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following: (1) The consumer must be at least 21 years of age; (2) the consumer must purchase the wine while physically present on the premises of the wine manufacturer; (3) the wine must be for the consumer's personal consumption and not for resale; and (4) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary;

(h) the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. § 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; or

(i) the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance.

(j) For purposes of subsection (b), the term "guest" means a natural person who is known to the host and receives a personal invitation to an event conducted by the host. The term "guest" shall not mean a natural person who receives an invitation to an event conducted by the host when such invitation has been made available to the general public.

Sec. 2. K.S.A. 2013 Supp. 41-308b is hereby amended to read as follows: 41-308b.

(a) A microbrewery license shall allow:

(1) The manufacture of not less than 100 nor more than ~~15,000~~ 30,000 barrels of domestic beer during the ~~license~~ calendar year and the storage thereof;

(2) the sale to beer distributors of beer, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer manufactured by the

licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of beer manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of domestic beer and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microbrewery licensee, the director may issue not to exceed one microbrewery packaging and warehousing facility license to the microbrewery licensee. A microbrewery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microbrewery to the licensed premises of the microbrewery packaging and warehousing facility, of beer manufactured by the licensee, for the purpose of packaging or storage, or both; and

(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of the microbrewery, of beer manufactured by the licensee; or

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler.

(c) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microbrewery may serve samples of domestic beer and serve and sell domestic beer and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of brewers a permit to import into this state small quantities of beer. Such beer shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such beer shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of beer to be imported, the quantity to be imported, the tasting programs for which the beer is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of beer pursuant to this subsection and the conduct of tasting programs for which such beer is imported.

(e) A microbrewery license or microbrewery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microbrewery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work

on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microbrewery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

Sec. 3. K.S.A. 2013 Supp. 41-308d is hereby amended to read as follows: 41-308d.

(a) Notwithstanding any other provisions of the Kansas liquor control act to the contrary, any person or entity who is licensed to sell alcoholic liquor in the original package at retail may conduct wine, beer and distilled spirit tastings on the licensed premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, as follows:

(1) Wine, beer and spirits for the tastings shall come from the inventory of the licensee. Except as provided by paragraph (2), a person other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(2) The holder of a supplier's permit or Kansas farm winery license or such permit holder's or licensee's agent or employee may participate in and conduct product tastings of alcoholic beverages at a retail licensee's premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch, or pour alcoholic beverages, make a presentation, or answer questions at the tasting. Any alcoholic beverage tasted under this subsection must be purchased from the retailer on whose premises the tasting is held. The retailer may not require the purchase of more alcoholic beverages than are necessary for the tasting. This section does not authorize the supplier, farm winery licensee or ~~its~~ the supplier's or licensee's agent to withdraw or purchase an alcoholic beverage from the holder of a distributor's permit or provide an alcoholic beverage for tasting on a retailer's premises that is not purchased from the retailer.

(3) No charge of any sort may be made for a sample serving.

(4) A person may be served more than one sample. Samples may not be served to a minor. No samples may be removed from the licensed premises.

(5) The act of providing samples to consumers shall be exempt from the requirement of holding a Kansas food service dealer license from the department of agriculture under the provisions of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

(c) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(d) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(e) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 4. K.S.A. 2013 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) ~~Who has not been is not~~ a citizen of the United States ~~for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;~~

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

(14) who does not provide any data or information required by K.S.A. 2013 Supp.

41-311b, and amendments thereto.

(b) No retailer's license shall be issued to:

- (1) A person who is not a resident of this state;
- (2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;
- (3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;
- (4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;
- (5) a copartnership, unless all of the copartners are qualified to obtain a license;
- (6) a corporation; or
- (7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

- (1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;
- (2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;
- (3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;
- (4) an individual who is not a resident of this state;
- (5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or
- (6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

- (1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the

provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least one year immediately preceding the date of application;

(3) person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;

(4) person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), (f)(2) and K.S.A. 2013 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as

the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.";

Also on page 5; in line 17, by striking "2012" and inserting "2013"; also in line 17, by striking "41-102 and"; also in line 17, after "41-104" by inserting ", 41-308b, 41-308d and 41-311"; in line 19, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "2012" and inserting "2013"; also in line 2, by striking "41-102 and"; also in line 2, after "41-104" by inserting ", 41-308b, 41-308d and 41-311"; and the bill be passed as amended.

Also, **HB 2272** be amended on page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 26 and inserting:

"Section 1. K.S.A. 2013 Supp. 74-8734 is hereby amended to read as follows: 74-8734. (a) The Kansas lottery may operate one lottery gaming facility in each gaming zone.

(b) Not more than 30 days after the effective date of this act the lottery commission shall adopt and publish in the Kansas register the procedure for receiving, considering and approving, proposed lottery gaming facility management contracts. Such procedure shall include provisions for review of competitive proposals within a gaming zone and the date by which proposed lottery gaming facility management contracts must be received by the lottery commission if they are to receive consideration.

(c) The lottery commission shall adopt standards to promote the integrity of the 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 operation and to ensure its integrity and security.

(d) The Kansas lottery commission may approve management contracts with one or more prospective lottery gaming facility managers to manage, or construct and manage, on behalf of the state of Kansas and subject to the operational control of the Kansas lottery, a lottery gaming facility or lottery gaming enterprise at specified destination locations within the northeast, south central, southwest and southeast Kansas gaming zones where the commission determines the operation of such facility would promote tourism and economic development. The commission shall approve or disapprove a proposed management contract within 90 days after the deadline for receipt of proposals established pursuant to subsection (b).

(e) In determining whether to approve a management contract with a prospective lottery gaming facility manager to manage a lottery gaming facility or lottery gaming enterprise pursuant to this section, the commission shall take into consideration the following factors: The size of the proposed facility; the geographic area in which such facility is to be located; the proposed facility's location as a tourist and entertainment destination; the estimated number of tourists that would be attracted by the proposed facility; the number and type of lottery facility games to be operated at the proposed facility; and agreements related to ancillary lottery gaming facility operations.

(f) Subject to the requirements of this section, the commission shall approve at least one proposed lottery gaming facility management contract for a lottery gaming facility in each gaming zone.

(g) The commission shall not approve a management contract unless:

(1) (A) The prospective lottery gaming facility manager is a resident Kansas American Indian tribe and, at a minimum: (i) Has sufficient access to financial resources to support the activities required of a lottery gaming facility manager under the Kansas expanded lottery act; and (ii) has three consecutive years' experience in the management of gaming which would be class III gaming, as defined in K.S.A. 46-2301, and amendments thereto, operated pursuant to state or federal law; or

(B) the prospective lottery gaming facility manager is not a resident Kansas American Indian tribe and, at a minimum: (i) Has sufficient access to financial resources to support the activities required of a lottery gaming facility manager under the Kansas expanded lottery act; (ii) is current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the state of Kansas and any taxing subdivision where such prospective manager is located in the state of Kansas, excluding items under formal appeal pursuant to applicable statutes; and (iii) has three consecutive years' experience in the management of gaming which would be class III gaming, as defined in K.S.A. 46-2301, and amendments thereto, operated pursuant to state or federal law; and

(2) the commission determines that the proposed development consists of an investment in infrastructure, including ancillary lottery gaming facility operations, of at least \$225,000,000 in the northeast, ~~southeast~~ and south central Kansas gaming zones and of at least \$50,000,000 in the ~~southeast and~~ southwest Kansas gaming ~~zone zones~~. The commission, in determining whether the minimum investment required by this subsection is met, shall not include any amounts derived from or financed by state or local retailers' sales tax revenues.

(h) Any management contract approved by the commission under this section shall:

(1) Have a maximum initial term of 15 years from the date of opening of the lottery gaming facility. At the end of the initial term, the contract may be renewed by mutual

consent of the state and the lottery gaming facility manager;

(2) specify the total amount to be paid to the lottery gaming facility manager pursuant to the contract;

(3) establish a mechanism to facilitate payment of lottery gaming facility expenses, payment of the lottery gaming facility manager's share of the lottery gaming facility revenues and distribution of the state's share of the lottery gaming facility revenues;

(4) include a provision for the lottery gaming facility manager to pay the costs of oversight and regulation of the lottery gaming facility manager and the operations of the lottery gaming facility by the Kansas racing and gaming commission;

(5) establish the types of lottery facility games to be installed in such facility;

(6) provide for the prospective lottery gaming facility manager, upon approval of the proposed lottery gaming facility management contract, to pay to the state treasurer a privilege fee of \$25,000,000 for the privilege of being selected as a lottery gaming facility manager of a lottery gaming facility in the northeast, ~~southeast~~ or south central Kansas gaming zone and \$5,500,000 for the privilege of being selected as a lottery gaming facility manager of a lottery gaming facility in the southeast or southwest Kansas gaming zone. Such fee shall be deposited in the state treasury and credited to the lottery gaming facility manager fund, which is hereby created in the state treasury;

(7) incorporate terms and conditions for the ancillary lottery gaming facility operations;

(8) designate as key employees, subject to approval of the executive director, any employees or contractors providing services or functions which are related to lottery facility games authorized by a management contract;

(9) include financing commitments for construction;

(10) include a resolution of endorsement from the city governing body, if the proposed facility is within the corporate limits of a city, or from the county commission, if the proposed facility is located in the unincorporated area of the county;

(11) include a requirement that any parimutuel licensee developing a lottery gaming facility pursuant to this act comply with all orders and rules and regulations of the Kansas racing and gaming commission with regard to the conduct of live racing, including the same minimum days of racing as specified in K.S.A. ~~2012~~ 2013 Supp. 74-8746, and amendments thereto, for operation of electronic gaming machines at racetrack gaming facilities;

(12) include a provision for the state to receive not less than 22% of lottery gaming facility revenues, which shall be paid to the expanded lottery act revenues fund established by K.S.A. ~~2012~~ 2013 Supp. 74-8768, and amendments thereto;

(13) include a provision for 2% of lottery gaming facility revenues to be paid to the problem gambling and addictions grant fund established by K.S.A. ~~2012~~ 2013 Supp. 79-4805, and amendments thereto;

(14) if the prospective lottery gaming facility manager is an American Indian tribe, include a provision that such tribe agrees to waive its sovereign immunity with respect to any actions arising from or to enforce either the Kansas expanded lottery act or any provision of the lottery gaming facility management contract; any action brought by an injured patron or by the state of Kansas; any action for purposes of enforcing the workers compensation act or any other employment or labor law; and any action to enforce laws, rules and regulations and codes pertaining to health, safety and consumer protection; and for any other purpose deemed necessary by the executive director to

protect patrons or employees and promote fair competition between the tribe and others seeking a lottery gaming facility management contract;

(15) (A) if the lottery gaming facility is located in the northeast or southwest Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the lottery gaming facility revenues to the county in which the lottery gaming facility is located; or (B) if the lottery gaming facility is located in the northeast or southwest Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the lottery gaming facility revenues to the city in which the lottery gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;

(16) (A) if the lottery gaming facility is located in the southeast or south central Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the lottery gaming facility revenues to the county in which the lottery gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the lottery gaming facility is located in the southeast or south central Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the lottery gaming facility revenues to the city in which the lottery gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;

(17) allow the lottery gaming facility manager to manage the lottery gaming facility in a manner consistent with this act and applicable law, but shall place full, complete and ultimate ownership and operational control of the gaming operation of the lottery gaming facility with the Kansas lottery. The Kansas lottery shall not delegate and shall explicitly retain the power to overrule any action of the lottery gaming facility manager affecting the gaming operation without prior notice. The Kansas lottery shall retain full control over all decisions concerning lottery gaming facility games;

(18) include provisions for the Kansas racing and gaming commission to oversee all lottery gaming facility operations, including, but not limited to: Oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and credentialing of employees, contractors and agents of the lottery gaming facility manager and of ancillary lottery gaming facility operations, as determined by the Kansas racing and gaming commission; auditing of lottery gaming facility revenues; enforcement of all state laws and maintenance of the integrity of gaming operations; and

(19) include enforceable provisions: (A) Prohibiting the state, until July 1, 2032, from: (i) Entering into management contracts for more than four lottery gaming facilities or similar gaming facilities, one to be located in the northeast Kansas gaming zone, one to be located in the south central Kansas gaming zone, one to be located in the southwest Kansas gaming zone and one to be located in the southeast Kansas gaming zone; (ii) designating additional areas of the state where operation of lottery gaming facilities or similar gaming facilities would be authorized; or (iii) operating an aggregate of more than 2,800 electronic gaming machines at all parimutuel licensee locations; and (B) requiring the state to repay to the lottery gaming facility manager an amount equal to the privilege fee paid by such lottery gaming facility manager, plus interest on such amount, compounded annually at the rate of 10%, if the state violates the prohibition provision described in (A).

(i) The power of eminent domain shall not be used to acquire any interest in real property for use in a lottery gaming enterprise.

(j) Any proposed management contract for which the privilege fee has not been paid to the state treasurer within 30 days after the date of approval of the management contract shall be null and void.

(k) A person who is the manager of the racetrack gaming facility in a gaming zone shall not be eligible to be the manager of the lottery gaming facility in the same zone.

(l) Management contracts authorized by this section may include provisions relating to:

(1) Accounting procedures to determine the lottery gaming facility revenues, unclaimed prizes and credits;

(2) minimum requirements for a lottery gaming facility manager to provide qualified oversight, security and supervision of the lottery facility games including the use of qualified personnel with experience in applicable technology;

(3) eligibility requirements for employees, contractors or agents of a lottery gaming facility manager who will have responsibility for or involvement with actual gaming activities or for the handling of cash or tokens;

(4) background investigations to be performed by the Kansas racing and gaming commission;

(5) credentialing requirements for any employee, contractor or agent of the lottery gaming facility manager or of any ancillary lottery gaming facility operation as provided by the Kansas expanded lottery act or rules and regulations adopted pursuant thereto;

(6) provision for termination of the management contract by either party for cause; and

(7) any other provision deemed necessary by the parties, including such other terms and restrictions as necessary to conduct any lottery facility game in a legal and fair manner.

(m) A management contract shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, except upon approval by the executive director, nor shall it be subject to being encumbered or hypothecated. The trustee of any insolvent or bankrupt lottery gaming facility manager may continue to operate pursuant to the management contract under order of the appropriate court for no longer than one year after the bankruptcy or insolvency of such manager.

(n) (1) The Kansas lottery shall be the licensee and owner of all software programs used at a lottery gaming facility for any lottery facility game.

(2) A lottery gaming facility manager, on behalf of the state, shall purchase or lease for the Kansas lottery all lottery facility games. All lottery facility games shall be subject to the ultimate control of the Kansas lottery in accordance with this act.

(o) A lottery gaming facility shall comply with any planning and zoning regulations of the city or county in which it is to be located. The executive director shall not contract with any prospective lottery gaming facility manager for the operation and management of such lottery gaming facility unless such manager first receives any necessary approval under planning and zoning requirements of the city or county in which it is to be located.

(p) Prior to expiration of the term of a lottery gaming facility management contract,

the lottery commission may negotiate a new lottery gaming facility management contract with the lottery gaming facility manager if the new contract is substantially the same as the existing contract. Otherwise, the lottery gaming facility review board shall be reconstituted and a new lottery gaming facility management contract shall be negotiated and approved in the manner provided by this act.";

Also on page 7, in line 27, by striking "2012" and inserting "2013"; also in line 27, by striking "79-201a" and inserting "74-8734";

On page 1, in the title, in line 1, by striking "property tax exemption; relating to industrial revenue"; by striking all in line 2 and inserting "gaming; amending K.S.A. 2013 Supp. 74-8734"; and the bill be passed as amended.

HB 2578, as amended by House Committee, be amended on page 1, in line 21, after "certify" by inserting "because of specific acts or information directly related to the applicant. A generalized belief by the chief law enforcement officer that certain types of firearms have no lawful purpose or should not be possessed even by those who are not otherwise prohibited by law from possessing or receiving them shall not be sufficient reason to deny certification under this section"; and the bill be passed as amended.

HB 2580, as amended by House Committee of the Whole, be amended on page 1, in line 22, by striking "or"; in line 23, by striking "search and rescue"; in line 28, after "party's" by inserting "negligent or willful"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2099**, as amended by House Committee, 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 7 and inserting the following:

"Section 1. K.S.A. 2013 Supp. 40-229a is hereby amended to read as follows: 40-229a. (a) (1) (A) All cash, securities, ~~real estate deeds, mortgages~~ or other assets, excluding real estate and mortgages, deposited with the commissioner of insurance pursuant to the provisions of the insurance code of the state of Kansas shall be deposited with any Kansas financial institution acceptable to the commissioner through which a custodial or controlled account, a joint custody receipt arrangement or any combination of these or other measures that are acceptable to the commissioner is used.

(B) All such deposits shall be held by such financial institution on behalf of the commissioner in trust for the use and benefit of such company and such company's policyholders and creditors. Such assets shall be released from such deposits only upon written approval of the commissioner.

(C) All income from deposits belong to the depositing organization and shall be paid to it as it becomes available. The commissioner, upon written approval, may direct the financial institution to permit exchange of securities or assets upon deposit of specified substituted securities or assets.

(D) An authorized signature form must be submitted to the commissioner of insurance prior to acceptance of any deposit. Each signature on the authorized signature form must be the original handwritten name of each signee. No copies, facsimiles, electronic or digital signatures will be recognized on this form.

~~(D)~~ (E) All forms for deposit, withdrawal or exchange shall be prescribed, prepared and furnished by the commissioner and no facsimile signatures shall be used or recognized.

~~(E)~~ (F) The commissioner or assistant commissioner of insurance or insurance department employee authorized by the commissioner may at any time inspect the

securities on deposit in any such financial institution.

(F) (G) Nothing in this act shall be construed to hold the state of Kansas, the commissioner, assistant commissioner or authorized employee liable either personally or officially for any default of such financial institution.

~~(2) Real estate shall be deposited with the commissioner by the depositing organization executing a deed or assignment conveying title thereto to the commissioner, in trust for the use and benefit of such company. Such deeds or assignment shall be recorded in the office of the register of deeds of the county in which such real estate is situated. When the depositing organization is authorized to withdraw real estate from deposit, the commissioner shall execute deeds to such organization or such other persons, companies or corporations as directed by such organization. The costs of registering such deeds shall be paid by the depositing organization.~~

~~(3) All deposits made with the commissioner shall be audited by the commissioner and the state treasurer not less frequently than once each three years. The commissioner may accept an audit performed by another governmental agency acceptable to the commissioner, in lieu of this audit requirement.~~

(b) ~~Assets, except real estate assets,~~ deposited pursuant to this section shall be held by the custodian on behalf of the commissioner as in trust for the use and benefit of the depositing organization. Such assets shall remain the specific property of the organization and shall not be subject to the claim of any third party against the custodian.

(c) The custodian is authorized to redeposit such assets with a clearing corporation as defined in K.S.A. 84-8-102, and amendments thereto, if such clearing corporation is domiciled in the United States. The custodian is authorized to hold such assets through the federal reserve bank book-entry system.

(d) The commissioner shall adopt rules and regulations to establish requirements relating to deposits under this section appropriate to assure the security and safety of such deposits, including, but not limited to, the following:

- (1) Capital and surplus of the custodian;
- (2) title in which deposited assets are held;
- (3) records to be kept by the custodian and the commissioner's access thereto;
- (4) periodic reports by the custodian to the commissioner;
- (5) responsibility of the custodian to indemnify the depositor for loss of deposited assets;
- (6) withdrawal or exchange of deposited assets; and
- (7) authority of the commissioner to terminate the deposit if the condition of the custodian should threaten the security of the deposited assets.

(e) As used in this section:

- (1) "Commissioner" means the commissioner of insurance; and
- (2) "financial institution" means a federal home loan bank, a savings and loan association and savings bank organized under the laws of the United States or another state, a national bank, state bank or trust company, which have main or branch offices in this state, shall at all times during which such federal home loan bank, savings and loan association, savings bank, national bank, state bank or trust company acts as a custodian be:

(A) No less than adequately capitalized as determined by the standards adopted by the regulator charged with establishing standards for, and assessing, the institution's

solvency;

(B) regulated by either state or federal banking laws, the federal home loan bank act, as amended or is a member of the federal reserve system; and

(C) legally qualified to accept custody of securities.

(3) "Main office" and "branch" shall have the meanings ascribed to such terms in K.S.A. 9-1408, and amendments thereto.

Sec. 2. K.S.A. 2013 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

(a) "Adjusted RBC report" means an RBC report which has been adjusted by the commissioner in accordance with K.S.A. 40-2c04, and amendments thereto.

(b) "Corrective order" means an order issued by the commissioner specifying corrective actions which the commissioner has determined are required to address an RBC level event.

(c) "Domestic insurer" means any insurance company or risk retention group which is licensed and organized in this state.

(d) "Foreign insurer" means any insurance company or risk retention group not domiciled in this state which is licensed or registered to do business in this state pursuant to article 41 of chapter 40 of the Kansas Statutes Annotated or K.S.A. 40-209, and amendments thereto.

(e) "NAIC" means the national association of insurance commissioners.

(f) "Life and health insurer" means any insurance company licensed under article 4 or 5 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or a licensed property and casualty insurer writing only accident and health insurance.

(g) "Property and casualty insurer" means any insurance company licensed under articles 9, 10, 11, 12, 12a, 15 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers.

(h) "Negative trend" means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the RBC instructions defined in subsection (j).

(i) "RBC" means risk-based capital.

(j) "RBC instructions" means the risk-based capital instructions promulgated by the NAIC, which are in effect on December 31, ~~2012~~ 2013, or any later version promulgated by the NAIC as may be adopted by the commissioner under K.S.A. 2013 Supp. 40-2c29, and amendments thereto.

(k) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(1) "Company action level RBC" means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(2) "regulatory action level RBC" means the product of 1.5 and its authorized control level RBC;

(3) "authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(4) "mandatory control level RBC" means the product of .70 and the authorized control level RBC.

(l) "RBC plan" means a comprehensive financial plan containing the elements specified in K.S.A. 40-2c06, and amendments thereto. If the commissioner rejects the

RBC plan, and it is revised by the insurer, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

(m) "RBC report" means the report required by K.S.A. 40-2c02, and amendments thereto.

(n) "Total adjusted capital" means the sum of:

- (1) An insurer's capital and surplus or surplus only if a mutual insurer; and
- (2) such other items, if any, as the RBC instructions may provide.

(o) "Commissioner" means the commissioner of insurance.

Sec. 3. K.S.A. 40-2a08 is hereby amended to read as follows: 40-2a08. Any insurance company other than life heretofore or hereafter organized under any law of this state may invest by loans or otherwise, with the direction or approval of a majority of its board of directors or authorized committee thereof, any of its funds, or any part thereof in the ~~common stock equity interests~~ of any ~~corporation business entity~~ organized and doing business under the laws of the United States of America, or of any state, district, insular or territorial possession thereof; or of the Dominion of Canada or any province thereof; or of any other country or subdivision thereof; in an amount, based upon cost, not exceeding 15% of its admitted assets ~~or not exceeding the combined capital and surplus, whichever is the lesser~~, as shown by the company's last annual report as filed with the state commissioner of insurance or a more recent quarterly financial statement as filed with the commissioner, on a form prescribed by the national association of insurance commissioners, within 45 days following the end of the calendar quarter to which the interim statement pertains. Such insurance company may write exchange traded, covered call options on ~~shares equity interests~~ it owns and may purchase call options for the sole purpose of closing out a position taken previously with respect to one or more options having been written. The purchase of a call option for any reason other than as a closing transaction and the writing of naked (uncovered) call options are hereby prohibited. Investments in ~~common stocks equity interests~~ and the writing of call options shall be further limited as follows: provided in subsections (a) through (g) except that subsections (a) through (e) shall only apply to an amount that exceeds 7.5% of any insurance company's admitted assets.

(a) The obligations, if any, shown on the last published annual statement of such ~~corporation business entity~~ must be eligible for investment under K.S.A. 40-2a05, and amendments thereto;

(b) cash dividends have been paid during each of the last three years preceding the date of acquisition;

(c) the ~~stock equity interest~~ is registered with a national securities exchange regulated under the securities exchange act of 1934, as amended, or is regularly traded on a national or regional basis;

(d) the ~~company business entity~~ shall have earnings in three of the last five years preceding the date of acquisition;

(e) ~~investments in common stock in any one corporation shall at no time exceed 2% of the admitted assets of the investing insurance company determined on the basis of the cost of such shares to the insurance company at time of purchase, and at no time shall an insurance company purchase more than 5% of the outstanding shares of stock of any one given corporation at no time shall an insurance company invest in more than 5% of the outstanding equity interests of any one such business entity, nor an amount more than 2% of the investing insurance company's admitted assets in the outstanding~~

equity interests of any one such business entity, determined on the basis of the cost of such equity interests to the insurance company at the time of purchase;

(f) ~~stock an equity interest~~ owned by an insurance company that is obligated under an unexpired written call option shall be valued at the lesser of the striking price or current market value. For the purposes of this subsection, "striking price" means the price per ~~share equity interest~~, exclusive of selling costs, the company would receive should the call option be exercised by the holder;

(g) the provisions of subsections (b) and (d) shall not apply, if at the time of acquisition:

(1) The issuing ~~corporation business entity~~ has net assets of \$10,000,000 or more;

(2) the issuing ~~corporation business entity~~ has a net worth of \$1,000,000 or more; and

(3) the issuing ~~corporation business entity~~ has an aggregate market value of \$500,000,000 or more.

(h) As used in this section:

(1) "Business entity" includes a sole proprietorship, corporation, limited liability company, association, partnership, joint stock company, joint venture, mutual fund, trust, joint tenancy or other similar form of business organization, whether organized for profit or not-for-profit.

(2) "Equity interest" means any of the following:

(A) Common stock;

(B) trust certificate;

(C) equity investment in an investment company other than a money market mutual fund permitted under K.S.A. 40-2a22, and amendments thereto;

(D) investment in a common trust fund of a bank regulated by a federal or state agency;

(E) an ownership interest in minerals, oil or gas, the rights to which have been separated from the underlying fee interest in the real estate where the minerals, oil or gas are located;

(F) instruments which are mandatorily, or at the option of the issuer, convertible to equity;

(G) limited partnership interests;

(H) member interests in limited liability companies;

(I) warrants or other rights to acquire equity interests that are created by the person that owns or would issue the equity to be acquired; or

(J) any other security representing an ownership interest in a business entity.

Sec. 4. K.S.A. 40-2a14 is hereby amended to read as follows: 40-2a14. Any insurance company other than life heretofore or hereafter organized under any law of this state may invest with the direction or approval of a majority of its board of directors or authorized committee thereof, any of its funds, or any part thereof in loans secured by collateral consisting of a pledge of bonds, securities, stock or evidences of indebtedness qualified in ~~K.S.A. 40-2a01 to 40-2a08, Provided, inclusive: That article 2a of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, except that the amount of the loan is not in excess of eighty percent (80%) shall not exceed 80% of the market value of the securities. Provided further, That asset securing the loan. In addition, all restrictions, limitations or conditions placed on any security investment authorized within K.S.A. 40-2a01 to 40-2a08, inclusive: Provided, That article 2a of~~

chapter 40 of the Kansas Statutes Annotated, and amendments thereto, shall apply to the collateral securities pledged to the payment of loans authorized in this section.

Sec. 5. K.S.A. 2013 Supp. 40-2a27 is hereby amended to read as follows: 40-2a27.

(a) No insurance company shall acquire, directly or indirectly, any medium grade or lower grade obligation of any institution if, after giving effect to any such acquisition, the aggregate amount of all medium grade and lower grade obligations then held by such insurer would exceed 20% of its admitted assets. Within this limitation no more than 10% of its admitted assets shall consist of lower grade obligations; no more than three percent of its admitted assets shall consist of obligations designated "5" or "6" in the valuations of securities manual; and, no more than one percent of its admitted assets shall consist of obligations designated "6" in the valuations of securities manual. Attaining or exceeding the limit of any one category shall not preclude an insurer from acquiring obligations in other categories subject to the specific and multi-category limits.

(b) No insurer organized under the laws of this state may invest more than one percent of its admitted assets in medium grade obligations issued, guaranteed or insured by any one institution nor may it invest more than one-half of one percent of its admitted assets in lower grade obligations issued, guaranteed or insured by any one institution. In no event, shall such insurer invest more than one percent of its admitted assets in any medium or lower grade obligations issued, guaranteed or insured by any one institution.

(c) Nothing contained in this act shall prohibit an insurer from acquiring any obligations which it has committed to acquire if the insurer would have been permitted to acquire that obligation pursuant to this act on the date on which such insurer committed to purchase that obligation.

(d) Notwithstanding the limitations of subsection (b) an insurer may acquire an obligation of an institution in which the insurer already has one or more obligations, if the obligation is acquired in order to protect an investment previously made in the obligations of the institution, except all such acquired obligations shall not exceed one-half of one percent of the insurer's admitted assets.

(e) Nothing contained in this act shall prohibit an insurer to which this act applies from acquiring an obligation as a result of a restructuring of a medium or lower grade obligation already held or require such insurer to sell or otherwise dispose of any obligation legally acquired prior to the effective date of this act.

(f) Nothing contained in this act shall permit or be construed as permitting an insurer to exceed, alter or otherwise circumvent any of the limitations or restrictions applicable to the investments authorized by ~~K.S.A. 40-2a01 et seq.~~ article 2a of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

~~(g) Notwithstanding the provisions of K.S.A. 40-2a16, and amendments thereto, the total investment in medium and lower grade securities shall not exceed the limitations set forth in this section.~~

~~(h)~~ (g) The board of directors of any insurance company organized under the laws of this state which acquires or invests, directly or indirectly, more than two percent of its admitted assets in medium grade and lower grade obligations, shall adopt a written plan for the making of such investments. The plan, in addition to guidelines with respect to the quality of the issues invested in, shall contain diversification standards acceptable to the commissioner which may include, but not be limited to, standards for

issuer, industry, duration, liquidity and geographic location.

Sec. 6. K.S.A. 40-2a28 is hereby amended to read as follows: 40-2a28. (a) Any insurance company other than life organized under any law of this state may invest, by loans or otherwise, with the direction or approval of a majority of its board of directors or authorized committee thereof, any of its funds, or any part thereof, in asset-backed securities, subject to the following:

(1) To be an admitted asset under this section, an asset-backed security must, at the time of acquisition, be designated "1" or "2" by the national association of insurance commissioners in its most recently published valuations of securities manual or supplement thereto; and

(2) the investment in any one issue of asset-backed securities shall not exceed 2% of the admitted assets of the investing insurance company as shown by its last annual report or a more recent quarterly financial statement filed with the commissioner. Each issue designated as provided in paragraph (1) shall constitute a single issue regardless of any other obligations or securities issued by the same or any affiliated issuer; and

~~(3) the investing company's aggregate investment in asset-backed securities as provided in this section shall not exceed 20% of the admitted assets of such company, as shown by such company's last annual report as filed with the commissioner of insurance or a more recent quarterly financial statement as filed with the commissioner, on a form prescribed by the national association of insurance commissioners, within 45 days following the end of the calendar quarter to which the interim statement pertains.~~

(b) As used in this section:

(1) "Asset-backed security" means any security or other instrument representing or evidencing an interest in, a loan to, a participation in a loan to, or any other right to receive payments from a business entity of any type or form, which has as its primary business activity the acquisition and holding of financial assets, directly or through a trustee, for the benefit of such business entity's debt or equity holders; and

(2) "financial asset" means a single asset or a pool of assets consisting of interest-bearing obligations or other contractual obligations representing or constituting the right to receive payment from the asset or pool of assets.

Sec. 7. K.S.A. 40-2b07 is hereby amended to read as follows: 40-2b07. Any life insurance company organized under any law of this state may invest by loans or otherwise, with the direction or approval of a majority of its board of directors or authorized committee thereof, any of its funds, or any part thereof in the ~~common stock~~ equity interests of any ~~corporation business entity~~ organized and doing business under the laws of the United States or any state, or of the District of Columbia, or of the Dominion of Canada or any province of the Dominion of Canada, in an amount, based upon cost, not exceeding 15% of its admitted assets ~~or not exceeding the combined capital and surplus, whichever is the lesser,~~ as shown by the company's last annual report as filed with the state commissioner of insurance or a more recent quarterly financial statement as filed with the commissioner, on a form prescribed by the national association of insurance commissioners, within 45 days following the end of the calendar quarter to which the interim statement pertains. Such life insurance company may write exchange traded, covered call options on ~~shares~~ equity interests it owns and may purchase call options for the sole purpose of closing out a position taken previously with respect to one or more options having been written. The purchase of a call option for any reason other than as a closing transaction and the writing of naked,

uncovered, call options are hereby prohibited. Investments in ~~common stocks equity interests~~ and the writing of call options shall be further limited as follows: provided in subsections (a) through (g) except that subsections (a) through (e) shall only apply to an amount that exceeds 7.5% of a life insurance company's admitted assets.

(a) The obligations, if any, shown on the last published annual statement of such ~~corporation business entity~~ must be eligible for investment under K.S.A. 40-2b05, and amendments thereto;

(b) cash dividends have been paid during each of the last three years preceding the date of acquisition;

(c) the ~~stock equity interest~~ is registered with a national securities exchange regulated under the securities exchange act of 1934, as amended, or is regularly traded on a national or regional basis;

(d) the ~~company business entity~~ shall have earnings in three of the last five years preceding the date of acquisition;

(e) at no time shall an insurance company invest in more than 5% of the ~~total number of the outstanding shares of any one such corporation outstanding equity interests of any one such business entity~~, nor an amount more than 2% of the investing insurance company's admitted assets in ~~shares the outstanding equity interests~~ of any one such ~~corporation business entity~~, determined on the basis of the cost of such ~~shares equity interests~~ to the insurance company at the time of purchase;

(f) ~~stock an equity interest~~ owned by an insurance company that is obligated under an unexpired written call option shall be valued at the lesser of the striking price or current market value. For the purposes of this subsection, "striking price" means the price per ~~share equity interest~~, exclusive of selling costs, the company would receive should the call option be exercised by the holder;

(g) the provisions of subsections (b) and (d) shall not apply if at the time of acquisition:

(1) The issuing ~~corporation business entity~~ has net assets of \$10,000,000 or more;

(2) the issuing ~~corporation business entity~~ has a net worth of \$1,000,000 or more; and

(3) the issuing ~~corporation business entity~~ has an aggregate market value of \$500,000,000 or more.

(h) As used in this section:

(1) "Business entity" includes a sole proprietorship, corporation, limited liability company, association, partnership, joint stock company, joint venture, mutual fund, trust, joint tenancy or similar form of business organization, whether organized for profit or not-for-profit.

(2) "Equity interest" means any of the following:

(A) Common stock;

(B) trust certificate;

(C) equity investment in an investment company other than a money market mutual fund permitted under K.S.A. 40-2b24, and amendments thereto;

(D) investment in a common trust fund of a bank regulated by a federal or state agency;

(E) an ownership interest in minerals, oil or gas, the rights to which have been separated from the underlying fee interest in the real estate where the minerals, oil or gas are located;

(F) instruments which are mandatorily, or at the option of the issuer, convertible to equity;

(G) limited partnership interests;

(H) member interests in limited liability companies;

(I) warrants or other rights to acquire equity interests that are created by the person that owns or would issue the equity to be acquired; or

(J) any other security representing an ownership interest in a business entity.

Sec. 8. K.S.A. 40-2b12 is hereby amended to read as follows: 40-2b12. Any life insurance company heretofore or hereafter organized under any law of this state may invest by loans or otherwise, with the direction or approval of a majority of its board of directors or authorized committee thereof, any of its funds, or any part thereof in loans secured by collateral consisting of a pledge of bonds, mortgages, securities, stock or evidence of indebtedness qualified in ~~K.S.A. 40-2b01 to 40-2b09, inclusive. Provided, That article 2b of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, except that the amount of the loan is not in excess of eighty percent (80%) shall not exceed 80% of the market value of the securities. And provided further, That asset securing the loan. In addition, all restrictions, limitations or conditions placed on any security investment~~ authorized within ~~K.S.A. 40-2b01 to 40-2b09, inclusive article 2b of chapter 40 of the Kansas Statutes Annotated, and amendments thereto,~~ shall apply to the collateral ~~securities~~ pledged to the payment of loans authorized in this section.

Sec. 9. K.S.A. 2013 Supp. 40-2b28 is hereby amended to read as follows: 40-2b28. (a) No insurance company shall acquire, directly or indirectly, any medium grade or lower grade obligation of any institution if, after giving effect to any such acquisition, the aggregate amount of all medium grade and lower grade obligations then held by such insurer would exceed 20% of its admitted assets. Within this limitation no more than 10% of its admitted assets shall consist of lower grade obligations; no more than three percent of its admitted assets shall consist of obligations designated "5" or "6" in the valuations of securities manual; and, no more than one percent of its admitted assets shall consist of obligations designated "6" in the valuations of securities manual. Attaining or exceeding the limit of any one category shall not preclude an insurer from acquiring obligations in other categories subject to the specific and multi-category limits.

(b) No insurer organized under the laws of this state may invest more than one percent of its admitted assets in medium grade obligations issued, guaranteed or insured by any one institution nor may it invest more than one-half of one percent of its admitted assets in lower grade obligations issued, guaranteed or insured by any one institution. In no event, shall such insurer invest more than one percent of its admitted assets in any medium or lower grade obligations issued, guaranteed or insured by any one institution.

(c) Nothing contained in this act shall prohibit an insurer from acquiring any obligations which it has committed to acquire if the insurer would have been permitted to acquire that obligation pursuant to this act on the date on which such insurer committed to purchase that obligation.

(d) Notwithstanding the limitations of subsection (b), an insurer may acquire an obligation of an institution in which the insurer already has one or more obligations, if the obligation is acquired in order to protect an investment previously made in the obligations of the institution, except that all such acquired obligations shall not exceed

one-half of one percent of the insurer's admitted assets.

(e) Nothing contained in this act shall prohibit an insurer to which this act applies from acquiring an obligation as a result of a restructuring of a medium or lower grade obligation already held or require such insurer to sell or otherwise dispose of any obligation legally acquired prior to the effective date of this act.

(f) Nothing contained in this act shall permit or be construed as permitting an insurer to exceed, alter or otherwise circumvent any of the limitations or restrictions applicable to the investments authorized by K.S.A. 40-2b01 et seq., article 2b of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

~~(g) Notwithstanding the provisions of K.S.A. 40-2b13, and amendments thereto, the total investment in medium and lower grade securities shall not exceed the limitations set forth in this section.~~

~~(h)~~—The board of directors of any insurance company organized under the laws of this state which acquires or invests, directly or indirectly, more than two percent of its admitted assets in medium grade and lower grade obligations, shall adopt a written plan for the making of such investments. The plan, in addition to guidelines with respect to the quality of the issues invested in, shall contain diversification standards acceptable to the commissioner which may include, but not be limited to, standards for issuer, industry, duration, liquidity and geographic location.

Sec. 10. K.S.A. 40-2b29 is hereby amended to read as follows: 40-2b29. (a) Any life insurance company organized under any law of this state may invest, by loans or otherwise, with the direction or approval of a majority of its board of directors or authorized committee thereof, any of its funds, or any part thereof, in asset-backed securities, subject to the following:

(1) To be an admitted asset under this section, an asset-backed security must, at the time of acquisition, be designated "1" or "2" by the national association of insurance commissioners in its most recently published valuations of securities manual or supplement thereto; and

(2) the investment in any one issue of asset-backed securities shall not exceed 2% of the admitted assets of the life insurance company as shown by its last annual report or a more recent quarterly financial statement filed with the commissioner. Each issue designated as provided in paragraph (1) shall constitute a single issue regardless of any other obligations or securities issued by the same or any affiliated issuer; and

~~(3) the life insurance company's aggregate investment in asset-backed securities as provided in this section shall not exceed 20% of the admitted assets of such company, as shown by such company's last annual report as filed with the commissioner of insurance or a more recent quarterly financial statement as filed with the commissioner, on a form prescribed by the national association of insurance commissioners, within 45 days following the end of the calendar quarter to which the interim statement pertains.~~

(b) As used in this section:

(1) "Asset-backed security" means any security or other instrument representing or evidencing an interest in, a loan to, a participation in a loan to, or any other right to receive payments from a business entity of any type or form, which has as its primary business activity the acquisition and holding of financial assets, directly or through a trustee, for the benefit of such business entity's debt or equity holders; and

(2) "financial asset" means a single asset or a pool of assets consisting of interest-bearing obligations or other contractual obligations representing or constituting the right

to receive payment from the asset or pool of assets.

Sec. 11. K.S.A. 2-224 is hereby amended to read as follows: 2-224. (a) The state fair board is hereby authorized to purchase safe burglary and messenger robbery insurance coverage in amounts deemed appropriate by such board for the period of the annual Kansas state fair and during the remainder of the year. Such board is also authorized to purchase insurance coverage for any rented or borrowed motorized vehicles used during the state fair indemnifying the board against loss or damage to such vehicles and against liability for the operation of such vehicles. ~~The insurance shall be acquired through the committee on surety bonds and insurance as provided by law.~~

(b) The state fair board is hereby authorized to purchase event cancellation and rain insurance coverage in amounts deemed appropriate by such board for the period of the annual Kansas state fair and during the remainder of the year.

(c) Any insurance purchased pursuant to this section shall not be required to be acquired through the committee on surety bonds and insurance as required by K.S.A. 75-4101 et seq., and amendments thereto.

Sec. 12. K.S.A. 2013 Supp. 75-4105 is hereby amended to read as follows: 75-4105. Except as provided in K.S.A. 2013 Supp. 75-4125 and K.S.A. 2-224, and amendments thereto, all surety bonds and insurance contracts purchased pursuant to this act shall be purchased by the committee in the manner prescribed for the purchase of supplies, materials, equipment or contractual services under K.S.A. 75-3738 to 75-3744, inclusive, and amendments thereto. The director of accounts and reports shall not pay any premium or rate on any surety bond or insurance contract until the purchase of such surety bond or contract shall have been approved by the secretary of the committee. Surety bonds or insurance contracts having a premium or rate in excess of \$500 purchased hereunder shall be purchased on sealed bids as provided by law for the purchase of other materials, equipment or contractual services. Where more than one state agency is covered by any bond or insurance contract, the committee shall prorate the cost of premiums or rates on any and all such bonds or contracts, except as provided in K.S.A. 75-4114, and amendments thereto, purchased as charges upon the funds of the state agency wherein any covered state officers or employees are employed or covered property is located or controlled. Such prorated charges shall constitute a lawful charge by the committee upon the funds available to any such state agency and shall be paid by each such state agency to the committee, or to the surety or insurance carrier if the committee requires it, in the manner provided by law for the payment of other obligations of such state agency.

Sec. 13. K.S.A. 2013 Supp. 75-4109 is hereby amended to read as follows: 75-4109. (a) Subject to the provisions of K.S.A. 2-224, and amendments thereto, the committee, at least once every three years, shall approve the property and casualty insurance coverages that shall be purchased by each state agency.

(b) Subject to the provisions of K.S.A. 2-224, and amendments thereto, the committee shall require that each state agency purchase the insurance coverages prescribed by K.S.A. 74-4703, 74-4705, 74-4707, 75-712e, 75-2728, 76-218, 76-391, 76-394, 76-747 and 76-491, and amendments to these sections thereto, and shall prescribe the terms, conditions and amounts of such coverage giving due regard to the operations and requirements of the agencies involved.

(c) Subject to the provisions of K.S.A. 2-224, and amendments thereto, the

committee shall, in addition to the coverages specified in subsection (b), designate the insurance coverages to be purchased by each state agency that are deemed by the committee to be necessary to protect the state for property of others that may be in the possession or control of such state agencies.

(d) Such coverages as are specified in subsections (b) and (c) may also include coverages on property of the state that are deemed by the committee to be incidental to the basic coverages herein required, and the committee shall prescribe the terms, conditions and amounts of all insurance coverages purchased pursuant to this section. Property of the state board of regents of any university or college which is referred to in subsection (b) may be self-insured as provided under this act.

(e) No property insurance coverage may be purchased by the committee, except as provided herein or by K.S.A. 2013 Supp. 75-4125, and amendments thereto, or specifically required by other Kansas statutes or appropriations.

Sec. 14. K.S.A. 2013 Supp. 40-3118 is hereby amended to read as follows: 40-3118. (a) No motor vehicle shall be registered or reregistered in this state unless the owner, at the time of registration, has in effect a policy of motor vehicle liability insurance covering such motor vehicle, as provided in this act, or is a self-insurer thereof, or the motor vehicle is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such policy of motor vehicle liability insurance is provided by the school district or accredited nonpublic school. As used in this section, the term "financial security" means such policy or self-insurance. The director shall require that the owner certify and provide verification of financial security, in the manner prescribed by K.S.A. 8-173, and amendments thereto, that the owner has such financial security, and the owner of each motor vehicle registered in this state shall maintain financial security continuously throughout the period of registration. In addition, when an owner certifies that such financial security is a motor vehicle liability insurance policy meeting the requirements of this act, the director may require that the owner or owner's insurance company produce records to prove the fact that such insurance was in effect at the time the vehicle was registered and has been maintained continuously from that date. Such records may be produced by displaying such records on a cellular phone or any other type of portable electronic device. Any person to whom such records are displayed on such cellular phone or other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. Failure to produce such records shall be prima facie evidence that no financial security exists with regard to the vehicle concerned. It shall be the duty of insurance companies, upon the request of the director, to notify the director within 30 calendar days of the date of the receipt of such request by the director of any insurance that was not in effect on the date of registration and maintained continuously from that date.

(b) Except as otherwise provided in K.S.A. 40-276, 40-276a and 40-277, and amendments thereto, and except for termination of insurance resulting from nonpayment of premium or upon the request for cancellation by the insured, no motor vehicle liability insurance policy, or any renewal thereof, shall be terminated by cancellation or failure to renew by the insurer until at least 30 days after mailing a notice of termination, by certified or registered mail or United States post office

certificate of mailing, to the named insured at the latest address filed with the insurer by or on behalf of the insured. Time of the effective date and hour of termination stated in the notice shall become the end of the policy period. Every such notice of termination sent to the insured for any cause whatsoever shall include on the face of the notice a statement that financial security for every motor vehicle covered by the policy is required to be maintained continuously throughout the registration period, that the operation of any such motor vehicle without maintaining continuous financial security therefor is a class B misdemeanor and shall be subject to a fine of not less than \$300 and not more than \$1,000 and that the registration for any such motor vehicle for which continuous financial security is not provided is subject to suspension and the driver's license of the owner thereof is subject to suspension.

(c) The director of vehicles shall verify a sufficient number of insurance certifications each calendar year as the director deems necessary to insure compliance with the provisions of this act. The owner or owner's insurance company shall verify the accuracy of any owner's certification upon request, as provided in subsection (a).

(d) (1) In addition to any other requirements of this act, the director shall require a person to acquire insurance and for such person's insurance company to maintain on file with the division evidence of such insurance for a period of one year when a person has been convicted in this or another state of any of the violations enumerated in K.S.A. 8-285, and amendments thereto.

(2) The director shall also require any driver whose driving privileges have been suspended pursuant to this section to maintain such evidence of insurance as required above.

(3) The company of the insured shall immediately mail notice to the director whenever any policy required by this subsection to be on file with the division is terminated by the insured or the insurer for any reason. The receipt by the director of such termination shall be prima facie evidence that no financial security exists with regard to the person concerned.

(4) No cancellation notice shall be sent to the director if the insured adds or deletes a vehicle, adds or deletes a driver, renews a policy or is issued a new policy by the same company. No cancellation notice shall be sent to the director prior to the date the policy is terminated if the company allows a grace period for payment until such grace period has expired and the policy is actually terminated.

(5) For the purposes of this act, the term "conviction" includes pleading guilty or nolo contendere, being convicted or being found guilty of any violation enumerated in this subsection without regard to whether sentence was suspended or probation granted. 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.

(6) The requirements of this subsection shall apply whether or not such person owns a motor vehicle.

(e) Whenever the director shall receive prima facie evidence, as prescribed by this section, that continuous financial security covering any motor vehicle registered in this state is not in effect, the director shall notify the owner by registered or certified mail or United States post office certificate of mailing that, at the end of 30 days after the notice is mailed, the registration for such motor vehicle and the driving privileges of the owner of the vehicle shall be suspended or revoked, pursuant to such rules and regulations as the secretary of revenue shall adopt, unless within 10 days after the notice is mailed: (1)

Such owner shall demonstrate proof of continuous financial security covering such vehicle to the satisfaction of the director. Such proof of continuous financial security may be provided by the owner by displaying such proof on a cellular phone or other portable electronic device; or (2) such owner shall mail a written request which is postmarked within 10 days after the notice is mailed requesting a hearing with the director. Any person to whom such proof of continuous financial security is displayed on a cellular phone or other portable electronic device shall view only such evidence of continuous financial security. Such person shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic device. Upon receipt of a timely request for a hearing, the director shall afford such person an opportunity for hearing within the time and in the manner provided in K.S.A. 8-255, and amendments thereto. If, within the ten-day period or at the hearing, such owner is unable to demonstrate proof of continuous financial security covering the motor vehicle in question, the director shall revoke the registration of such motor vehicle and suspend the driving privileges of the owner of the vehicle.

(f) Whenever the registration of a motor vehicle or the driving privileges of the owner of the vehicle are suspended or revoked for failure of the owner to maintain continuous financial security, such suspension or revocation shall remain in effect until satisfactory proof of insurance has been filed with the director as required by subsection (d) and a reinstatement fee in the amount herein prescribed is paid to the division of vehicles. Such reinstatement fee shall be in the amount of \$100 except that if the registration of a motor vehicle of any owner is revoked within one year following a prior revocation of the registration of a motor vehicle of such owner under the provisions of this act such fee shall be in the amount of \$300. The division of vehicles shall remit such 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 state highway fund.

(g) In no case shall any motor vehicle, the registration of which has been revoked for failure to have continuous financial security, be reregistered in the name of the owner thereof, the owner's spouse, parent or child or any member of the same household, until the owner complies with subsection (f). In the event the registration plate has expired, no new plate shall be issued until the motor vehicle owner complies with the reinstatement requirements as required by this act.

(h) Evidence that an owner of a motor vehicle, registered or required to be registered in this state, has operated or permitted such motor vehicle to be operated in this state without having in force and effect the financial security required by this act for such vehicle, together with proof of records of the division of vehicles indicating that the owner did not have such financial security, shall be prima facie evidence that the owner did at the time and place alleged, operate or permit such motor vehicle to be operated without having in full force and effect financial security required by the provisions of this act.

(i) Any owner of a motor vehicle registered or required to be registered in this state who shall make a false certification concerning financial security for the operation of such motor vehicle as required by this act, shall be guilty of a class A misdemeanor. Any person, firm or corporation giving false information to the director concerning another's financial security for the operation of a motor vehicle registered or required to

be registered in this state, knowing or having reason to believe that such information is false, shall be guilty of a class A misdemeanor.

(j) The director shall administer and enforce the provisions of this act relating to the registration of motor vehicles, and the secretary of revenue shall adopt such rules and regulations as may be necessary for its administration.

(k) Whenever any person has made application for insurance coverage and such applicant has submitted payment or partial payment with such application, the insurance company, if payment accompanied the application and if insurance coverage is denied, shall refund the unearned portion of the payment to the applicant or agent ~~with the notice of denial of coverage. Such refund may:~~

(1) Accompany the notice of denial of coverage; or

(2) be separately returned in not more than 10 days from the date of such notice.

If payment did not accompany the application to the insurance company but was made to the agent, the agent shall refund the unearned portion of the payment to the applicant upon receipt of the company's notice of denial.

(l) For the purpose of this act, "declination of insurance coverage" means a final denial, in whole or in part, by an insurance company or agent of requested insurance coverage.";

Also on page 4, in line 8, by striking all after "K.S.A."; in line 9, by striking all before "are" and inserting "2-224, 40-2a08, 40-2a14, 40-2a28, 40-2b07, 40-2b12 and 40-2b29 and K.S.A. 2013 Supp. 40-229a, 40-2a27, 40-2b28, 40-2c01, 40-3118, 75-4105 and 75-4109";

And by renumbering remaining sections accordingly;

On page 1, 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 period and inserting " pertaining to security deposits; pertaining to risk based capital requirements for certain insurers; pertaining to investments by insurance companies; pertaining to purchase of certain insurance coverage by the Kansas state fair; pertaining to the return of premiums separate from the notice of denial of coverage; amending K.S.A. 2-224, 40-2a08, 40-2a14, 40-2a28, 40-2b07, 40-2b12 and 40-2b29 and K.S.A. 2013 Supp. 40-229a, 40-2a27, 40-2b28, 40-2c01, 40-3118, 75-4105 and 75-4109 and repealing the existing sections"; and the bill be passed as amended.

Also, **HB 2312** be amended on page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 15; following line 15, by inserting:

"Section 1. K.S.A. 2013 Supp. 12-1675 is hereby amended to read as follows: 12-1675. (a) The governing body of any county, city, township, school district, area vocational-technical school, community college, firemen's relief association, community mental health center, community facility for people with intellectual disability or any other governmental entity, unit or subdivision in the state of Kansas having authority to receive, hold and expend public moneys or funds may invest any moneys which are not immediately required for the purposes for which the moneys were collected or received, and the investment of which is not subject to or regulated by any other statute.

(b) Such moneys shall be invested only:

(1) In temporary notes or no-fund warrants issued by such investing governmental unit;

(2) in savings deposits, demand deposits, time deposit, open accounts, certificates

of deposit or time certificates of deposit with maturities of not more than two years: (A) In banks, savings and loan associations and savings banks, which have main or branch offices located in such investing governmental unit; or (B) if no main or branch office of a bank, savings and loan association or savings bank is located in such investing governmental unit, then in banks, savings and loan associations and savings banks, which have main or branch offices in the county or counties in which all or part of such investing governmental unit is located;

(3) in repurchase agreements with: (A) Banks, savings and loan associations and savings banks, which have main or branch offices located in such investing governmental unit, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or (B) (i) if no main or branch office of a bank, savings and loan association or savings bank, is located in such investing governmental unit; or (ii) if no such bank, savings and loan association or savings bank having a main or branch office located in such investing governmental unit is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks which have main or branch offices in the county or counties in which all or part of such investing governmental unit is located; or (C) if no bank, savings and loan association or savings bank, having a main or branch office in such county or counties is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks located within this state;

(4) ~~in United States treasury bills or notes~~ direct obligations of or obligations that are insured as to principal and interest by the United States or any agency thereof, not including mortgage-backed securities with maturities as the governing body shall determine, but not exceeding two years. Such investment transactions shall only be conducted with banks, savings and loan associations and savings banks; the federal reserve bank of Kansas City, Missouri; or with primary government securities dealers which report to the market report division of the federal reserve bank of New York, or any broker-dealer engaged in the business of selling government securities which is registered in compliance with the requirements of section 15 or 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto;

(5) in the municipal investment pool fund established in K.S.A. 12-1677a, and amendments thereto;

(6) in the investments authorized and in accordance with the conditions prescribed in K.S.A. 12-1677b, and amendments thereto;

(7) in multiple municipal client investment pools managed by the trust departments of banks which have main or branch offices located in the county or counties where such investing governmental unit is located or with trust companies incorporated under the laws of this state which have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with banks which have main or branch offices located in the county or counties in which such investing governmental

unit is located. Public moneys invested under this paragraph shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Pooled investments of public moneys made by trust departments under this paragraph shall be subject to the same terms, conditions and limitations as are applicable to the municipal investment pool established by K.S.A. 12-1677a, and amendments thereto; or

(8) municipal bonds or other obligations issued by any municipality of the state of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.

(c) The investments authorized in paragraphs (4), (5), (6), (7) or (8) of subsection (b) shall be utilized only if the banks, savings and loan associations and savings banks eligible for investments authorized in paragraph (2) of subsection (b), cannot or will not make the investments authorized in paragraph (2) of subsection (b) available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto.

(d) In selecting a depository pursuant to paragraph (2) of subsection (b), if a bank, savings and loan association or savings bank eligible for an investment deposit thereunder has an office located in the investing governmental unit and such financial institution will make such deposits available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and such financial institution otherwise qualifies for such deposit, the investing governmental unit shall select one or more of such eligible financial institutions for deposit of funds pursuant to this section. If no such financial institution qualifies for such deposits, the investing governmental unit may select for such deposits one or more eligible banks, savings and loan associations or savings banks which have offices in the county or counties in which all or a part of such investing governmental unit is located which will make such deposits available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and which otherwise qualify for such deposits.

(e) (1) All security purchases and repurchase agreements shall occur on a delivery versus payment basis.

(2) All securities, including those acquired by repurchase agreements, shall be perfected in the name of the investing governmental unit and shall be delivered to the purchaser or a third-party custodian which may be the state treasurer.

(f) Public moneys deposited pursuant to subsection (b)(2) of K.S.A. 12-1675, and amendments thereto, by the governing body of any governmental unit listed in subsection (a) of K.S.A. 12-1675, and amendments thereto, through a selected bank, savings and loan association or savings bank which is part of a reciprocal deposit program in which the bank, savings and loan association or savings bank:

(1) Receives reciprocal deposits from other participating institutions located in the United States in an amount equal to the amount of funds deposited by the municipal corporation or quasi-municipal corporation; and

(2) for which the total cumulative amount of each deposit does not exceed the maximum deposit insurance amount for one depositor at one financial institution as determined by the federal deposit insurance corporation.

Such deposits shall not be treated as securities and need not be secured as provided in this or any other act.";

Also on page 2, in line 16, by striking "2012 Supp. 40-2124" and inserting "2013 Supp. 12-1675";

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2, and inserting "local governments; relating to the investment of idle funds; amending K.S.A. 2013 Supp. 12-1675"; and the bill be passed as amended.

HB 2515 be amended on page 1, by striking all in lines 6 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 41 and inserting the following:

"Section 1. K.S.A. 65-407 is hereby amended to read as follows: 65-407. No such lien shall be effective unless a written notice ~~containing an itemized statement of all setting forth the amount of all of the hospital's claims, the name and address of the injured person, the date of the accident, and the name and location of the hospital, and the name of the person or persons, firm or firms, corporation or corporations alleged to be liable to the injured party for the injuries received,~~ shall be filed in the office of the clerk of the district court of the county in which such hospital is located, prior to the payment of any moneys to such injured person, ~~his such person's~~ attorneys or legal representatives, as compensation for such injuries; ~~nor unless the hospital shall also send, by registered or certified mail, postage prepaid, a copy of such notice with a statement of the date of filing thereof to the person or persons, firm or firms, corporation or corporations alleged to be liable to the injured party for the injuries sustained prior to the payment of any moneys to such injured person, his attorneys or legal representative, as compensation for such injuries. Such hospital shall mail a copy of such notice to any insurance carrier which has insured such person, firm or corporation against such liability, if the name and address shall be known. Such hospital shall also send, by registered or certified mail, a copy of such notice to such patient upon whom emergency medical or other service has been performed, if the name and address of such patient shall be known to the hospital or can with reasonable diligence be ascertained."~~

Also on page 4, in line 42, by striking "2013 Supp. 40-222" and inserting "65-407";

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before "and" and inserting "hospital liens; relating to notice and amount of claims; amending K.S.A. 65-407"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

State Bank Commissioner: K.S.A. 75-1304

Deryl Karlton Schuster, to serve at the pleasure of the Governor

Committee on **Judiciary** recommends **HB 2433**, as amended by House Committee of the Whole, be amended on page 2, in line 19 after the period by inserting "It shall not be a defense under this paragraph that the individual convicted did not know the age of the victim or reasonably believed that the victim was not an elder person."; and the bill be passed as amended.

Also, **HB 2444**, as amended by House Committee, be amended on page 1, in line 23, by striking "regard" and inserting "respect"; and the bill be passed as amended.

HB 2479, as amended by House Committee, be amended on page 2, in line 22, by striking "2020" and inserting "2018";

On page 3, in line 8, by striking "2020" and inserting "2018"; and the bill be passed as amended.

HB 2398, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2566 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2684 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HCR 5029, as amended by House Committee, be adopted.

Committee on **Local Government** recommends **HB 2419** be amended on page 1, in line 16, by striking "also"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 412** be passed.

Also, **HB 2547** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2548 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2549 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 **Public Health and Welfare** recommends **HB 2146** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2146," as follows:

"Senate Substitute for HOUSE BILL No. 2146

By Committee on Public Health and Welfare

"AN ACT concerning the board of pharmacy; relating to pharmacists, pharmacy technicians and pharmacist interns; amending K.S.A. 65-1626a, 65-1632 and 65-1644 and K.S.A. 2013 Supp. 65-1637b, 65-1643, 65-1645 and 65-1663 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2418** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2013 Supp. 39-923 is hereby amended to read as follows: 39-923. (a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary of aging.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who,

due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential health care facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential health care facility is not prohibited by this act. Generally, the skilled services provided in a residential health care facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary of the department of social and rehabilitation services, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the department on aging. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions which require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties which hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary of aging.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) "Operator" means an individual registered pursuant to the operator registration act, section 2 et seq., and amendments thereto, who operates may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential health care facility with fewer than 61 residents, a home plus or adult day care facility and has completed a course approved by the secretary of health and

~~environment on principles of assisted living and has successfully passed an examination approved by the secretary of health and environment on principles of assisted living and such other requirements as may be established by the secretary of health and environment by rules and regulations.~~

(22) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including but not limited to eating, nutrition, dressing, personal hygiene, mobility and toileting.

(23) "Personal care" means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) "Functional impairment" means an individual has experienced a decline in physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term "intermediate personal care home" for purposes of those individuals applying for or receiving veterans' benefits means residential health care facility.

(27) "Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and paragraph (h) of 42 C.F.R. § 483.35, and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) "Medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(29) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(b) The term "adult care home" shall not include institutions operated by federal or state governments, except institutions operated by the Kansas commission on veterans affairs, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices which are certified to participate in the medicare program under 42 code of federal regulations, chapter IV, section 418.1 et seq., and amendments thereto, and which provide services only to hospice patients.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential health care facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential health care shall have the option of licensing for residential health care for less than six individuals but not less than 10% of the total bed count within a contiguous

portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services which shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.

New Sec. 2. Sections 2 through 9, and amendments thereto, shall be known and may be cited as the operator registration act.

New Sec. 3. As used in the operator registration act:

(a) "Operator" means an individual registered pursuant to the operator registration act who may be appointed by a licensee to have authority and responsibility to oversee an adult care home.

(b) "Secretary" means the secretary for aging and disability services.

(c) "Department" means the Kansas department for aging and disability services.

(d) "Adult care home" means an assisted living facility or residential health care facility licensed for less than 61 residents, home plus or adult day care as defined by K.S.A. 39-923, and amendments thereto, or by the rules and regulations of the licensing agency adopted pursuant to such section for which a license is required under article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto.

(e) "Licensee" shall have the meaning ascribed to such term in K.S.A. 39-923, and amendments thereto.

New Sec. 4. (a) On and after July 1, 2014, no person shall represent that such person is an operator unless such person is registered under the operator registration act as an operator. A violation of this subsection is a class C misdemeanor.

(b) The secretary shall adopt by rules and regulations a system for registering operators. Such rules and regulations shall include qualifications for registration. Such rules and regulations shall require, at a minimum, that the applicant:

(1) Be at least 21 years of age;

(2) (A) Possess a high school diploma or equivalent, with one year relevant experience as determined by the secretary;

(B) possess an associate's degree in a relevant field as determined by the secretary; or

(C) possess a baccalaureate degree;

(3) has successfully completed a course approved by the secretary on principles of assisted living;

(4) has passed an examination approved by the secretary on principles of assisted living and such other requirements as may be established by the secretary by rules and regulations;

(5) has filed an application; and

(6) has paid the required application fee.

New Sec. 5. On and after July 1, 2014, no adult care home shall be operated unless under the supervision of an operator who holds a valid registration as an operator issued pursuant to the operator registration act or an adult care home administrator who holds a valid license as a licensed adult care home administrator pursuant to K.S.A. 65-3501 et seq., and amendments thereto.

New Sec. 6. (a) Upon application and within two years of July 1, 2014, the secretary may waive the requirements of (b)(2) and (b)(6) of section 4, and amendments thereto, and grant a registration to any applicant so long as the applicant: (1) Has completed the operator course prior to July 1, 2014, that was approved by the secretary; and (2) has passed an examination prior to July 1, 2014, that was approved by the secretary.

(b) A person who has completed the operator course approved by the secretary and has passed an examination that was approved by the secretary prior to July 1, 2014, and does not apply within two years of July 1, 2014, shall be considered to have a registration that has lapsed for failure to renew.

New Sec. 7. (a) Every individual who holds a valid registration as an operator shall apply to the department for renewal of such registration in accordance with rules and regulations adopted by the secretary.

(b) Upon making an application for a renewal of registration, such individual shall pay a renewal fee to be fixed by rules and regulations and shall submit evidence satisfactory to the secretary that during the period immediately preceding application for renewal the applicant has completed continuing education requirements as provided by the rules and regulations. Any individual who submits an application for a renewal of registration within 30 days after the date of expiration shall also pay a late renewal fee fixed by rules and regulations. Any individual who submits an application for a renewal of registration after the 30-day period following the date of expiration shall be considered as having a registration that has lapsed for failure to renew and shall be reissued a registration only after the individual has been reinstated under subsection (d).

(c) The department shall issue a registration to an operator upon receipt of an application for renewal of registration, the renewal fee and the evidence required for approval.

(d) An operator who allows their registration to lapse by failing to renew may be reinstated upon payment of the renewal fee, the reinstatement fee and submission of evidence demonstrating satisfactory completion of any applicable program or a course of study established by the secretary for reinstatement of persons whose registrations have lapsed for failure to renew. The secretary shall adopt rules and regulations establishing appropriate requirements for reinstatement of persons whose registrations have lapsed for failure to renew.

(e) The expiration date of registrations issued or renewed shall be established by rules and regulations of the secretary. Subject to the provisions of this subsection, each registration shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of an existing registration and upon payment of the renewal fee established pursuant to rules and regulations. To provide for a system of biennial renewal of registrations, the secretary may provide by rules and regulations that registrations issued or renewed for the first time after July 1, 2014, may expire less than two years from the date of issuance or renewal. In each case in which a registration is issued or renewed for a period of time less than two years, the secretary shall prorate to the nearest whole month the registration or renewal fee established pursuant to rules and regulations. No proration shall be made under this subsection on delinquent registration renewals.

New Sec. 8. All fees under the operator registration act shall be established by rules and regulations of the secretary. The amounts received for such fees shall be deposited

in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the state licensure fee fund administered by the department pursuant to K.S.A. 39-930, and amendments thereto.

New Sec. 9. (a) The secretary may deny, refuse to renew, suspend or revoke a registration where the operator or applicant:

(1) Has obtained, or attempted to obtain, a registration by means of fraud, misrepresentation or concealment of material facts;

(2) has a finding of abuse, neglect or exploitation against a resident of an adult care home as defined in K.S.A. 39-1401, and amendments thereto;

(3) has been convicted of a crime found by the secretary to have direct bearing on whether the registrant or applicant can be entrusted to serve the public in the position of an operator;

(4) has violated a lawful order or rule or regulation of the secretary;

(5) had disciplinary action taken against such operator on a professional or occupational healthcare credential issued by this state or by another jurisdiction; or

(6) has violated any provisions of the operator registration act.

(b) Such denial, refusal to renew, suspension or revocation of a registration may be ordered by the secretary after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act.

(c) A person whose registration has been revoked may apply to the secretary for reinstatement. The secretary shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An applicant for reinstatement shall submit an application for reinstatement and a reinstatement fee established by the secretary and fulfill the requirements under subsection (d) of section 7, and amendments thereto.";

And by renumbering sections accordingly;

On page 3, in line 6, by striking "39-925 is" and inserting "39-923 and 39-925 are";

On page 1, in the title, in line 1, by striking all after "concerning"; on line 2, by striking "and regulations" and inserting "Kansas department for aging and disability services; relating to adult care homes"; also in line 2, after "Supp." by inserting "39-923 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Sub HB 2436 be amended on page 1, in line 27, by striking "pursuant to law" and inserting "by the applicable statutes and rules and regulations of both boards";

On page 2, in line 19, by striking "pursuant to law" and inserting "by the applicable statutes and rules and regulations of both boards"; and the bill be passed as amended.

HB 2509, as amended by House Committee, be amended on page 17, following line 1, by inserting:

"New Sec. 9. (a) (1) Except as provided in paragraph (2), whenever a municipality provides for the payment of premiums for any health benefit plan for its emergency personnel, it shall pay premiums for the continuation of coverage under COBRA for the surviving spouse and eligible dependent children under the age of 26 years of any emergency personnel who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) A municipality may not be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the end of the 18th calendar month after the date of death of the

deceased emergency personnel;

(B) upon the remarriage of the deceased emergency personnel's surviving spouse;
or

(C) upon the deceased emergency personnel's surviving spouse reaching the age of 65.

(b) For the purposes of this section:

(1) "Emergency personnel" means an attendant as such term is defined in K.S.A. 65-6112, and amendments thereto.

(2) "Health benefit plan" shall have the meaning ascribed to it in K.S.A. 40-4602, and amendments thereto.

(3) "Municipality" means a city or county. ";

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

HB 2673, as amended by House Committee of the Whole, be amended on page 44, following line 23, by inserting:

"Sec. 30. K.S.A. 2013 Supp. 65-2872 is hereby amended to read as follows: 65-2872. The practice of the healing arts shall not be construed to include the following persons:

(a) Persons rendering gratuitous services in the case of an emergency.

(b) Persons gratuitously administering ordinary household remedies.

(c) The members of any church practicing their religious tenets provided they shall not be exempt from complying with all public health regulations of the state.

(d) Students while in actual classroom attendance in an accredited healing arts school who after completing one year's study treat diseases under the supervision of a licensed instructor.

(e) Students upon the completion of at least three years study in an accredited healing arts school and who, as a part of their academic requirements for a degree, serve a preceptorship not to exceed 180 days under the supervision of a licensed practitioner.

(f) Persons who massage for the purpose of relaxation, muscle conditioning, or figure improvement, provided no drugs are used and such persons do not hold themselves out to be physicians or healers.

(g) Persons whose professional services are performed under the supervision or by order of or referral from a practitioner who is licensed under this act.

(h) Persons in the general fields of psychology, education and social work, dealing with the social, psychological and moral well-being of individuals ~~and/or~~ or groups, or both, provided they do not use drugs and do not hold themselves out to be the physicians, surgeons, osteopathic physicians or chiropractors.

(i) Practitioners of the healing arts in the United States army, navy, air force, public health service, and coast guard or other military service when acting in the line of duty in this state.

(j) Practitioners of the healing arts licensed in another state when and while incidentally called into this state in consultation with practitioners licensed in this state.

(k) Dentists practicing their professions, when licensed and practicing in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(l) Optometrists practicing their professions, when licensed and practicing under and in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes

Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(m) Nurses practicing their profession when licensed and practicing under and in accordance with the provisions of article 11 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(n) Podiatrists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(o) Every act or practice falling in the field of the healing art, not specifically excepted herein, shall constitute the practice thereof.

(p) Pharmacists practicing their profession, when licensed and practicing under and in accordance with the provisions of article 16 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

(q) A dentist licensed in accordance with the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, who administers general and local anesthetics to facilitate medical procedures conducted by a person licensed to practice medicine and surgery if such dentist is certified by the board of healing arts under K.S.A. 65-2899, and amendments thereto, to administer such general and local anesthetics.

(r) Practitioners of the healing arts duly licensed under the laws of another state who do not open an office or maintain or appoint a place to regularly meet patients or to receive calls within this state, but who order services which are performed in this state in accordance with rules and regulations of the board. The board shall adopt rules and regulations identifying circumstances in which professional services may be performed in this state based upon an order by a practitioner of the healing arts licensed under the laws of another state.

(s) Persons licensed by the state board of cosmetology practicing their professions, when licensed and practicing under and in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any interpretation thereof by the supreme court of this state.

Sec. 31. K.S.A. 65-2873 is hereby amended to read as follows: 65-2873. (a) Each applicant for a license by examination to practice any branch of the healing arts in this state shall:

(1) Present to the board evidence of proficiency in the basic sciences issued by the national board of medical examiners, the board of examiners of osteopathic physicians and surgeons or the national board of chiropractic examiners or such other examining body as may be approved by the board or in lieu thereof pass such examination as the board may require in the basic science subjects;

(2) present proof that the applicant is a graduate of an accredited healing arts school or college; and

(3) pass an examination prescribed and conducted by the board covering the subjects incident to the practice of the branch of healing art for which the applicant applies.

(b) Any person seeking a license to practice medicine and surgery shall present

proof that such person has completed acceptable postgraduate study as may be required by the board by regulations.

(c) The board may authorize an applicant who does not meet the requirements of paragraph (2) of subsection (a) to take the examination for licensure if the applicant:

- (1) Has completed three years of postgraduate training as approved by the board;
- (2) is a graduate of a school in which has been in operation for not less than 15 years and the graduates of which have been licensed in another state or states which has standards similar to Kansas; and
- (3) meets all other requirements for taking the examination for licensure of the Kansas healing arts act.

(d) In addition to the examination required under paragraph (3) of subsection (a), if the applicant is a foreign medical graduate the applicant shall pass an examination given by the educational commission for foreign medical graduates.

(e) No person licensed to practice and actively engaged in the practice of the healing arts shall attach to such person's name any title, or any word or abbreviation indicating that such person is a doctor of any branch of the healing arts other than the branch of the healing arts in which such person holds a license but shall attach to such person's name the degree or degrees to which such person is entitled by reason of such person's diploma.

Sec. 32. K.S.A. 65-2874 is hereby amended to read as follows: 65-2874. (a) An accredited school of medicine for the purpose of this act shall be a school or college which requires the study of medicine and surgery in all of its branches, which the board shall determine to have ~~a standard of education~~ educational standards substantially equivalent to the ~~university of Kansas school of medicine~~ minimum educational standards for medical colleges as established by the liaison committee on medical education or any successor organization that is the official accrediting body of educational programs leading to the degree of doctor of medicine and recognized for such purpose by the federal department of education and the council on postsecondary education. All such schools shall be approved by the board.

(b) The board shall adopt rules and regulations establishing the criteria which a school shall satisfy in meeting the standard established under subsection (a). The criteria shall establish the minimum standards in the following areas:

- (1) Admission requirements;
- (2) basic science coursework;
- (3) clinical coursework;
- (4) qualification of faculty;
- (5) ratio of faculty to students;
- (6) library;
- (7) clinical facilities;
- (8) ~~laboratories~~;
- (9) equipment;
- (10) ~~specimens~~;
- (11) ~~financial~~ qualifications;
- (10) graduation requirements; and
- (12) ~~accreditation~~ by independent agency.

(c) The board may send a questionnaire developed by the board to any school for which the board does not have sufficient information to determine whether the school

meets the requirements of this statute or rules and regulations adopted pursuant to this statute. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school to be considered for approval.

(d) The board is authorized to contract with investigative agencies, commissions or consultants to assist the board in obtaining information about schools. In entering such contracts the authority to approve schools shall remain solely with the board.

Sec. 33. K.S.A. 65-2875 is hereby amended to read as follows: 65-2875. An accredited school of osteopathic medicine for the purpose of this act shall be a school or college which requires the study of osteopathic medicine and surgery in all of its branches which the board shall determine to have a standard of education not below that of the Kirksville college of osteopathy and surgery educational standards substantially equivalent to the minimum educational standards for osteopathic colleges as established by the American osteopathic association or any successor organization that is the official accrediting body of educational programs leading to the degree of doctor of osteopathy. All such schools shall be approved by the board.

Sec. 34. K.S.A. 65-2885 is hereby amended to read as follows: 65-2885. No person licensed hereunder shall use a title in connection with ~~his such person's~~ name which in any way represents ~~him such person~~ as engaged in the practice of any branch of the healing arts for which ~~he such person~~ holds no license: ~~Provided, however, That every such.~~ Every licensee, when using the letters or term "Dr." or "Doctor," shall use the appropriate words or letters to identify ~~himself such licensee~~ with the particular branch of the healing arts in which ~~he the licensee~~ holds a license.

Sec. 35. K.S.A. 65-2893 is hereby amended to read as follows: 65-2893. In any case of death wherein notification of the coroner is not required by K.S.A. ~~19-1031 22a-231~~, and amendments thereto, or any case in which the coroner does not elect to perform an autopsy, an autopsy may be performed upon the body of a deceased person by a physician or surgeon when so authorized, in writing by the decedent during his lifetime. Additionally, unless the physician or surgeon has knowledge that contrary directions have been given by the decedent, the following persons in the order of priority stated, may consent to the performance of an autopsy: ~~(1)(a)~~ (a) The spouse, if one survives and if not incapacitated. If no spouse survives or if the spouse is incapacitated;

~~(2)(b)~~ (b) an adult child;

~~(3)(c)~~ (c) either parent;

~~(4)(d)~~ (d) an adult brother or sister;

~~(5)(e)~~ (e) the guardian of the decedent at the time of his death;

~~(6)(f)~~ (f) any other person or agency authorized or under obligation to dispose of the body.

If there is no surviving spouse and an adult child is not immediately available at the time of death, the autopsy may be authorized by either parent; if a parent is not immediately available, it may be authorized by any adult brother or sister: ~~Provided, That,~~ Such autopsy shall not be performed under a consent given as required by a member of the class listed in ~~(2), (3) or (4) above~~ subsection (b), (c) or (d), if, before such autopsy is performed, any member of the class shall object to the performance of such autopsy in writing to the physician or surgeon by whom the autopsy is to be performed.

Sec. 36. K.S.A. 2013 Supp. 65-2895 is hereby amended to read as follows: 65-2895. (a) There is hereby created an institutional license which may be issued by the

board to a person who:

(1) Is a graduate of an accredited school of medicine or osteopathic medicine or a school which ~~has been in operation for not less than 15 years and the graduates of which~~ have been licensed in another state or states which have standards similar to Kansas;

(2) has completed at least two years in a postgraduate training program in the United States approved by the board; and

(3) who is employed as provided in this section.

(b) Subject to the restrictions of this section, the institutional license shall confer upon the holder the right and privilege to practice medicine and surgery and shall obligate the holder to comply with all requirements of such license.

(c) The practice privileges of institutional license holders are restricted and shall be valid only during the period in which:

(1) The holder is employed by any institution within the ~~department of social and rehabilitation~~ Kansas department for aging and disability services, employed by any institution within the department of corrections or employed pursuant to a contract entered into by the ~~department of social and rehabilitation~~ Kansas department for aging and disability services or the department of corrections with a third party, and only within the institution to which the holder is assigned; and

(2) the holder has been employed for at least three years as described in subsection (c)(1) and is employed to provide mental health services in Kansas in the employ of a Kansas licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, or a contractor of a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto, in a psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto, or a contractor of such educational institution, medical care facility or psychiatric hospital, and whose practice, in any such employment, is limited to providing mental health services, is a part of the duties of such licensee's paid position and is performed solely on behalf of the employer; ~~or~~

~~(3) the holder has been employed for at least three years as described in subsection (c)(1) and is providing mental health services pursuant to a written protocol with a person who holds a license to practice medicine and surgery other than an institutional license.~~

(d) An institutional license shall expire on the date established by rules and regulations of the board which may provide for renewal throughout the year on a continuing basis. In each case in which an institutional license is renewed for a period of time of more or less than 12 months, the board may prorate the amount of the fee established under K.S.A. 65-2852, and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid not later than the expiration date of the license. An institutional license shall be valid for a period of two years after the date of issuance and may be renewed for an additional two-year periods one-year period if the applicant for renewal meets the requirements under subsection (c) ~~of this section~~, has submitted an application for renewal on a form provided by the board, has paid the renewal fee established by rules and regulations of the board of not to exceed \$500 and has submitted evidence of satisfactory completion of a program of continuing education

required by the board. In addition, an applicant for renewal who is employed as described in subsection (c)(1) shall submit with the application for renewal a recommendation that the institutional license be renewed signed by the superintendent of the institution to which the institutional license holder is assigned.

(e) Nothing in this section shall prohibit any person who was issued an institutional license prior to the effective date of this act from having the institutional license reinstated by the board if the person meets the requirements for an institutional license described in subsection (a).

(f) This section shall be a part of and supplemental to the Kansas healing arts act.

Sec. 37. K.S.A. 65-2898 is hereby amended to read as follows: 65-2898. (a) No person reporting to the state board of healing arts in good faith any information such person may have relating to alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against, a person licensed, registered or certified by the board shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association composed of persons licensed to practice a ~~branch of the healing arts profession regulated by the board~~ and the individual members of any committee thereof, which in good faith investigates or communicates information pertaining to the alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against, any licensee, registrant or certificate holder to the state board of healing arts or to any committee or agent thereof, shall be immune from liability in any civil action, that is based upon such investigation or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

Sec. 38. K.S.A. 65-28,122 is hereby amended to read as follows: 65-28,122. (a) Subject to the provisions of subsection (c) of K.S.A. 65-4923, and amendments thereto, any person licensed ~~to practice the healing arts, registered or certified to practice any profession regulated by the board~~ who possesses knowledge not subject to the physician-patient privilege that another person so licensed, registered or certified has committed any act enumerated under ~~K.S.A. 65-2836 and amendments thereto~~ any practice act administered by the board which may be a ground for disciplinary action ~~pursuant to K.S.A. 65-2836 and amendments thereto~~ shall immediately report such knowledge, under oath, to the state board of healing arts. A person licensed ~~to practice the healing arts, registered or certified to practice any profession regulated by the board~~ who possesses such knowledge shall reveal fully such knowledge upon official request of the state board of healing arts.

(b) As used in subsection (a), "knowledge" means familiarity because of direct involvement or observation of the incident.

(c) The provisions of subsection (a) shall not apply to any person licensed, registered or certified to practice any profession regulated by the board who is acting solely as a consultant or providing a review at the request of any person or party.

(d) This section shall be part of and supplemental to the Kansas healing arts act.

Sec. 39. K.S.A. 65-28,126 is hereby amended to read as follows: 65-28,126. (a) It shall be the duty of each licensee to notify the state board of healing arts in writing within 30 days of any changes in the licensee's mailing address and practice addresses.

(b) A penalty in the amount not to exceed \$100 for the first violation of subsection

(a) and \$150 for each subsequent violation of subsection (a) may be assessed by the state board of healing arts under the provisions of K.S.A. 65-2863a, and amendments thereto.

(c) This section shall be part of and supplemental to the Kansas healing arts act.

Sec. 40. K.S.A. 2013 Supp. 65-28,127 is hereby amended to read as follows: 65-28,127. (a) Every supervising or responsible licensee who directs, supervises, orders, refers, accepts responsibility for, enters into written agreements or practice protocols with, or who delegates acts which constitute the practice of the healing arts to other persons shall:

- (1) Be actively engaged in the practice of the healing arts in Kansas;
- (2) review and keep current any required written agreements or practice protocols between the supervising or responsible licensee and such persons, as may be determined by the board;
- (3) direct, supervise, order, refer, enter into a written agreement or practice protocol with, or delegate to such persons only those acts and functions which the supervising or responsible licensee knows or has reason to believe can be competently performed by such person and is not in violation of any other statute or regulation;
- (4) direct, supervise, order, refer, enter into a written agreement or practice protocol with, or delegate to other persons only those acts and functions which are within the normal and customary specialty, competence and lawful practice of the supervising or responsible licensee;
- (5) provide for a qualified, substitute licensee who accepts responsibility for the direction, supervision, delegation and written agreements or practice protocols with such persons when the supervising or responsible licensee is temporarily absent; and
- (6) comply with all rules and regulations of the board establishing limits and conditions on the delegation and supervision of services constituting the practice of medicine and surgery.

(b) "Responsible licensee" means a person licensed by the state board of healing arts to practice medicine and surgery or chiropractic who has accepted responsibility for the actions of persons who perform acts pursuant to written agreements or practice protocols with, or at the order of, or referral, direction, supervision or delegation from such responsible licensee.

(c) Except as otherwise provided by rules and regulations of the board implementing this section, the physician assistant licensure act shall govern the direction and supervision of physician assistants by persons licensed by the state board of healing arts to practice medicine and surgery.

(d) Nothing in subsection (a)(4) shall be construed to prohibit a person licensed to practice medicine and surgery from ordering, authorizing or directing anesthesia care by a registered nurse anesthetist pursuant to K.S.A. 65-1158, and amendments thereto.

(e) Nothing in this section shall be construed to prohibit a person licensed to practice medicine and surgery from ordering, authorizing or directing physical therapy services pursuant to K.S.A. 65-2901 et seq., and amendments thereto.

(f) Nothing in this section shall be construed to prohibit a person licensed to practice medicine and surgery from entering into a co-management relationship with an optometrist pursuant to K.S.A. 65-1501 et seq., and amendments thereto.

(g) The board may adopt rules and regulations establishing limits and conditions on the delegation and supervision of services constituting the practice of medicine and

surgery.

(h) As used in this section, "supervising physician" means a physician who has accepted continuous and ultimate responsibility for the medical services rendered and actions of the physician assistant while performing under the direction and supervision of the supervising physician.

(i) This section shall be part of and supplemental to the Kansas healing arts act.

Sec. 41. K.S.A. 2013 Supp. 65-28,132 is hereby amended to read as follows: 65-28,132. (a) For the purpose of paying for storage, maintenance and transfer of medical records by the board of healing arts, there is hereby established the medical record maintenance trust fund. All payments and disbursements from the medical records maintenance trust fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of the board or by any person designated by the board.

(b) The board may certify to the director of accounts and reports that a specific amount, but not more than \$10, of each fee for the issuance or renewal of a license be credited to the medical records maintenance trust fund until such time the balance exceeds \$100,000. At any time the balance in the medical records trust fund falls below \$100,000, the board shall certify again to the director of accounts and reports that a specific amount, but not to exceed \$10, of each fee for the issuance or renewal of a license be deposited in the state treasury and credited to the medical records maintenance trust fund. The board may order a licensee to reimburse the amount of expenses incurred by the board in a case when such licensee failed to designate a custodian or provide for the storage, maintenance, transfer and access to such licensee's medical records upon becoming inactive. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the medical records maintenance trust fund. All funds deposited and credited to the medical records maintenance fund shall be expended for the purposes set forth in this section.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the medical records maintenance trust fund interest earnings based on: (1) The average daily balance of moneys in the medical records maintenance trust fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) The board of healing arts shall adopt rules and regulations establishing the procedures and standards necessary to implement the provisions of this section within one year of the effective date of this section.

(e) This section shall be part of and supplemental to the Kansas healing arts act."; And by renumbering sections accordingly;

On page 67, in line 19, after "2866," by inserting "65-2873, 65-2874, 65-2875, 65-2877, 65-2885, 65-2893, 65-2898, 65-28,122, 65-28,126,."; in line 22, after "65-2867," by inserting "65-2872, 65-2895, 65-28,127, 65-28,132,,";

On page 1, in the title, in line 5, after "2866," by inserting "65-2873, 65-2874, 65-2875, 65-2885, 65-2893, 65-2898, 65-28,122, 65-28,126,."; in line 8, after "65-2867," by inserting "65-2872, 65-2895, 65-28,127, 65-28,132,."; in line 9, after the second "repealing" by inserting "K.S.A. 65-2877 and"; and the bill be passed as amended.

MARCH 20, 2014

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On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the Chair.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 21, 2014.

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 21, 2014, 8:00 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with 28 senators present.
Senators Donovan, Faust-Goudeau, Haley, Holland, Longbine, Love, Lynn, O'Donnell, Pettey, Shultz, Wagle, and Wolf were excused.
Invocation by Father Don Davidson:

Dear Lord, today help us to remember someone that was exceptionally important in our lives, someone who has finished their course on earth and has joined you in life eternal. In our private reflection, help us to consider if our actions and our words meet with their teaching, mentorship and the standards they gave to us. Help us to look at their faces present always in our memories, and see their affirmation of the person we have become. We thank you, Lord, for those who have helped us become who we are today. Give us, O Lord, your grace to remember. In your holy name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2642**.
Federal and State Affairs: **SB 446, SB 447; Sub HB 2681**.
Financial Institutions and Insurance: **HB 2744**.
Public Health and Welfare: **SB 448**.

CHANGE OF REFERENCE

Under the authority of the President, Senator Smith withdrew **SB 448** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2744; SB 308**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2744 was thereupon introduced and read by title.

Under the authority of the President, Senator Smith referred **HB 2744** to the Committee on **Financial Institutions and Insurance**.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **Sub HB 2430** be amended on page 2, in line 37, after the stricken material by inserting "and ending December 31, 2014,";

On page 3, in line 2, after the stricken material by inserting "and ending December 31, 2014,"; in line 19, after the stricken material by inserting "and ending December 31, 2014,";

On page 4, in line 42, by striking "(A) Except as provided in subparagraph (B),"; in line 43, by striking "authorized or granted to" and inserting "received by";

On page 5, in line 3, by striking "and"; in line 4, by striking "any" and inserting "the"; also in line 4, by striking "or after"; also in line 4, after "2012" by inserting ", \$12,000,000 in the fiscal year commencing on July 1, 2013, \$18,000,000 in the fiscal year commencing on July 1, 2014, \$24,000,000 in the fiscal year commencing on July 1, 2015, \$30,000,000 in the fiscal year commencing on July 1, 2016, \$36,000,000 in the fiscal year commencing on July 1, 2017, and \$42,000,000 in any fiscal year commencing on or after July 1, 2018"; by striking all in lines 5 through 25; following line 33, by inserting:

"Sec. 3. K.S.A. 2013 Supp. 74-50,219 is hereby amended to read as follows: 74-50,219. No person who was a member of the legislature on or after the effective date of this act may avail themselves of the benefits under the provisions of K.S.A. 2013 Supp. 74-50,210 through 74-50,216, and amendments thereto, until after July 1, ~~2015~~ 2020.";

And by renumbering sections accordingly;

Also on page 5, in line 34, by striking "and" and inserting a comma; also in line 34, after "74-50,213" by inserting "and 74-50,219";

On page 1, in the title, in line 2, by striking the first "and" and inserting a comma; also in line 2, after "74-50,213" by inserting "and 74-50,219"; and the bill be passed as amended.

Also, **Sub Sub HB 2721** be amended on page 3, in line 27, by striking all after "(b)"; by striking all in lines 28 through 43;

On page 4, by striking all in lines 1 through 17; and in line 18, by striking "(c)";

On page 5, in line 12, by striking all after "(b)"; by striking all in lines 13 through 27; in line 28, by striking "(c)";

On page 6, in line 10, by striking all after "(b)"; by striking all in lines 11 through 26; in line 27, by striking "(c)";

On page 7, in line 9, by striking all after "(b)"; by striking all in lines 10 and 11; in line 12, by striking "(c) "; in line 13, by striking all after "7."; by striking all in lines 14 through 26; in line 27, by striking "(d)";

On page 14, in line 28, after "fee" by inserting "if authorized by law, as provided by section 10, and amendments thereto,";

On page 15, in line 5, after "fee" by inserting "if authorized by law, as provided by section 10, and amendments thereto,"; in line 13, after "fee" by inserting "if authorized by law, as provided by section 10, and amendments thereto,"; in line 29, after "fee" by inserting "if authorized by law, as provided by section 10, and amendments thereto,";

On page 16, in line 2, after "fee" by inserting "if authorized by law, as provided by section 10, and amendments thereto,"; in line 18, after "fee" by inserting "if authorized by law, as provided by section 10, and amendments thereto,";

On page 17, in line 17, by striking "the fee required by this act," and inserting "a fee if authorized by law, as provided by section 10, and amendments thereto,";

On page 19, in line 39, by striking "the fee required by this act" and inserting "a fee if authorized by law, as provided by section 10, and amendments thereto";

On page 20, in line 18, by striking "the fee required by"; in line 19, by striking "this act" and inserting "a fee if authorized by law, as provided by section 10, and amendments thereto,"; in line 34, by striking "the fee"; in line 35, by striking "required by this act" and inserting "a fee if authorized by law, as provided by section 10, and amendments thereto,";

On page 21, in line 18, by striking "the fee required"; in line 19, by striking "by this act" and inserting "a fee if authorized by law, as provided by section 10, and amendments thereto"; in line 23, by striking "the fee required by this act" and inserting "a fee if authorized by law, as provided by section 10, and amendments thereto,";

On page 30, in line 12, by striking "17-76,136,"; in line 14, by striking "56-1a605,"; in line 15, by striking "17-7506,";

On page 1, in the title, in line 8, by striking "17-76,136,"; in line 10, by striking "56-1a605,"; in line 11, by striking "17-7506,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2298** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2298," as follows:

"Senate Substitute for HOUSE BILL No. 2298

By Committee on Judiciary

"AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, III and IV; amending K.S.A. 2013 Supp. 65-4105, 65-4109 and 65-4111 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2448** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2448," as follows:

"Senate Substitute for HOUSE BILL No. 2448

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to interference with judicial process; Kansas racketeer influenced and corrupt organization act; sentencing; probation and postrelease supervision; amending K.S.A. 2013 Supp. 21-5905, 21-6328, 21-6329, 21-6604, 21-6608 and 22-3716 and repealing the existing sections.";

And the substitute bill be passed.

HB 2588, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2588," as follows:

"Senate Substitute for HOUSE BILL No. 2588

By Committee on Judiciary

"AN ACT concerning children and minors; relating to the revised Kansas juvenile justice code; revised Kansas code for care of children; placement in juvenile detention facilities; permanent custodians; juvenile offenders; alternative adjudication; youth residential centers and services; risk assessment; sentencing; good time credits; amending K.S.A. 2013 Supp. 21-6607, 38-2268, 38-2360, 38-2369, 38-2370 and 38-2372 and repealing the existing sections.";

And the substitute bill be passed.

HB 2463, as amended by House Committee, be amended on page 3, in line 13, after "apprehension" by inserting ", except that the provisions of this subparagraph do not apply to any transaction between an individual and that individual's counsel necessary

to preserve that individual's right to representation, as guaranteed by section 10 of the bill of rights of the constitution of the state of Kansas and by the sixth amendment to the United States constitution"; and the bill be passed as amended.

HB 2490, as amended by House Committee, be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2013 Supp. 21-2511 is hereby amended to read as follows: 21-2511. (a) ~~On and after May 2, 1991, any person convicted as an offender pursuant to K.S.A. 22-4901, and amendments thereto, any adult arrested or charged or adjudicated as a juvenile offender because of placed in custody for or charged with the commission of any felony; a violation of the following offenses, regardless of the sentence imposed, shall be required to submit biological samples authorized by and given to the Kansas bureau of investigation in accordance with the provisions of this section:~~

(1) ~~Any felony;~~

(2) ~~subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;~~

(3) ~~a violation of K.S.A. 21-3508, prior to its repeal, or K.S.A. 2013 Supp. 21-5513, and amendments thereto, when committed in the presence of a person 16 or more years of age;~~

(4) ~~a violation of K.S.A. 21-4310, prior to its repeal, or K.S.A. 2013 Supp. 21-6412, and amendments thereto;~~

(5) ~~a violation of K.S.A. 21-3424, prior to its repeal, or K.S.A. 2013 Supp. 21-5411, and amendments thereto, when the victim is less than 18 years of age;~~

(6) ~~a violation of K.S.A. 21-3507, prior to its repeal, or K.S.A. 2013 Supp. 21-5511, and amendments thereto, when one of the parties involved is less than 18 years of age;~~

(7) ~~a violation of subsection (b)(1) of K.S.A. 21-3513, prior to its repeal, or subsection (b)(1)(A) of K.S.A. 2013 Supp. 21-6420, and amendments thereto, when one of the parties involved is less than 18 years of age;~~

(8) ~~a violation of K.S.A. 21-3515, prior to its repeal, or K.S.A. 2013 Supp. 21-6421, and amendments thereto, when one of the parties involved is less than 18 years of age; or~~

(9) ~~a violation of K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5505, and amendments thereto; or~~

(10) ~~including an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such offenses provided in this subsection, regardless of the sentence imposed, shall be required to submit specimens of blood or an oral or other biological sample authorized by the Kansas bureau of investigation to the Kansas bureau of investigation in accordance with the provisions of this act, if such person is:~~

(1) ~~Convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in subsection (a) on or after the effective date of this act;~~

(2) ~~ordered institutionalized as a result of being convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in subsection (a) on or after the effective date of this act; or~~

~~(3) convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in this subsection before the effective date of this act and is presently confined as a result of such conviction or adjudication in any state correctional facility or county jail or is presently serving a sentence under K.S.A. 21-4603, 21-4603d, 22-3717 or K.S.A. 2012 Supp. 38-2361, and amendments thereto.~~

~~(b) Notwithstanding any other provision of law, the Kansas bureau of investigation is authorized to obtain fingerprints and other identifiers for all persons, whether juveniles or adults, covered by required to submit a sample under the provisions of this act section.~~

~~(c) Any person required by paragraphs (a)(1) and (a)(2) to provide such specimen or sample shall be ordered by the court to have such specimen or sample collected within 10 days after sentencing or adjudication:~~

~~(1) If placed directly on probation, that person must provide such specimen or sample, at a collection site designated by the Kansas bureau of investigation. Collection of specimens shall be conducted by qualified volunteers, contractual personnel or employees designated by the Kansas bureau of investigation. Failure to cooperate with the collection of the specimens and any deliberate act by that person intended to impede, delay or stop the collection of the specimens shall be punishable as contempt of court and constitute grounds to revoke probation;~~

~~(2) if sentenced to the secretary of corrections, such specimen or sample will be obtained as soon as practical upon arrival at the correctional facility; or~~

~~(3) if a juvenile offender is placed in the custody of the commissioner of juvenile justice, in a youth residential facility or in a juvenile correctional facility, such specimen or sample will be obtained as soon as practical upon arrival.~~

Persons required to submit a sample pursuant to subsection (a) shall be required to submit such sample at the same time such person is fingerprinted pursuant to the booking procedure.

~~(d) Any person required by paragraph (a)(3) convicted as an adult and who was incarcerated on May 2, 1991, for a crime committed prior to May 2, 1991, shall be required to provide such specimen or submit a sample shall be required to provide such samples prior to final discharge or conditional release at a collection site designated by the Kansas bureau of investigation. Collection of specimens shall be conducted by qualified volunteers, contractual personnel or employees designated by the Kansas bureau of investigation.~~

~~(e) (1) On and after January 1, 2007 through June 30, 2008, any adult arrested or charged or juvenile placed in custody for or charged with the commission or attempted commission of any person felony or drug severity level 1 or 2 felony shall be required to submit such specimen or sample at the same time such person is fingerprinted pursuant to the booking procedure.~~

~~(2) On and after July 1, 2008, except as provided further, any adult arrested or charged or juvenile placed in custody for or charged with the commission or attempted commission of any felony; a violation of subsection (a)(1) of K.S.A. 21-3505; a violation of K.S.A. 21-3508; a violation of K.S.A. 21-4310; a violation of K.S.A. 21-3424, and amendments thereto, when the victim is less than 18 years of age; a violation of K.S.A. 21-3507, and amendments thereto, when one of the parties involved is less than 18 years of age; a violation of subsection (b)(1) of K.S.A. 21-3513, and amendments thereto, when one of the parties involved is less than 18 years of age; a~~

violation of K.S.A. 21-3515, and amendments thereto, when one of the parties involved is less than 18 years of age; or a violation of K.S.A. 21-3517, and amendments thereto; shall be required to submit such specimen or sample at the same time such person is fingerprinted pursuant to the booking procedure.

~~(3)~~(c) Prior to taking such samples, the arresting, charging or custodial law enforcement or juvenile justice agency shall search the Kansas criminal history files through the Kansas criminal justice information system to determine if such person's sample is currently on file with the Kansas bureau of investigation. In the event that it cannot reasonably be established that a DNA sample for such person is on file at the Kansas bureau of investigation, the arresting, charging or custodial law enforcement or juvenile justice agency shall cause a sample to be collected. If such person's sample is on file with the Kansas bureau of investigation, the law enforcement or juvenile justice agency is shall not be required to take the sample.

~~(4)~~(f) (1) If a court later determines that there was not probable cause for the arrest, charge or placement in custody or the charges are otherwise dismissed, and the case is not appealed, the Kansas bureau of investigation, upon petition by such person, shall expunge both the DNA sample and the profile record of such person.

~~(5)~~(2) If a conviction against a person; who is required to submit such ~~specimen or sample~~; is expunged or a verdict of acquittal with regard to such person is returned, the Kansas bureau of investigation shall, upon petition by such person, expunge both the DNA sample and the profile record of such person.

~~(f)~~—All persons required to register as offenders pursuant to K.S.A. 22-4901 et seq., and amendments thereto, shall be required to submit specimens of blood or an oral or other biological sample authorized by the Kansas bureau of investigation to the Kansas bureau of investigation in accordance with the provisions of this act.

(g) The Kansas bureau of investigation shall provide all ~~specimen vials, mailing tubes, labels kits, supplies~~ and instructions necessary for the collection of ~~blood, oral or other~~ biological samples. The collection of samples shall be performed in a medically approved manner. No person ~~authorized by this section to withdraw blood, and no person~~ assisting in the collection of these samples pursuant to the provisions of this section shall be liable in any civil or criminal action when the act is performed in a reasonable manner according to generally accepted medical practices. ~~The withdrawal of blood for purposes of this act may be performed only by: (1) A person licensed to practice medicine and surgery or a person acting under the supervision of any such licensed person; (2) a registered nurse or a licensed practical nurse; or (3) any qualified medical technician including, but not limited to, an emergency medical technician-intermediate, mobile intensive care technician, advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto; or a phlebotomist. The Such samples shall thereafter be forwarded to the Kansas bureau of investigation; and the bureau shall analyze the such samples to the extent allowed by funding available for this purpose.~~

(h) (1) ~~The DNA (deoxyribonucleic acid) records and DNA samples shall be maintained by the Kansas bureau of investigation. The Kansas bureau of investigation shall establish, implement and maintain a statewide automated DNA databank and DNA database capable of, but not limited to, searching, matching and storing DNA records. The DNA database as established by this act section shall be compatible with the procedures specified by the federal bureau of investigation's combined DNA index~~

system—(~~CODIS~~). The Kansas bureau of investigation shall participate in the ~~CODIS~~ federal bureau of investigation's combined DNA index system program by sharing data and utilizing compatible test procedures, laboratory equipment, supplies and computer software.

~~(2)~~ ~~The~~ DNA records obtained pursuant to this ~~aet-section~~ shall be confidential and shall be released only to authorized criminal justice agencies. ~~The~~ Such DNA records shall be used only for law enforcement identification purposes or to assist in the recovery or identification of human remains from disasters or for other humanitarian identification purposes, including, but not limited to, identification of missing persons.

~~(1)(3)~~ The Kansas bureau of investigation shall be the state central repository for all DNA records and ~~DNA~~ samples obtained pursuant to this ~~aet-section~~. No DNA records shall be accepted for admission or comparison unless obtained in substantial compliance with the provisions of this section by an accredited forensic laboratory meeting the national DNA index guidelines established by the federal bureau of investigation.

~~(i)~~ (1) The Kansas bureau of investigation shall promulgate rules and regulations for:

(A) The form and manner of the collection and maintenance of DNA samples;

(B) a procedure which allows ~~the defendant~~ defendants to petition to expunge and destroy the DNA samples and profile record in the event of a dismissal of charges, expungement or acquittal at trial; and

(C) any other procedures for the operation of this ~~aet-section~~.

(2) ~~These~~ Such rules and regulations also shall require compliance with national quality assurance standards to ensure that ~~the such~~ DNA records satisfy standards of acceptance of such records into the national DNA identification index.

(3) The provisions of the Kansas administrative procedure act shall apply to all actions taken ~~under the~~ pursuant to such rules and regulations ~~so promulgated~~.

~~(4)(j)~~ The Kansas bureau of investigation is authorized to contract with third parties for the purposes of implementing this section. Any other party contracting to carry out the functions of this section shall be subject to the same restrictions and requirements of this section, insofar as applicable, as the bureau, as well as any additional restrictions or requirements imposed by the bureau.

~~(4)(k)~~ In the event that a person's DNA sample is lost, was not properly obtained pursuant to the provisions of this section or is not adequate for any reason, the person shall provide another sample for analysis.

(l) A sample, or any evidence based upon or derived from such sample, collected by a law enforcement agency or a juvenile justice agency in substantial compliance with the provisions of this section, shall not be excluded as evidence in any criminal proceeding on the basis that such sample was not validly obtained.

(m) Any person who is subject to the requirements of this section, and who, after receiving notification of the requirement to provide a DNA specimen, knowingly refuses to provide such DNA specimen, shall be guilty of a class A nonperson misdemeanor.

(n) As used in this section:

(1) "DNA" means deoxyribonucleic acid; and

(2) "profile record" means the identifying information of the laboratory performing the examination, case numbers, laboratory personnel and the specimen identification

number related to a DNA profile.";

And by renumbering sections accordingly;

On page 7, in line 24, by striking "is" and inserting "and K.S.A. 2013 Supp. 21-2511 are";

On page 1, in the title, in line 1, after "concerning" by inserting "crimes, punishment and"; also in line 1, after "to" by inserting "DNA evidence;" in line 2, after "22-3420" by inserting "and K.S.A. 2013 Supp. 21-2511"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2555, as amended by House Committee of the Whole, be amended on page 1, in line 21, by striking "open to the"; by striking all in lines 22 and 23; in line 24, by striking "be public court records after such execution" and inserting "made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire"; by striking all in lines 25 through 34;

On page 2, by striking all in lines 1 through 19 and inserting:

"(c) Affidavits or sworn testimony in support of the probable cause requirement of this section shall be open to the public, as provided in this subsection, upon completion of the preliminary hearing and arraignment in felony matters and after arraignment in misdemeanor matters. Any request for such affidavits or testimony shall be made to the court in writing. Any requester shall also provide proper notice, in writing, to the prosecuting attorney. Prior to release of any such affidavits or testimony, the prosecuting attorney, the defense and the court shall be allowed to review the request. The court shall determine if good cause exists to either deny the request in its entirety or redact certain sections of such affidavits or testimony pursuant to the criteria specified in subsection (f) of K.S.A. 22-2502, and amendments thereto.";

On page 3, in line 37, by striking "subsection" and inserting "subsections"; also in line 37, after "(d)(2)" by inserting "and (d)(3)"; in line 38, by striking "Except as provided in subsections (e) and (f)."; in line 42, by striking "(A)"; in line 43, by striking the semicolon and inserting "."; following line 43, by inserting:

"(3) The affidavits or testimony, redacted in accordance with the criteria specified in subsection (f), shall be made available to:";

On page 4, in line 1, by striking "(B)" and inserting "(A)"; also in line 1, by striking "30 days after"; in line 2, by striking "the warrant has been" and inserting "when the warrant is"; in line 3, by striking "(C)" and inserting "(B)"; in line 4, by striking "30 days after the"; in line 5, by striking "warrant has been" and inserting "when the warrant is"; by striking all in lines 6 through 36 and inserting:

"(e) Any person may file a written request with the clerk of the court to disclose affidavits or sworn testimony in support of the probable cause requirement of this section at least 14 days after execution of the warrant using the following procedure:

(1) The clerk of the court shall provide written notice of the request to the law enforcement agency who executed the warrant and the prosecuting attorney of the county where the warrant was executed. The law enforcement agency and the prosecuting attorney shall have seven days after receiving such notice to file any objection with the court.

(2) The magistrate who signed the warrant shall review the disclosure request.

(3) If the prosecuting attorney or the law enforcement agency objects to the disclosure, the court shall allow the prosecuting attorney or the law enforcement agency

to present the reasons for such objection to the court for an in camera review.

(4) If the court finds it is more probably true than not that disclosure would violate one or more of the criteria listed in subsection (f), the court may: (A) Deny disclosure and advise the requester of such decision in writing; or (B) permit disclosure of affidavits or testimony redacted in accordance with the criteria specified in subsection (f).

(f) The court may deny disclosure of the affidavits or sworn testimony in support of the probable cause requirement of this section, or permit disclosure of redacted affidavits or testimony, if disclosure of such affidavits or testimony would:

(1) Endanger the life, jeopardize the safety, cause emotional and psychological distress or public humiliation of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;

(2) reveal information obtained from a court-ordered wiretap;

(3) reveal any pending or prospective law enforcement action, criminal investigation or prosecution;

(4) reveal confidential investigative techniques or procedures not known to the general public;

(5) endanger the life, physical safety or cause emotional and psychological distress or public humiliation of any person;

(6) reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense as described in article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto;

(7) reveal the name of any minor; or

(8) reveal any personal telephone number, driver's license number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information.";

Also on page 4, in line 37, by striking "(f)" and inserting "(g)";

On page 5, in line 7, by striking "(g)" and inserting "(h)"; and the bill be passed as amended.

HB 2568, as amended by House Committee, be amended on page 5, following line 22, by inserting:

"Sec. 3. K.S.A. 2013 Supp. 23-2215 is hereby amended to read as follows: 23-2215. (a) The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes, but if any person necessary to determine the existence of a father and child relationship for all purposes has not been joined as a party, a determination of the paternity of the child shall have only the force and effect of a finding of fact necessary to determine a party's duty of support.

(b) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued, but only if any man named as the father on the birth certificate is a party to the action.

(c) Upon adjudging that a party is the parent of a minor child, the court shall make provision for support and education of the child including under article 30 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto. The court may order the payment of all or a portion of the necessary medical expenses incident to the child's birth of the child. The court may order the support and education expenses to be paid by either or both parents for the minor child. ~~When the child reaches 18 years of age, the~~

support shall terminate unless: (1) The parent or parents agree, by written agreement approved by the court, to pay support beyond that time; (2) the child reaches 18 years of age before completing the child's high school education in which case the support shall not automatically terminate, unless otherwise ordered by the court, until June 30 of the school year during which the child became 18 years of age if the child is still attending high school; or (3) the child is still a bona fide high school student after June 30 of the school year during which the child became 18 years of age, in which case the court, on motion, may order support to continue through the school year during which the child becomes 19 years of age so long as the child is a bona fide high school student and the parents jointly participated or knowingly acquiesced in the decision which delayed the child's completion of high school. The court, in extending support pursuant to subsection (e)(3), may impose such conditions as are appropriate and shall set the child support utilizing the guideline table category for 16-year through 18-year old children. Provision for payment of support and educational expenses of a child after reaching 18 years of age if still attending high school shall apply to any child subject to the jurisdiction of the court, including those whose support was ordered prior to July 1, 1992. If an agreement approved by the court prior to July 1, 1988, provides for termination of support before the date provided by subsection (e)(2), the court may review and modify such agreement, and any order based on such agreement, to extend the date for termination of support to the date provided by subsection (e)(2). If an agreement approved by the court prior to July 1, 1992, provides for termination of support before the date provided by subsection (e)(3), the court may review and modify such agreement, and any order based on such agreement, to extend the date for termination of support to the date provided by subsection (e)(3). For purposes of this section, "bona fide high school student" means a student who is enrolled in full accordance with the policy of the accredited high school in which the student is pursuing a high school diploma or a graduate equivalency diploma (GED). The judgment may require the party to provide a bond with sureties to secure payment. The court may at any time during the minority of the child modify or change the order of support, including any order issued in a title IV-D case, within three years of the date of the original order or a modification order, as required by the best interest of the child. If more than three years has passed since the date of the original order or modification order, a requirement that such order is in the best interest of the child need not be shown. The court may make a modification of support retroactive to a date at least one month after the date that the motion to modify was filed with the court. Any increase in support ordered effective prior to the date the court's judgment is filed shall not become a lien on real property pursuant to K.S.A. 60-2202, and amendments thereto.

(d) If both parents are parties to the action, the court shall enter such orders regarding for legal custody, residency and parenting time as the court considers to be in the best interest of the child under article 32 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto.

If the parties have an agreed parenting plan it shall be presumed the agreed parenting plan is in the best interest of the child. This presumption may be overcome and the court may make a different order if the court makes specific findings of fact stating why the agreed parenting plan is not in the best interest of the child. If the parties are not in agreement on a parenting plan, each party shall submit a proposed parenting plan to the court for consideration at such time before the final hearing as may be directed by the

court.

~~(e) If during the proceedings the court determines that there is probable cause to believe that the child is a child in need of care, as defined by subsections (d)(1), (d)(2), (d)(3) or (d)(11) of K.S.A. 2013 Supp. 38-2202, and amendments thereto, or that neither parent is fit to have residency, the court may award temporary residency of the child to a grandparent, aunt, uncle or adult sibling, or another person or agency if the court finds by written order that: (1) (A) The child is likely to sustain harm if not immediately removed from the home; (B) allowing the child to remain in home is contrary to the welfare of the child; or (C) immediate placement of the child is in the best interest of the child; and (2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety of the child. In making such a residency order, the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to awarding such residency to a relative of the child by blood, marriage or adoption and second to awarding such residency to another person with whom the child has close emotional ties. The court may make temporary orders for care, support, education and visitation that it considers appropriate. Temporary residency orders are to be entered in lieu of temporary orders provided for in K.S.A. 2013 Supp. 38-2243 and 38-2244, and amendments thereto, and shall remain in effect until there is a final determination under the revised Kansas code for care of children. An award of temporary residency under this paragraph shall not terminate parental rights nor give the court the authority to consent to the adoption of the child. When the court enters orders awarding temporary residency of the child to an agency or a person other than the parent, the court shall refer a transcript of the proceedings to the county or district attorney. The county or district attorney shall file a petition as provided in K.S.A. 2013 Supp. 38-2234, and amendments thereto, and may request termination of parental rights pursuant to K.S.A. 2013 Supp. 38-2266, and amendments thereto. The costs of the proceedings shall be paid from the general fund of the county. If a final determination is made that the child is not a child in need of care, the county or district attorney shall notify the court in writing and the court, after a hearing, shall enter appropriate custody orders pursuant to this section. If the same judge presides over both proceedings, the notice is not required. Any order pursuant to the revised Kansas code for care of children shall take precedence over any similar order under this section.~~

~~(f) (e) (1) In entering an original order for support of a child under this section, the court may award an additional judgment to reimburse the expenses of the mother or any other party who made expenditures for support and education of the child from the date of birth to the date the order is entered. If the determination of paternity is based upon a presumption arising under K.S.A. 2013 Supp. 23-2208, and amendments thereto, the court shall award an additional judgment to reimburse all or part of the expenses of support and education of the child from at least the date the presumption first arose to the date the order is entered, except that no additional judgment need be awarded for amounts accrued under a previous order for the child's support.~~

~~(2) The court may consider any affirmative defenses pled and proved in making an award under this subsection.~~

~~(3) The amount of any award made under this subsection shall be determined by application of the Kansas child support guidelines. For any period occurring five years or less before or after commencement of the action, there is a rebuttable presumption~~

that such child support guidelines amount reflects the actual expenditures made on the child's behalf during that period. For any period occurring more than five years before commencement of the action, the person seeking the award has the burden of proving that the total amount requested for that period does not exceed expenditures actually made on the child's behalf during that period.

~~(g) In determining the amount to be ordered in payment and duration of such payments, a court enforcing the obligation of support shall consider all relevant facts including, but not limited to, the following:~~

- ~~(1) The needs of the child.~~
- ~~(2) The standards of living and circumstances of the parents.~~
- ~~(3) The relative financial means of the parents.~~
- ~~(4) The earning ability of the parents.~~
- ~~(5) The need and capacity of the child for education.~~
- ~~(6) The age of the child.~~
- ~~(7) The financial resources and the earning ability of the child.~~
- ~~(8) The responsibility of the parents for the support of others.~~
- ~~(9) The value of services contributed by both parents.~~
- ~~(h) The provisions of K.S.A. 2013 Supp. 23-3103, and amendments thereto, shall apply to all orders of support issued under this section.~~

~~(i) An order granting parenting time pursuant to this section may be enforced in accordance with K.S.A. 2013 Supp. 23-3401, and amendments thereto, or under the uniform child custody jurisdiction and enforcement act.;~~

And by renumbering sections accordingly;

On page 11, in line 18, before "23-2216," by inserting "23-2215,";

On page 1, in the title, in line 3, before "23-2216," by inserting "23-2215,"; and the bill be passed as amended.

HB 2613, as amended by House Committee, be amended on page 2, following line 11, by inserting:

"(d) This section shall be part of and supplemental to the uniform vital statistics act, K.S.A. 65-2401 et seq., and amendments thereto.";

Also on page 2, by striking all in lines 29 through 35 and inserting:

"(d) "Unborn child" means a living individual organism of the species homo sapiens, in utero, irrespective of the duration of the pregnancy.

(e) "Stillbirth" means the death of a child in utero after the 20th week of gestation, and which is not an induced termination of pregnancy.

(f) "Unborn child's death" means an unborn child who dies in utero, whether by stillbirth or by miscarriage.

(g) "Miscarriage" means the death of an unborn child in utero before the 20th week of gestation, and which is not an induced termination of pregnancy.";

And by relettering subsections accordingly;

Also on page 2, in line 40, after the second "body" by inserting ", including a lifeless unborn child,";

On page 3, in line 1, by striking "stillborn child or"; in line 6, before "or" by inserting ", including an unborn child's death certificate"; in line 9, before the first "the" by inserting "dead"; in line 10, before "or" by inserting ", including an unborn child's death certificate"; in line 17, after "(b)" by inserting "A stillbirth certificate or unborn child's death certificate shall not be filed for induced terminations of pregnancy required to be

reported by K.S.A. 65-445, and amendments thereto.

(c) When an unborn child's death or stillbirth occurs in an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the unborn child's death certificate or stillbirth certificate, secure the signatures required by such certificate and file the certificate with the state registrar. The physician in attendance or, in the absence of the physician, the person in charge of the institution or that person's designated representative shall certify to the facts of the unborn child's death prior to removal of such unborn child from the state.

(d) When an unborn child's death or stillbirth occurs outside an institution, the unborn child's death certificate or stillbirth certificate shall be prepared by the physician in attendance at or immediately after the unborn child's death or stillbirth.

(e) ";

And by relettering subsections accordingly;

Also on page 3, following line 38, by inserting:

"(h) For purposes of public health reporting and tracking, an unborn child's death or stillbirth at any gestational age, where the confirmation of the pregnancy was determined by a licensed health care provider, shall be reported to the secretary of health and environment.";

Also on page 3, in line 40, by striking "(f)" and inserting "(i)";

On page 1, in the title, in line 2, by striking "certificate of birth resulting in"; also in line 2, after "stillbirth" by inserting "and unborn child's death certificates"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2118** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2118," as follows:

"Senate Substitute for HOUSE BILL No. 2118

By Committee on Natural Resources

"AN ACT concerning the nongame and endangered species conservation act; amending K.S.A. 2013 Supp. 32-988, 32-1002 and 77-415 and repealing the existing sections; also repealing K.S.A. 32-957, 32-958, 32-959, 32-960, 32-960a, 32-960b, 32-961, 32-962, 32-963, 32-1010, 32-1011, 32-1012 and 32-1033 and K.S.A. 2013 Supp. 32-1009 and 79-32,203.";

And the substitute bill be passed.

Committee on **Transportation** recommends **HB 2693** as amended by House Committee of the Whole be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2693," as follows:

"Senate Substitute for HOUSE BILL No. 2693

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to driver's licenses; commercial vehicles, skills test; examiners; amending K.S.A. 74-2015 and K.S.A. 2013 Supp. 8-2,133 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Utilities** recommends **HB 2636** be passed.

Also, **HB 2014**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2014," as follows:

"Senate Substitute for HOUSE BILL No. 2014

By Committee on Utilities

"AN ACT concerning energy; repealing the renewable energy standards act; amending K.S.A. 2013 Supp. 66-104d, 66-1,184, 66-1264, 66-1269 and 66-1282 and repealing existing sections; also repealing K.S.A. 2013 Supp. 66-1256, 66-1257, 66-1258, 66-1259, 66-1260, 66-1261, 66-1262 and 66-1271.";

And the substitute bill be passed.

HB 2482, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2482," as follows:

"Senate Substitute for HOUSE BILL No. 2482

By Committee on Utilities

"AN ACT creating the energy efficiency investment act.";

And the substitute bill be passed.

HB 2480, as amended by House Committee, be amended on page 1, in line 7, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

HB 2487, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 66-106 is hereby amended to read as follows: 66-106. (a) The state corporation commission shall have power to adopt reasonable and proper rules and regulations to govern its proceedings, including the assessment and taxation of costs on any complaint provided for in K.S.A. 66-133, and amendments thereto, and to regulate the mode and manner of all investigations, tests, audits, inspections and hearings not specifically provided for herein, except that no person desiring to be present at any investigation or hearing by the commission shall be denied admission.

(b) The state corporation commission may:

(1) Confer with officers of other states and officers of the United States on any matter pertaining to the state corporation commission's official duties; ~~and~~

(2) (A) enter into and establish fair and equitable cooperative agreements or contracts with or act as an agent or licensee for the United States, or any official, agency or instrumentality thereof, or any railroad, public utility or similar commission of another state, for the purpose of carrying out the state corporation commission's duties; (B) to that end receive and disburse any contributions, grants or other financial assistance as a result of or pursuant to such agreements or contracts; and (C) make joint investigations, hold joint hearings within or outside the state and issue joint or concurrent orders in conjunction or concurrence with such official, agency, instrumentality or commission; ~~and~~

(3) on its own, or in association with others with similar interests, intervene or otherwise participate in other state or federal proceedings on any matter the state corporation commission reasonably believes pertains to the commission's official duties. Upon conferral with the attorney general, the commission has discretion to file amicus briefs with any court within the state or federal government.

(c) The attorney general, when requested, shall give the state corporation commission or the attorney for the commission such counsel and advice as the commission or the attorney for the commission may from time to time require. It is hereby made the duty of the attorney general to aid and assist the commission and the attorney for the commission in all hearings, suits and proceedings in which the commission or attorney for the commission requests the attorney general's assistance.";

On page 2, in line 19, after "K.S.A." by inserting "66-106 and K.S.A."; also in line

19, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "utilities; relating to"; in line 2, after "the" by inserting "powers and duties thereof;"; in line 3, after "amending" by inserting "K.S.A. 66-106 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Senator Smith in the chair.

REPORT ON ENROLLED BILLS

SB 248, SB 284 reported correctly enrolled, properly signed and presented to the Governor on March 21, 2014.

SR 1798, SR 1799 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 21, 2014.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 17-21, 2014:

Senator Bowers: congratulating Drs. Driver and Clark on receiving the 2013 Most Improved Business Award from the Minneapolis Area Chamber of Commerce; congratulating Wayne Reed on receiving the Legacy Award from the Minneapolis Area Chamber of Commerce; congratulating Jim Gillett on receiving the 2013 Bankers Association Soil Conservation Award; congratulating Art and Phyllis Wyrick on receiving the 2013 Bankers Association Soil Conservation Award; congratulating the Carlgren family on receiving the 2013 Jewell County Conservation District Grassland Award; congratulating Wayne and Joan Broeckelman on receiving the 2013 Jewell County Buffer Award.

Senator Faust-Goudeau: congratulating Ryan McFarland for participating in the Cross-Examination Debate Association National Tournament; congratulating Casey Donnell for participating in the Cross-Examination Debate Association National Tournament; congratulating Olivia Sullivan for participating in the Cross-Examination Debate Association National Tournament.

Senator Haley: congratulating Henrietta Hopkins Walker her 100th Birthday.

Senator Holland: congratulating Ethan Perrins on winning the 61st Annual Regional Spelling Bee.

Senator Kelly: congratulating Clarence and Mary Lou Irwin on their 67th Wedding Anniversary; and

Senator Tyson: recognizing Anne Emerson for organizing the Symbols of Sacrifice event.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, March 24, 2014.

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 24, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Dear God, there are so many mysteries on earth, like where do all the remotes go... why the single socks? As we begin another week, help us to know that keeping the mystery and wonder in our relationship with you gives us joy. From the beginning of creation, you expect us to discover and learn and grow. The more we learn the more indebted we become to the magnificence of your work in our life. Help us Lord to enjoy the mystery. In your name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

CHANGE OF REFERENCE

The President withdrew **HB 2114** from the Committee on **Interstate Cooperation**, and referred the bill to the Committee on **Federal and State Affairs**.

An objection having been made to **HB 2684** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2047**, requests a conference and has appointed Representatives Carlson, Edmonds and Sawyer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2130**, requests a conference and has appointed Representatives Schwab, Huebert and Sawyer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2154**, requests a conference and has appointed Representatives Crum, Concannon and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2172**, requests a conference and has appointed Representatives Huebert, Phillips and Alcalá as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2516**, requests a conference and has appointed Representatives Schwab, Hutton and Sawyer as conferees on the part of

the House.

Announcing passage of **HB 2553, HB 2755.**

Announcing passage of **SB 311**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2553, HB 2755 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HCR 5031** be adopted.

Committee on **Financial Institutions and Insurance** recommends **HB 2744** be passed.

Also, **HB 2668**, as amended by House Committee, be amended on page 1, following line 4, by inserting the following:

"WHEREAS, The legislature hereby finds and declares that:

(1) Health plans have the ability today to provide a real-time explanation of benefits (EOB), enabling patients and their physicians to learn how a claim for services will be adjudicated at the point of care, including information on if the service is covered, the amount to be paid to the physician and the patient's financial responsibility for copayments, coinsurance and any remaining deductible obligation;

(2) real-time EOBs have the potential to significantly reduce health care costs by making the true cost of health care services transparent to patients and their physicians at the time treatment decisions are being made and by reducing the costs of collections which accrue when paper EOBs are not received until weeks or months after the services are provided; and

(3) real-time EOBs also have the potential to eliminate the financial uncertainty that currently plagues the health care system and would remove another layer of complexity and anxiety for patients at a time when they should be focused on their health. This is particularly important for patients for whom this financial exposure may be large, such as for the increasing number of patients with high-deductible health plans, or for those patients who purchase coverage on a health insurance exchange, for whom relatively modest changes to patient income can affect eligibility and enrollment status as they transition between medicaid, subsidized and unsubsidized qualified health plans; and

WHEREAS, The people of the state of Kansas would all benefit if health plans were required to provide real-time EOBs on request when a physician submits an electronic claim predetermination request:

Now, therefore,";

Also 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 inserting the following:

"Section 1. (a) This section shall be known as and may be cited as the predetermination of health care benefits act.

(b) (1) Health plans that receive an electronic health care predetermination request consistent with the requirements set forth in subsection (c) shall provide to the requesting healthcare provider information on the amounts of expected benefits coverage on the procedures specified in the request that is accurate at the time of the health plan's response.

(2) Any predetermination request provided under this section in good faith shall be

deemed to be an estimate only and shall not be binding upon the health plan with regard to the final amount of benefits actually provided by the health plan.

(c) The amounts for the referenced services in subsection (b) shall include:

(1) The amount the patient will be expected to pay, clearly identifying any deductible amount, coinsurance and copayment;

(2) the amount the healthcare provider will be paid;

(3) the amount the institution will be paid; and

(4) whether any payments will be reduced, but not to \$0, or increased from the agreed fee schedule amounts, and if so, the health care policy that identifies why the payments will be reduced or increased.

(d) This electronic request and response transaction shall be known as the health care predetermination request and response. The health care predetermination request and response shall be conducted in accordance with the transactions and code sets standards promulgated pursuant to the health insurance portability and accountability act of 1996 (HIPAA) public law 104-191, and 45 code of federal regulations, parts 160 and 162 or later versions, specifically, the ASC X12 837 health care predetermination: Professional transaction or the ASC X12 837 healthcare predetermination; institutional and any of their respective successors, without regard to whether this transaction is mandated by HIPAA. It shall also comply with any operating rules that may be adopted with respect to this transaction or any of its successors, without regard to whether these operating rules are mandated by HIPAA.

(e) The health plan's response to the health care predetermination request shall be returned using the same transmission method as that of the submission. This includes a real-time response for a real-time request.

(f) For purposes of this section:

(1) "Health plan" shall have the same meaning as that term is defined in K.S.A. 40-4602, and amendments thereto;

(2) "healthcare provider" shall have the same meaning as the term "provider" as such term is defined in K.S.A. 40-4602, and amendments thereto. Healthcare provider shall also include:

(A) An advanced practice registered nurse as defined in K.S.A. 65-1113, and amendments thereto; and

(B) a physician assistant as defined in K.S.A. 65-28a02, and amendments thereto; and

(3) "payment" means only a deductible or coinsurance payment and does not include a copayment.

(g) This act precludes the collection of any payment prior to or as a condition of receiving the health benefit services that are the subject of a predetermination request, unless this practice is not prohibited by the provider agreement with the health plan.

(h) The commissioner of insurance shall adopt rules and regulations necessary to carry out the provisions of this section.";

Also on page 3, in line 22, after "after" by inserting "July 1, 2017, and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "health care predetermination requests relating to health insurance benefits coverage"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 323** be amended on page 1, in line 22, by striking the third comma; and inserting ":

(1)";

Also on page 1, also in line 22, after "shall" by inserting "be limited in duration to 50 years, or if the grantor is a natural person shall"; in line 25, after "first" by inserting ";

(2) for the purpose of compensatory mitigation required under section 404 of the clean water act (33 U.S.C. § 1251 et seq.) as in effect on July 1, 2014, shall be limited in duration to the life of the project"; and the bill be passed as amended.

Also, **SB 409** be amended on page 1, in line 32, after "locates" by inserting ", captures, prints"; in line 33, after "person's" by inserting "image,";

On page 2, in line 6, after "locates" by inserting ", captures, prints"; in line 8, after "information" by inserting ";

(4) describes, locates, captures, prints or indexes anything about real property or tangible and intangible personal property.

(g) "Public land" means any land within the boundaries of the state which is owned by or subject to the control of the state or any political subdivision thereof and is not owned or controlled by any private person";

And by redesignating subsections accordingly;

Also on page 2, by striking all in lines 17 through 19; in line 22, after the period by inserting "'Unmanned vehicle" shall not include satellites."; in line 28, by striking "a public" and inserting "an"; in line 32, after "unlawful" by inserting "nor a violation of this act"; also in line 32, after "on" by inserting ":

(A) Public land, or in the air space above such public land;

(B) land owned by, or in the lawful possession of, the person operating such unmanned vehicle system, or in the air space above such land;

(C) ";

Also on page 2, in line 34, after "in" by inserting "lawful"; also in line 34, after "operation" by inserting ";

(D) the land of another, or in the airspace above such land, if the person operating such unmanned vehicle system has a property interest in such land, including, but not limited to, an easement or right-of-way on such land.

(3) Except as provided further, it shall not be unlawful nor a violation of this act if such operation only incidentally operates over or collects data from a neighboring property by nature of the process or technology utilized. Any intentional disclosure of such data collected from a neighboring property which causes harm to the owner or person in possession of such neighboring property shall be unlawful and a violation of this act";

Also on page 2, in line 40, after "Except" by inserting "as provided in subsection (c) (2)";

On page 3, in line 11, by striking all after "(a)" by striking all in line 12; in line 13, by striking "(b)"; in line 16, by striking "(1)" and inserting "(b)"; in line 20, by striking "(2)" and inserting "(c)"; in line 27, by striking "(3) (A)" and inserting "(d) (1)"; in line 33, by striking "(i)" and inserting "(A)"; in line 35, by striking "(ii)" and inserting "(B)"; in line 37, by striking "(iii)" and inserting "(C)"; in line 38, by striking "(iv)" and inserting "(D)"; in line 40, by striking "(B)" and inserting "(2)";

On page 4, in line 1, by striking ", a public"; by striking all in lines 2 through 23; in line 24, by striking all before the period and inserting "or (c), no law enforcement

agency shall use an unmanned vehicle system to gather evidence or other information.

(b) The use of an unmanned vehicle system by a law enforcement agency to gather evidence or information that is not otherwise lawfully accessible in plain view shall constitute a search. Any law enforcement agency that uses an unmanned vehicle system to gather evidence or obtain information shall comply in all respects with the fourth amendment to the constitution of the United States and section 15 of the Kansas bill of rights.

(c) Any personal information obtained by a law enforcement agency with the use of an unmanned vehicle or an unmanned vehicle system shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(d) Nothing in this act shall prohibit the use of an unmanned vehicle system by a law enforcement agency:

(1) If the law enforcement agency first obtains a search warrant pursuant to K.S.A. 22-2502 through 22-2505, and amendments thereto;

(2) if the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is necessary to prevent:

- (A) Injury to a person;
- (B) imminent danger to life; or
- (C) property loss or damage;

(3) to counter a risk of a terrorist attack by a specific individual or organization if the secretary of homeland security determines that credible intelligence indicates such a risk;

(4) to provide continuous coverage when law enforcement is searching for a fugitive or escapee or is monitoring a hostage or barricaded subject situation;

(5) to provide more expansive coverage for the purpose of searching for a missing person or an identified pattern of criminal activity; or

(6) to address other exigent circumstances when probable cause exists that a crime is being committed, has been committed or is about to be committed";

Also on page 4, in line 25, by striking "(c)" and inserting "(e)";

On page 6, following line 8, by inserting:

"New Sec. 10. Nothing in the Kansas unmanned vehicle act shall limit the use of a robot designed to handle suspected explosive devices or other hazardous materials, or used in law enforcement tactical operations where there is a reasonable belief that a human law enforcement response would pose an immediate threat to the safety of any person.";

Also on page 6, in line 12, after the first "the" by inserting "written"; in line 15, after the first "the" by inserting "written"; in line 25, after the second "the" by inserting "written"; in line 29, after the first "the" by inserting "written"; in line 37, by striking "consent or"; also in line 37, after "knowledge" by inserting "or written consent"; and by renumbering sections accordingly; and the bill be passed as amended.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1800—

A RESOLUTION memorializing the life of Glen Deitcher.

WHEREAS, Glen Deitcher was a tour guide at the state capitol for 10 years and passed away on February 5, 2014, at the age of 81; and

WHEREAS, Glen was born on February 6, 1932, in Kansas City, Missouri, and grew up in Ottawa, Kansas. He graduated from Ottawa High School in 1950 and served in the United States Air Force during the Korean conflict; and

WHEREAS, Glen and Ann McQuade were married on June 5, 1955, at St. Philips Catholic Church in Osawatomie, Kansas; and

WHEREAS, Glen attended Oklahoma University and Washburn University. After working for the Kansas Secretary of State's Office, Glen retired in 2000; and

WHEREAS, Following his retirement, Glen began working as a tour guide at the state capitol and the Kansas Museum of History. He took hundreds of students on tours each year and received many thank you cards from them. The students thanked him for what he taught them, "After all," he would say, "Deitcher rhymes with teacher!" When classes had the time, Glen would take the students to the ground floor of the Capitol and show them the building's huge limestone foundation and the tunnel to the Docking building. Glen worked with a smile on his face and a joy for life; and

WHEREAS, Glen was a member of Most Pure Heart of Mary Catholic Church; and

WHEREAS, Glen leaves behind his wife, Ann; their son, Eric Deitcher of Berryton, Kansas; and their daughters, Ellyn Hollis of Overland Park, Kansas; Gretchen Kitson of Kenosha, Wisconsin; and Katrina Deitcher of Topeka, Kansas. Glen also leaves behind nine grandchildren, two great-grandchildren, numerous nieces and nephews and his sister Wilma Ferkol. He was preceded in death by his parents and his sister, Anita Smith; and

WHEREAS, Glen is fondly remembered by all the tour guides who have worked with him and he will be missed by many: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we memorialize the life of Glen Deitcher and thank him for his service to the state of Kansas.

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Ann Deitcher, Eric Deitcher, Ellyn Hollis, Gretchen Kitson and Katrina Deitcher.

On emergency motion of Senator V. Schmidt **SR 1800** was adopted by voice vote.

Guests introduced were Ann Deitcher, Ellyn Dietcher Hollis, Ralph Hollis, Blair Hollis, Emily Hollis-Nelson, Kris Nelson, Logan Nelson, Ella Nelson, Gretchen Deitcher-Kitson, Justin Kitson, Molly Kitson-Cunningham, Justin Cunningham, Katrina Deitcher, Eric Deitcher, Tiffany Deitcher, Zachary Deitcher and Mason Deitcher.

Senators honored the guests with a standing ovation.

Senator Powell introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1801—

A RESOLUTION supporting Taiwan's participation in international trade agreements and international organizations and reaffirming Kansas' commitment to its relationship with Taiwan.

WHEREAS, Taiwan, officially known as the Republic of China, and the United States have a relationship marked by strong bilateral trade, educational and cultural exchange and tourism. Kansas and Taiwan share sister-city and sister-state relationships that are beneficial to all Taiwanese and Kansans; and

WHEREAS, Taiwan, the United States and Kansas all share the common values of freedom, democracy, human rights and rule of law; and

WHEREAS, The United States is Taiwan's third largest trading partner and Taiwan is the United States' 11th largest trading partner. Bilateral trade has reached \$63 billion; and

WHEREAS, Taiwan and Kansas have enjoyed a long and mutually beneficial relationship. Both countries anticipate continuing growth, with Taiwan ranking as Kansas' 14th largest export destination. Kansas goods worth \$128 million were shipped to Taiwan, including food, chemicals, computer and electronic products, transportation equipment and agricultural products; and

WHEREAS, Taiwan seeks to contribute to greater regional integration in the Asia-Pacific region and promote bilateral investment and trade relations with the United States. Taiwan applauds the United States' announcement of its intent, not only to join the Trans-Pacific Partnership, the proposed 21st century trade agreement between the U.S. and 11 other Asia-Pacific rim countries, but also to expand Trans-Pacific Partnership membership in the future to include other countries, such as Taiwan; and

WHEREAS, Taiwan has a dynamic market economy and is the leading supplier of high-tech products. Taiwan has the 17th largest economy in the world, is the 14th largest exporter and 16th largest importer. Taiwan ranks 20th in free trade according to the 2013 Prosperity Index. Taiwan is fifth out of 41 economies in the Asia-Pacific region. As an important economic power, Taiwan should be included in regional economic integration; and

WHEREAS, Negotiations for a Bilateral Investment Agreement between Taiwan and the United States are an important step toward strengthening bilateral trade. The Bilateral Investment Agreement will pave the way for entering into a Free Trade Agreement between the two countries, thereby increasing Kansas' exports to Taiwan and creating technical collaboration through tariff reduction and other trade facilitation measures; and

WHEREAS, Taiwan's absence from international organizations has hampered its ability to respond to natural disasters such as Typhoon Haiyan, which caused serious damage to the Philippines in November 2013. Taiwan and the Philippines are geographically close and both subject to the severe effects of typhoons; and

WHEREAS, Taiwan can be a valuable and constructive partner in the international response to severe weather emergencies, as evidenced by Taiwan's speedy and generous response to aid the victims of Typhoon Haiyan in the Philippines with donations of more than \$10 million: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we support Taiwan's efforts to secure entry into the Trans-Pacific Partnership and endorse the signing of the Bilateral Investment Agreement with the United States; and

Be it further resolved: That we support Taiwan's participation in international organizations that impact the health, safety and well-being of Taiwan; and

Be it further resolved: That we reaffirm Kansas' commitment to the strong and deepening sister-city and sister-state relationships between Taiwan and the state of

Kansas; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Powell.

On emergency motion of Senator Powell **SR 1801** was adopted by voice vote.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1802—

A RESOLUTION congratulating the Santa Fe Trail High School women's volleyball team on winning the class 4A division II state championship.

WHEREAS, The Santa Fe Trail High School women's volleyball team won the class 4A division II state title for 2013; and

WHEREAS, The Santa Fe Trail High School women's volleyball team has seen many successes during the 2013 season. The team was also named Big Seven champions, Jeff West Tournament champions, Council Grove Tournament champions and class 4A division II sub-state champions; and

WHEREAS, The Santa Fe Trail High School women's volleyball team has an overall record of 39-5, a team serving percentage of 95.4% and a kill percentage of 42%; and

WHEREAS, The members of the team include Jessica Abendroth, Samantha Abendroth, Shelby Dahl, Veronica Forbes, Ashtyn Mentzer, Amber Moore, Destinee Reinhardt, Jaeden Romine and Megan Zaldivar. Coaches include Joy Schmidt, Ann Fawl and Heather Berckefeldt; and

WHEREAS, The members of the Santa Fe Trail High School women's volleyball team have been awarded numerous individual honors. Jaeden Romine, Shelby Dahl and Jessica Abendroth were named All-State Tournament Team; Jaeden Romine and Shelby Dahl were named First Team All-State class 4A division II; Jessica Abendroth was named Second Team All-State class 4A division II; Megan Zaldivar was named Honorable Mention All-State class 4A division II; Jaeden Romine, Shelby Dahl and Megan Zaldivar were named All League First Team; Jessica Abendroth and Amber Moore were named All League Honorable Mention; Jaeden Romine, Shelby Dahl and Megan Zaldivar were named All Area Team by the Lawrence Journal World; Jaeden Romine, Shelby Dahl and Megan Zaldivar were named All County First Team; Jessica Abendroth and Amber Moore were named All County Second Team; Ashtyn Mentzer and Veronica Forbes were named All County Honorable Mention; Destinee Reinhardt, Jessica Abendroth, Megan Zaldivar and Shelby Dahl were named All Academic First Team; and Amber Moore, Jaeden Romine, Ashtyn Mentzer and Samantha Abendroth were named All Academic Honorable Mention; and

WHEREAS, Head Coach Joy Schmidt was named Coach of the Year for class 4A division II: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Santa Fe Trail High School women's volleyball team on its class 4A division II state championship. These young women have exhibited dedication and a great work ethic, and we wish them success in the future; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1802** was adopted by voice vote.

Members of the team were introduced and recognized.
Senators honored the guests with a standing ovation.

ORIGINAL MOTION

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2047**.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

On motion of Senator Holmes, the Senate acceded to the request of the House for a conference on **HB 2130**.

The President appointed Senators Holmes, O'Donnell and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **S Sub HB 2154**.

The President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2172**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2516**.

The President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Abrams in the chair.

On motion of Senator Abrams the following report was adopted:

HB 2440, HB 2595 be passed.

HB 2086, HB 2099; Sub HB 2223, Sub HB 2246; HB 2312, HB 2419, HB 2420; Sub HB 2424; HB 2433; Sub HB 2436; HB 2444, HB 2447; Sub HB 2451, Sub HB 2452; HB 2491, HB 2578, HB 2673, HB 2728 be amended by the adoption of the committee amendments, and the bills be passed as amended.

Senator Petty offered an amendment on **HB 2578**; a ruling of the chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was not germane. The amendment was withdrawn.

The committee report on **HB 2101**, as amended, recommending a **S Sub HB 2101**, as amended, be adopted, and the substitute bill be passed as amended.

The committee report on **HB 2616** recommending a **S Sub HB 2616** be adopted, and the substitute bill be passed.

The committee report on **HB 2655** recommending a **S Sub HB 2655** be adopted, and the substitute bill be passed.

Senator Knox offered an amendment on **S Sub HB 2655**; a ruling of the chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was

not germane. The amendment was withdrawn.

SCR 1620 be adopted.

The committee report on **HCR 5029** be amended by the adoption of the committee amendments, and the resolution be adopted as amended.

SB 423 be amended by motion of Senator Holmes: on page 2, in line 14, by striking "to the state"; in line 15, by striking all before the period and inserting "as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto"; by striking all in lines 19 through 21; in line 22, by striking "(d)" and inserting "(c)";

On page 3, in line 1, by striking "each"; in line 2, by striking "to the credit"; in line 3, by striking all before the period and inserting "and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto"; by striking all in lines 4 through 6; in line 7, by striking "(d)" and inserting "(c)"; in line 31, by striking "deposited in the"; in line 32, by striking all before the period and inserting "remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto"; by striking all in lines 33 through 35;

And by redesignating subsections accordingly;

On page 4, in line 28, by striking "deposited in the"; in line 29, by striking all before the period and inserting "remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto"; by striking all in lines 30 through 32;

And by redesignating subsections accordingly;

On page 5, in line 26, by striking "deposited in the"; in line 27, by striking all before the period and inserting "remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto"; by striking all in lines 28 through 30;

And by redesignating subsections accordingly

SB 423 be further amended by motion of Senator Kelly: on page 1, following line 30, by inserting:

"(b) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(c) Prior to the sale or conveyance of the real property described in subsection (a), 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.";

And by redesignating subsections accordingly;

On page 2, following line 41, by inserting:

"(b) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(c) Prior to the sale or conveyance of the real property described in subsection (a), 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.";

And by redesignating subsections accordingly;

On page 3, following line 18, by inserting:

"(b) No option to purchase, sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(c) Prior to the exercising of the option to purchase and the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the option to purchase and 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.";

And by redesignating subsections accordingly;

On page 4, following line 15, by inserting:

"(b) No option to purchase, sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(c) Prior to the exercising of the option to purchase and the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the option to purchase and 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.";

And by redesignating subsections accordingly;

On page 5, following line 13, by inserting:

"(b) No option to purchase, sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with the joint committee on state building construction.

(c) Prior to the exercising of the option to purchase and the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the option to purchase and 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.";

And by redesignating subsections accordingly

SB 423 be further amended by motion of Senator Hensley: on page 6, following line 5, by inserting:

"Sec. 6. (a) As used in this section:

(1) "Affiliated person" means:

(A) Any member of the immediate family of a state or local official; or

(B) any partnership, firm, corporation or limited liability company with which a state or local official is associated or in which a state or local official has an interest, or any partner, officer, director or employee thereof while the state or local official is associated with such partnership, firm, corporation or company.

(2) "State or local official" means any person who is:

(A) Any state officer or employee required to file a written statement of substantial interests pursuant to the state governmental ethics law;

(B) the governor or any full-time professional employee of the office of the governor;

(C) any member of the legislature and any full-time professional employee of the legislature;

(D) any justice of the supreme court, judge of the court of appeals or judge of the district court;

(E) the head of any state agency, the assistant or deputy heads of any state agency, or the head of any division within a state agency; or

(F) any member of the governing body of a city in Shawnee county or the governing body of Shawnee county; any municipal or county judge of such city or county; any city, county or district attorney of such city or county; and any member of or attorney for the planning board or zoning board of such city or county and any professional planner or consultant regularly employed or retained by such planning board or zoning board.

(b) No state or local official or affiliated person shall hold, directly or indirectly, an interest in, be employed by, represent or appear for any entity to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto.

(c) No state or local official or affiliated person shall represent, appear for or negotiate on behalf of any person or entity submitting a proposal to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto.

(d) No state or local official or affiliated person, within five years immediately subsequent to the termination of the office or employment of the official, shall hold, directly or indirectly, an interest in, be employed by or represent, appear for or negotiate on behalf of any person or entity submitting a proposal to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto.

(e) No state or local official shall solicit or accept, directly or indirectly, any complimentary service or discount from any person submitting a proposal to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto, which such official knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstance.

(f) No state or local official shall influence, or attempt to influence, by use of official authority, the decision of the secretary of administration in selling or conveying any property described in section 1, 2, 3, 4, or 5, and amendments thereto. Any such attempt shall be reported promptly to the attorney general.

(g) Willful violation of this section is a class A misdemeanor.";

And by renumbering remaining section, and **SB 423** be passed as amended.

A motion by Senator Francisco to amend **SB 423** failed and the following amendment was rejected: on page 1, in line 9, by striking "sell and"; in line 10, by striking "convey" and inserting "offer for sale and conveyance"; by striking all in lines 31 through 36;

On page 2, by striking all in lines 1 through 26 and inserting the following:

"(b) Prior to the offer for sale or conveyance of the real property described in subsection (a), the secretary of administration shall conduct a cost-benefit analysis of the sale and submit such analysis to the state finance council. Following the review by the state finance council, the secretary of administration shall determine which bid or proposal of purchase of the real estate property is in the best interest of the state of Kansas. Such bid or proposal shall be submitted to the legislature for review. Any proposed sale or conveyance shall be subject to approval by an express act of the legislature, either as a provision in an appropriation act pertaining to the specific property described in subsection (a) or by any other act of the legislature that approves the sale or conveyance of such property."; and by redesignating remaining subsections accordingly;

Also on page 2, in line 28, by striking "sell and convey" and inserting "offer for sale and conveyance"; by striking all in lines 42 and 43;

On page 3, by striking all in lines 1 through 11; and inserting the following:

"(b) Prior to the offer for sale or conveyance of the real property described in subsection (a), the secretary of administration shall conduct a cost-benefit analysis of the sale and submit such analysis to the state finance council. Following the review by the state finance council, the secretary of administration shall determine which bid or proposal of purchase of the real estate property is in the best interest of the state of Kansas. Such bid or proposal shall be submitted to the legislature for review. Any proposed sale or conveyance shall be subject to approval by an express act of the legislature, either as a provision in an appropriation act pertaining to the specific property described in subsection (a) or by any other act of the legislature that approves the sale or conveyance of such property."; and by redesignating remaining subsections accordingly;

Also on page 3, in line 16, by striking "exercise" and inserting "establish the feasibility of exercising"; by striking all in lines 19 through 40 and inserting the following:

"(b) Prior to establishing the feasibility of exercising the option to purchase and the sale or conveyance of the Van Buren project and land, the secretary of administration shall conduct a cost-benefit analysis of exercising the option to purchase and the sale and submit such analysis to the state finance council. Following the review by the state finance council, the secretary of administration shall determine which bid or proposal of purchase of the real estate property is in the best interest of the state of Kansas. Such bid or proposal shall be submitted to the legislature for review. Any proposal to exercise the option to purchase and sell or convey shall be subject to approval by an express act

of the legislature, either as a provision in an appropriation act pertaining to the Van Buren project and land or by any other act of the legislature that approves the sale or conveyance of Van Buren project and land."; and by redesignating remaining subsections accordingly;

On page 4, by striking all in lines 16 through 37 and inserting the following:

"(b) Prior to establishing the feasibility of exercising the option to purchase and the sale or conveyance of the Curtis state office building and land, the secretary of administration shall conduct a cost-benefit analysis of exercising the option to purchase and the sale and submit such analysis to the state finance council. Following the review by the state finance council, the secretary of administration shall determine which bid or proposal of purchase of the real estate property is in the best interest of the state of Kansas. Such bid or proposal shall be submitted to the legislature for review. Any proposal to exercise the option to purchase and sell or convey shall be subject to approval by an express act of the legislature, either as a provision in an appropriation act pertaining to the Curtis state office building and land or by any other act of the legislature that approves the sale or conveyance of Curtis state office building and land."; and by redesignating remaining subsections accordingly;

On page 5, by striking all in lines 14 through 35 and inserting the following:

"(b) Prior to establishing the feasibility of exercising the option to purchase and the sale or conveyance of the Curtis parking facility and land, the secretary of administration shall conduct a cost-benefit analysis of exercising the option to purchase and the sale and submit such analysis to the state finance council. Following the review by the state finance council, the secretary of administration shall determine which bid or proposal of purchase of the real estate property is in the best interest of the state of Kansas. Such bid or proposal shall be submitted to the legislature for review. Any proposal to exercise the option to purchase and sell or convey shall be subject to approval by an express act of the legislature, either as a provision in an appropriation act pertaining to the Curtis parking facility and land or by any other act of the legislature that approves the sale or conveyance of Curtis parking facility and land."; and by redesignating remaining subsections accordingly;

On page 1, in the title, in line 2, by striking "sell" and inserting "offer for sale"; in line 4, by striking "exercise" and inserting "establish the feasibility of exercising"; also in line 4, by striking "sell" and inserting "selling"

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

On roll call, the vote was: Yeas 11; Nays 29; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle.

HB 2418 be amended by motion of Senator Pilcher-Cook: on page 1, in line 14, by striking "of aging" and inserting "for aging and disability services";

On page 2, in line 29, by striking "of the"; in line 30, by striking "department of social and rehabilitation services" and inserting "for children and families"; in line 34, after the second "the" by inserting "Kansas"; also in line 34, by striking "on"; in line 35,

by striking "aging" and inserting "for aging and disability services";

On page 3, in line 42, by striking "of aging" and inserting "for aging and disability services", and **HB 2418** be passed as further amended.

HB 2537, as amended by adoption of the committee amendments, be further amended by motion of Senator Fitzgerald: on page 7, following line 40, by inserting:

"Sec. 4.K.S.A. 2013 Supp. 40-2140 is hereby amended to read as follows: 40-2140.

(a) (1) Except as provided in paragraph (2), whenever a state agency or municipality provides for the payment of premiums for any health benefit plan for law enforcement officers employed by such state agency or such municipality, the state agency or municipality shall pay premiums for the continuation of coverage under COBRA for the surviving spouse and eligible dependent children under the age of 26 years of a law enforcement officer who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) Neither the state agency nor the municipality may be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the end of the 18th calendar month after the date of death of the deceased law enforcement officer;

(B) upon the remarriage of the deceased law enforcement officer's surviving spouse;
or

(C) upon the deceased law enforcement officer's surviving spouse reaching the age of 65.

(b) For the purposes of this section:

(1) "Health benefit plan" shall have the meaning ascribed to such term in K.S.A. 40-4602, and amendments thereto.

(2) "Law enforcement officer" means an employee employed by:

~~(A)~~ A law enforcement agency ~~and:~~

~~(A)~~—whose principal duties are engagement in the enforcement of law and maintenance of order within this state and its political subdivisions; and

~~(B)~~—who is certified pursuant to the provisions of the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto; or

(B) the Kansas department of corrections.

(3) "Municipality" means a city, county or township.

(4) "State agency" shall have the meaning ascribed to such term in K.S.A. 75-3701, and amendments thereto.";

Also on page 7, in line 41, by striking "and" and inserting a comma; also in line 41, after "40-222" by inserting "and 40-2140";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the semicolon by inserting "relating to the continuation of health insurance for spouse and children of employees of the department of corrections,;" in line 6, by striking the first "and" and inserting a comma; also in line 6, after "40-222" by inserting "and 40-2140", and **HB 2537** be passed as further amended.

HB 2577 be amended by adoption of the committee amendments, be further amended by motion of Senator Knox: on page 1, in line 12, after "a" by inserting "police station, sheriff's office, law enforcement center," and **HB 2577** be passed as further amended.

HB 2580 be amended by adoption of the committee amendments, be further

amended by motion of Senator V. Schmidt: on page 1, in line 24, by striking "party" and inserting "person"; in line 25, by striking "fire marshal"; in line 27, by striking "party" and inserting "person"; following line 29, by inserting:

"(c) The state fire marshal shall notify the attorney general of any incident the fire marshal has determined was caused by the negligent or willful acts or omissions of a person. The attorney general shall investigate the incident and may bring an action in the name of the state in the district court of the county where the incident occurred against the person whose negligent or willful acts or omissions were responsible for the incident. All moneys recovered for reasonable and necessary costs for the response to such incident shall be paid into the state general fund.";

Also on page 1, in line 30, by striking "(c)" and inserting "(d)";

On page 2, by striking all in lines 3 through 13, and **HB 2580** be passed as further amended.

The committee report on **HB 2146** recommending a **S Sub HB 2146** be adopted, be amended by motion of Senator V. Schmidt: on page 12, in line 41, by striking "an examination" and inserting "one or more examinations identified and"; also in line 41, by striking "30 days "; in line 42, by striking "of" and inserting "the period or periods of time specified by the board after"; also in line 42, after "regulations" by inserting "identifying the required examinations, when they must be passed and"; in line 43, by striking "examination" and inserting "examinations"; also in line 43, by striking "a"; also in line 43, by striking "score" and inserting "scores"; also in line 43, after the period by inserting "The board may include as a required examination any national pharmacy technician certification examination.";

On page 13, in line 4, by striking "of"; in line 22, after "fee" by inserting "and evidence satisfactory to the board that the person has successfully complied with the rules and regulations of the board establishing the requirements for a program of continuing pharmacy technician education".

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

On roll call, the vote was: Yeas 28; Nays 7; Present and Passing 3; Absent or Not Voting 2.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, McGinn, Ostmeier, Petersen, Pettey, V. Schmidt, Shultz, Tyson, Wagle, Wolf.

Nays: Arpke, Lynn, Melcher, O'Donnell, Pilcher-Cook, Powell, Smith.

Present and Passing: Love, Olson, Pyle.

Absent or Not Voting: Apple, Masterson.

S Sub HB 2146 be passed as amended.

HB 2464, HB 2511 be passed over and retain a place on the calendar.

REPORT ON ENGROSSED BILLS

SB 308 reported correctly engrossed March 21, 2014.

Also, **SB 278, SB 371** reported correctly engrossed March 24, 2014.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, March 25, 2014.

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 25, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Dear Lord, for some folks praying is difficult because we know not the words to use. Prayer begins in the heart, the real intent of prayer is heard by God long before the words are formed and proper grammar is used, no matter the language. Praying with our heart, allowing you to hear our heart sing, creates a wonderful bond. Help us, O Lord, to pray with our heart and to listen to yours. In your Holy Name we pray.

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 449, AN ACT concerning weights and measures; relating to recognized systems thereof; controlling authority of certificates of conformance issued by certain institutes and authorized laboratories; amending K.S.A. 2013 Supp. 83-202 and repealing the existing section, by Committee on Federal and State Affairs.

SB 450, AN ACT concerning property taxation; relating to the valuation of land devoted to agricultural use; amending K.S.A. 2013 Supp. 79-1476 and repealing the existing section, by Committee on Ways and Means.

The following concurrent resolution was introduced and read by title:

Senators Wagle, Bruce and Hensley introduced the following concurrent resolution which was read in and adopted by voice vote:

SENATE CONCURRENT RESOLUTION No. 1622—

A CONCURRENT RESOLUTION relating to the adjournment
of the senate and house of representatives for a period of time
during the 2014 regular session of the legislature.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on March 26, 2014, and shall reconvene on March 31, 2014, pursuant to adjournment of the daily session convened on March 26, 2014; 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 bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2755**.

Federal and State Affairs: **HB 2553**.

CHANGE OF REFERENCE

An objection having been made to **HB 2724** appearing on the Consent Calendar, the Vice President directed the bill be removed and placed on the calendar under the heading of General Orders.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2338** 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.

TY MASTERSON

JEFF KING

Conferees on part of Senate

MARC RHOADES

LANCE KINZER

Conferees on part of House

On motion of Senator Masterson the Senate adopted the conference committee report on **S Sub HB 2338**, and requested a new conference be appointed.

The Vice President appointed Senators Masterson, King and Francisco as a second conference committee on the part of the Senate on **S Sub HB 2338**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 423, AN ACT concerning real property; authorizing the secretary of administration to sell the Landon state office building and the Eisenhower state office

building; authorizing the secretary of administration to exercise the option to purchase and sell the Van Buren project and the Curtis state office building and parking facility, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Tyson, Wolf.

The bill passed, as amended.

SCR 1620, A CONCURRENT RESOLUTION approving the creation of a port authority in Stafford County, Kansas, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The resolution was adopted.

HB 2086, AN ACT concerning economic development financing; relating to eligible project costs for tax increment financing and community improvement districts; bond repayment pledge requirements; amending K.S.A. 2013 Supp. 12-6a27, 12-1770a and 12-1774 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Arpke, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

HB 2099, AN ACT concerning insurance; pertaining to security deposits; pertaining to risk based capital requirements for certain insurers; pertaining to investments by insurance companies; pertaining to purchase of certain insurance coverage by the Kansas state fair; pertaining to the return of premiums separate from the notice of denial of coverage; amending K.S.A. 2-224, 40-2a08, 40-2a14, 40-2a28, 40-2b07, 40-2b12 and 40-2b29 and K.S.A. 2013 Supp. 40-229a, 40-2a27, 40-2b28, 40-2c01, 40-3118, 75-4105 and 75-4109 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

S Sub HB 2101, AN ACT concerning utilities; relating to renewable energy resources; amending K.S.A. 2013 Supp. 66-1,184, 66-1265, 66-1266, 66-1267 and 66-1271 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I agree that good changes were made to the bill proposed to modify the Net Metering and Easy Connection Act after it was sent back to committee. Previously current customer-generators were protected, but I believe both the increases in generation limits and the options for the utility to propose, within an appropriate rate proceeding, application of time-of-use rates, minimum bills, or other rate structures are improvements. Since my hope is to encourage more installation of distributed renewable energy generation, I do not want to set up any barriers. The utilities are currently protected with the 1% cap. I think we should protect future customer-generators with stable rates until we better understand the costs and benefits. I PASS on **S Sub HB 2101**. – MARCI FRANCISCO

S Sub HB 2146, AN ACT concerning the board of pharmacy; relating to pharmacists, pharmacy technicians and pharmacist interns; amending K.S.A. 65-1626a, 65-1632 and 65-1644 and K.S.A. 2013 Supp. 65-1637b, 65-1643, 65-1645 and 65-1663 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

Sub HB 2223, AN ACT concerning alcoholic beverages; relating to homemade fermented beverages; amending K.S.A. 2013 Supp. 41-104, 41-308b, 41-308d and 41-311 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

Sub HB 2246, AN ACT concerning peer review for certain technical professions,

was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

The substitute bill passed, as amended.

HB 2312, AN ACT concerning local governments; relating to the investment of idle funds; amending K.S.A. 2013 Supp. 12-1675 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2418, AN ACT concerning Kansas department for aging and disability services; relating to adult care homes; amending K.S.A. 2013 Supp. 39-923 and 39-925 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson

The bill passed, as amended.

HB 2419, AN ACT concerning fire districts in Johnson county and city annexation; amending K.S.A. 19-3623f and repealing the existing section; also repealing K.S.A. 13-796, 13-797, 13-798, 13-799, 13-7,100 and 13-7,101, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2420, AN ACT concerning school crossing guards; amending K.S.A. 2013 Supp. 8-15,104 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

S Sub HB 2424, AN ACT concerning roads and highways; designating the Robert G. (Bob) Bethell interchange; the SGT David Enzbrenner memorial highway; the Pack St Clair highway; the ancient Indian traders trail; the Harper county veterans memorial highway; the Bonnie Huy memorial highway; the Bonnie Sharp memorial interchange; amending K.S.A. 2013 Supp. 68-1051 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

HB 2433, AN ACT concerning the Kansas uniform securities act; relating to criminal penalties; investor education and protection; amending K.S.A. 2013 Supp. 17-12a508 and 17-12a601 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

S Sub HB 2436, AN ACT concerning the boards of cosmetology and barbering; relating to dual-licensed facilities; amending K.S.A. 65-1907 and 74-1806 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2440, AN ACT concerning the emerging industry investment act; pertaining to the treatment of certain bioscience companies; amending K.S.A. 2013 Supp. 74-99b33 and 74-99b34 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King,

Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed.

HB 2444, AN ACT concerning the Kansas uniform trust code; relating to spendthrift provisions; amending K.S.A. 58a-502 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2447, AN ACT concerning real property; relating to trespassers, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

Sub HB 2451, AN ACT concerning motor vehicles; relating to electric vehicles, registration fees; amending K.S.A. 2013 Supp. 8-143 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Francisco, Tyson.

The substitute bill passed, as amended.

Sub HB 2452, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the donate life, disabled veterans, rotary international, armed forces and Kansas horse council license plates; motorcycles; amending K.S.A. 8-161 and K.S.A. 2013 Supp. 8-1,141 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith,

Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The substitute bill passed, as amended.

HB 2491, AN ACT concerning the Kansas tort claims act; relating to small claims actions; amending K.S.A. 2013 Supp. 75-6103 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2537, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2577, AN ACT concerning the newborn infant protection act; relating to anonymity of parent surrendering an infant; amending K.S.A. 2013 Supp. 38-2282 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2578, AN ACT concerning firearms; relating to certification by a chief law enforcement officer for the transfer of a firearm, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2580, AN ACT concerning emergencies and disasters; relating to the response to hazardous materials and search and rescue incidents; regional emergency response teams; duties of the state fire marshal; recovery of costs; amending K.S.A. 2013 Supp. 75-6102 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed, as amended.

HB 2595, AN ACT naming the state fossils; the tylosaurus and the pteranodon, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

S Sub HB 2616, AN ACT concerning workplace safety; authorizing and directing the secretary of labor to make a study of whether the state should enter into an agreement with the federal government regarding state enforcement of federal occupational safety and health act standards, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

The substitute bill passed.

S Sub HB 2655, AN ACT concerning crimes, punishment and criminal procedure; relating to the sentencing of veterans; interference with law enforcement; giving a false alarm; amending K.S.A. 2013 Supp. 21-5904, 21-6207, 21-6604 and 73-1209 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2673, AN ACT concerning the healing arts; relating to the physician assistant licensure act; Kansas healing arts act; amending K.S.A. 65-2803, 65-2812, 65-2833, 65-2839a, 65-2840a, 65-2842, 65-2846, 65-2850, 65-2852, 65-2857, 65-2858, 65-2860, 65-2863a, 65-2864, 65-2865, 65-2866, 65-2873, 65-2874, 65-2875, 65-2885, 65-2893, 65-2898, 65-28,122, 65-28,126, 65-28a02, 65-28a06, 65-28a07, 65-28a08, 65-28a09 and 65-28a11 and K.S.A. 2013 Supp. 8-1001, 38-2310, 40-2123, 65-1626, 65-2802, 65-

2809, 65-2836, 65-2837, 65-2838, 65-2838a, 65-2844, 65-2851a, 65-2867, 65-2872, 65-2895, 65-28,127, 65-28,132, 65-28a03, 65-28a05, 65-4101, 65-6112, 65-6124, 65-6129 and 72-8252 and repealing the existing sections; also repealing K.S.A. 65-2877 and K.S.A. 2013 Supp. 65-28a10, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2728, AN ACT concerning motor vehicles; relating to salvage titles; permits, number of copies; acquisitions; amending K.S.A. 2013 Supp. 8-198 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HCR 5029, A CONCURRENT RESOLUTION urging the Kansas bureau of investigation to establish a blue alert system for the state of Kansas, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The resolution was adopted as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the chair.

The morning session recommended:

HB 2125 be amended by the adoption of the committee amendments, and the bill be passed as amended.

SB 375 be amended by adoption of the committee amendments, be further amended by motion of Senator Longbine: on page 2, in line 24, by striking "participants" and inserting "participating athletes" and **SB 375** passed as further amended.

Senator Holland offered an amendment to **Sub HB 2002**. Without objection, the bill was passed over. (See afternoon session).

The Committee rose and reported progress (See Committee of the Whole afternoon session).

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

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

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce students and teachers from Abner Val Jean Jackson Elementary School in Wichita. Introduced were Jewelene Embers, Sally Raymond, Cathy Davis, Rhondalyn Mock, Wendy Fjordan, Avis Crosby and Shanetta Porter.

Senators honored the guests with applause.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Longbine, Francisco, Love, Masterson, Melcher and Olson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1803—

A RESOLUTION congratulating and commending the 2014 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2014. These seven outstanding educators will be honored on Wednesday, April 2, with a day of receptions, seminars and tours at the sponsoring institution, Emporia State University; and

WHEREAS, The 2014 Kansas Master Teachers are Bonnie Austin, a secondary instructional coach at Dodge City High School in Dodge City; John V. Bode, a third-grade teacher at New York Elementary School in Lawrence; Lori Gunzelman, a seventh-grade math teacher at Andover Central Middle School in Andover; Signe Truelove, a special education teacher at Emporia Middle School in Emporia; Carla Varner, a fifth-grade teacher at Lincoln Elementary School in El Dorado; Kathleen Wilhite, a retired math teacher at Olathe South High School in Olathe; and Maria Worthington, an English Language Arts teacher at Blue Valley North High School in Overland Park; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1954. The awards are presented annually to teachers who have served the profession long and well and who also exemplify the outstanding qualities of earnest and conscientious teachers; and

WHEREAS, Since 1980, Bank of America has pledged more than \$100,000 to permanently endow the Kansas Master Teacher Awards. In 1984, the Black family of Broken Bow, Oklahoma, established an endowed chair for Kansas Master Teachers. The fund provides a stipend to bring two Master Teachers to Emporia State University for part of a semester. During this time, the teachers present to classes of education students; and

WHEREAS, The members of the Kansas Senate recognize the invaluable contribution of great teachers such as those being honored here today. These 2014

Kansas Master Teachers serve as mentors and role models and lay the groundwork for the best educators of tomorrow. They go above and beyond what is expected and offer inspiration along with instruction. They teach with heart and soul. By giving the best of themselves, they encourage students to give their best in return; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. A committee representing educational organizations from across Kansas selected the 2014 winners: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we offer our heartfelt thanks to these extraordinary educators – these teachers who face so many challenges in the classroom each day, yet persevere, choosing the satisfaction of doing their best and overcoming the frustrations inherent in their jobs; that we congratulate and commend the seven 2014 Kansas Master Teachers for demonstrating excellence in their profession and devotion to the children of Kansas and extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall provide seven enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1803** was adopted by voice vote.

Guests introduced were Kevin Johnson, Lucie Eusey, Bonnie Austin, John V. Bode, Lori Gunzelman, Signe Truelove, Carla Varner, Kathleen Wilhite, Maria Worthington and Michael Shonrock.

Senators honored the guests with a standing ovation.

Senators V. Schmidt and Masterson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1804—

A RESOLUTION designating March 25, 2014,
as American Diabetes Association Alert Day.

WHEREAS, The state of Kansas recognizes that healthy citizens are essential for strong communities to thrive; and

WHEREAS, Diabetes is a devastating disease that affects nearly 26 million Americans, including 9.5% of Kansas adults. More than 203,970 Kansans have been diagnosed with diabetes and over 90% of those Kansans have type 2 diabetes, which can be prevented or delayed. If current trends continue, one out of every three American adults will have diabetes by 2050; and

WHEREAS, Approximately 79 million, or one in three American adults have pre-diabetes, which means that their blood sugar is higher than normal, but not high enough to be classified as diabetes. Without intervention, individuals with pre-diabetes are at a much higher risk for developing type 2 diabetes. The American Diabetes Association estimates that the total cost of diagnosed diabetes in the United States is \$174 billion. Studies suggest that when additional costs for gestational diabetes, pre-diabetes and undiagnosed diabetes are included, the total diabetes-related costs in the United States could exceed \$218 billion; and

WHEREAS, Early detection and disease management can help prevent complications of diabetes, including cardiovascular disease, blindness, nervous system damage and kidney failure; and

WHEREAS, Reducing the burden associated with diabetes may be enhanced through the state Kansas Medicaid reform efforts; and

WHEREAS, Diabetes advocates and stakeholders from across the state, including representatives from disparate populations, have come together to form the Chronic Disease Alliance of Kansas to develop and implement the Kansas Diabetes Plan 2013-2017, which is a plan to support a coordinated and comprehensive approach to reduce the prevalence of chronic disease in Kansas and improve the quality of care for those living with chronic illness including diabetes, heart disease, stroke, cancer and arthritis; and

WHEREAS, The goals of the Kansas Diabetes Plan 2013-2017 are to increase awareness of prevention and to control diabetes, improve the capacity to address the prevention and control of diabetes, increase Kansas health care workforce competency in diabetes standards of care, and improve awareness of and access to public policy to support improving diabetes prevention, detection, and care throughout Kansas; and

WHEREAS, At the end of 2012, the American Diabetes Association surpassed their goal of inspiring one million Americans to be a part of the American Diabetes Association's movement to stop diabetes. To continue this momentum, the American Diabetes Association is asking the American public to "Take it. Share it." by rallying one million people to take the diabetes risk test beginning on Diabetes Alert Day on March 25, 2014: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby endorse the Kansas Diabetes Plan 2013-2017 and designate March 25, 2014, as American Diabetes Association Alert Day in the state of Kansas. The 26th annual American Diabetes Alert Day is a way to educate individuals in communities across Kansas to recognize their risk for type 2 diabetes, manage their risk and take action to create a future free of disease; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator V. Schmidt and Senator Masterson.

On emergency motion of Senator V. Schmidt **SR 1804** was adopted by voice vote.

Guest Gwen Lehleitner was introduced.

Senators honored her with a standing ovation.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills under the heading of General Orders with Senator Donovan in the chair.

On motion of Senator Donovan the report for the morning and the afternoon sessions were adopted:

HB 2445, HB 2501, HB 2533 be passed.

HB 2463, HB 2480, HB 2487, HB 2515, HB 2568, HB 2602; Sub Sub HB 2721 be amended by the adoption of the committee amendments, and the bills be passed as amended.

Senator Knox moved the committee report on **HB 2014** recommending a **Sub HB 2014** be adopted. There was a motion objecting to the adoption of the committee report. Upon the showing of five hands, a roll call vote to adopt the committee report was requested.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt.

The committee report was adopted, and **S Sub HB 2014** be passed.

A motion by Senator Hawk to amend **S Sub HB 2014** failed and the following amendment was rejected: on page 1, following line 7, by inserting:

"New Section 1. (a) As used in this section: (1) "Renewable energy facility" means a facility located on a premises owned, operated, leased or otherwise controlled by a tax exempt entity that is powered by a renewable energy resource, as defined in K.S.A. 66-1264, and amendments thereto, and is intended primarily to offset part of the tax exempt entity's own electrical energy requirements.

(2) "Renewable energy generator" means any corporation, company, individual, association of persons, their trustees, lessees or receivers that installs, finances, owns or operates a renewable energy facility.

(3) "Tax exempt entity" means a governmental entity as defined in K.S.A. 75-6102, and amendments thereto, a federal entity as defined in K.S.A. 74-8902, and amendments thereto, church or other religious societies, benevolent or charitable organizations and associations, social service agencies, civic or community organizations and associations and corporations or other entities organized for the purpose of providing humanitarian services.

(4) "Utility" means electric public utility as defined in K.S.A. 66-101a, and amendments thereto.

(b) (1) Any tax exempt entity shall have the option to purchase electricity generated by a renewable energy facility from a renewable energy generator. A renewable energy facility shall not exceed 100% of the tax exempt entity's baseline annual usage over the past three years, or anticipated load if new construction has been completed within the past three years.

(2) A tax exempt entity shall provide the utility serving such entity with notice of the intent to install a renewable energy facility at least 90 days prior to initially energizing the facility. Upon notification by the tax exempt entity of the intent to construct a renewable energy facility, the utility shall provide the tax exempt entity a written estimate of all costs that will be incurred by the utility and billed to the entity to accommodate the interconnection. The tax exempt entity may be required to reimburse the utility for any equipment or facilities required as a result of the installation by the tax exempt entity of the renewable energy facility. The tax exempt entity shall notify the utility prior to the initial energizing and start-up testing of the renewable energy facility, and the utility shall have the right to have a representative present at such test.

(3) Any renewable energy credits created as a result of construction of renewable energy facilities pursuant to this section shall be transferred and assigned to the utility serving the tax exempt entity.

(c) In exercising the purchase option in subsection (b), the tax exempt entity shall enter into a contract with the utility that includes the following terms and conditions:

(1) The utility will supply, own and maintain all necessary meters and associated equipment utilized for billing. In addition, and for the purposes of monitoring the

generation and load of the tax exempt entity, the utility may install at its expense, load research metering. The tax exempt entity or renewable energy generator shall supply, at no expense to the utility, a suitable location for meters and associated equipment used for billing and for load research;

(2) compensation for energy supplied to the utility by the tax exempt entity shall be not less than 150% of the utility's monthly system average cost of energy per kilowatt hour. The utility may credit such compensation to the tax exempt entity's account or pay such compensation to the entity at least annually or when the total compensation due equals \$25 or more;

(3) in addition to the existing customer service and any other charges, the utility shall charge the tax exempt entity no more than twice the state corporation commission approved customer service charge per month as a provisional charge for being available to supply the entity's electric load;

(4) the tax exempt entity or renewable energy generator shall furnish, install, operate and maintain in good order and repair and without cost to the utility, such relays, locks and seals, breakers, automatic synchronizers and other control and protective apparatuses as shall be designated by the utility as being required as suitable for the operation of the renewable energy facility in parallel with the utility's system. In addition, the utility may install, own and maintain a disconnecting device located near the electric meter or meters at no cost to the tax exempt entity or renewable energy generator. Interconnection facilities between the equipment of the tax exempt entity or renewable energy generator and the equipment of the utility shall be accessible at all reasonable times to utility personnel; and

(5) the tax exempt entity or renewable energy generator shall meet all applicable safety, performance, interconnection and reliability standards established by the national electrical code, the national electrical safety code, the institute of electrical and electronics engineers, underwriters laboratories, the federal energy regulatory commission and any local governing authorities. A utility may require that a renewable energy facility contain a switch, circuit breaker, fuse or other easily accessible device or feature located in immediate proximity to the facility's metering equipment that would allow a utility worker the ability to manually and instantly disconnect the unit from the utility's electric distribution system.

(d) A utility may not require a tax exempt entity or renewable energy generator that meets the standards in this section to comply with additional safety or performance standards, install any additional controls, perform or pay for additional tests or purchase additional liability insurance for a renewable energy facility. A utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a renewable energy facility or for the acts or omissions of the tax exempt entity or renewable energy generator that cause loss or injury, including death, to any third party.

(e) Service under any contract entered into pursuant to this section shall be subject to either the utility's rules and regulations on file with the state corporation commission, which shall include a standard interconnection process and requirements for such utility's system, or the current federal energy regulatory commission interconnection procedures and regulations.

(f) In any case where the tax exempt entity and the utility cannot agree to terms and conditions of any contract provided for by this section, the state corporation commission shall establish the terms and conditions for such contract.

Sec. 2. K.S.A. 2013 Supp. 66-104 is hereby amended to read as follows: 66-104. (a) The term "public utility," as used in this act, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of the state, or the conveyance of oil and gas through pipelines in or through any part of the state, except pipelines less than 15 miles in length and not operated in connection with or for the general commercial supply of gas or oil, and all companies for the production, transmission, delivery or furnishing of heat, light, water or power. No cooperative, cooperative society, nonprofit or mutual corporation or association which is engaged solely in furnishing telephone service to subscribers from one telephone line without owning or operating its own separate central office facilities, shall be subject to the jurisdiction and control of the commission as provided herein, except that it shall not construct or extend its facilities across or beyond the territorial boundaries of any telephone company or cooperative without first obtaining approval of the commission. As used herein, the term "transmission of telephone messages" shall include the transmission by wire or other means of any voice, data, signals or facsimile communications, including all such communications now in existence or as may be developed in the future.

(b) The term "public utility" shall also include that portion of every municipally owned or operated electric or gas utility located in an area outside of and more than three miles from the corporate limits of such municipality, but regulation of the rates, charges and terms and conditions of service of such utility within such area shall be subject to commission regulation only as provided in K.S.A. 2013 Supp. 66-104f, and amendments thereto. Nothing in this act shall apply to a municipally owned or operated utility, or portion thereof, located within the corporate limits of such municipality or located outside of such corporate limits but within three miles thereof except as provided in K.S.A. 66-131a, and amendments thereto.

(c) Except as herein provided, the power and authority to control and regulate all public utilities and common carriers situated and operated wholly or principally within any city or principally operated for the benefit of such city or its people, shall be vested exclusively in such city, subject only to the right to apply for relief to the corporation commission as provided in K.S.A. 66-133, and amendments thereto, and to the provisions of K.S.A. 66-104e, and amendments thereto. A transit system principally engaged in rendering local transportation service in and between contiguous cities in this and another state by means of street railway, trolley bus and motor bus lines, or any combination thereof, shall be deemed to be a public utility as that term is used in this act and, as such, shall be subject to the jurisdiction of the commission.

(d) The term "public utility" shall not include any activity of an otherwise jurisdictional corporation, company, individual, association of persons, their trustees, lessees or receivers as to the marketing or sale of compressed natural gas for end use as motor vehicle fuel.

(e) At the option of an otherwise jurisdictional entity, the term "public utility" shall not include any activity or facility of such entity as to the generation, marketing and sale of electricity generated by an electric generation facility or addition to an electric generation facility which:

(1) Is newly constructed and placed in service on or after January 1, 2001; and
 (2) is not in the rate base of: (A) An electric public utility that is subject to rate regulation by the state corporation commission; (B) any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or any nonstock member-owned cooperative corporation incorporated in this state; or (C) a municipally owned or operated electric utility.

(f) Additional generating capacity achieved through efficiency gains by refurbishing or replacing existing equipment at generating facilities placed in service before January 1, 2001, shall not qualify under subsection (e).

(g) For purposes of the authority to appropriate property through eminent domain, the term "public utility" shall not include any activity for the siting or placement of wind powered electrical generators or turbines, including the towers.

(h) The term "public utility" shall not include any renewable energy generator, as defined in section 1, and amendments thereto, for the generator's association with a renewable energy facility, as defined in section 1, and amendments thereto.

Sec. 3. K.S.A. 66-1,170 is hereby amended to read as follows: 66-1,170. As used in this act:

(a) "Distribution line" means an electric line used to furnish retail electric service, including any line from a distribution substation to an electric consuming facility; but such term does not include a transmission facility used for the bulk transfer of energy even if such energy is reduced in voltage and used as station power.

(b) "Electric consuming facility" means any entity which utilizes electric energy from a central station service.

(c) "Commission" means the state corporation commission of the state of Kansas.

(d) "Retail electric supplier" means any person, firm, corporation, municipality, association or cooperative corporation engaged in the furnishing of retail electric service, but does not include a renewable energy generator, as defined in section 1, and amendments thereto, for the generator's association with a renewable energy facility, as defined in section 1, and amendments thereto.

(e) "Certified territory" means an electric service territory certified to a retail electric supplier pursuant to this act.

(f) "Existing distribution line" means a distribution line which is in existence on the effective date of this act, and which is being or has been used as such.

(g) "Single certified service territory" means that service area in which only one retail electric supplier has been granted a service certificate by the commission.

(h) "Dual certified service territory" means that service area where more than one retail electric supplier has been granted a service certificate by the commission.

(i) "Station power" means electric energy used for operating equipment necessary for the process of generating electricity at any generating plant owned by a utility or a generating plant specified in subsection (e) of K.S.A. 66-104, and amendments thereto, and placed in use on or after January 1, 2002, whether such electrical energy is generated at such generating plant or provided through the adjacent transformation and transmission interconnect, but does not include electric energy used for heating, lighting, air conditioning and office needs of the buildings at a generating plant site.;

On page 8, in line 9, before "K.S.A." by inserting "K.S.A. 66-1,170 and"; also in line 9, after "Supp." by inserting "66-104,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "relating to the sale of energy; public utilities, definitions, exceptions; in line 2, after "amending" by inserting "K.S.A. 66-1,170 and"; also in line 2, after "Supp." by inserting "66-104,".

The committee report on **HB 2298** recommending a **S Sub HB 2298** be adopted, and the substitute bill be passed.

A motion by Senator Haley to amend **S Sub HB 2298** failed and the following amendment was rejected: on page 16, following line 40, by inserting:

"New Sec. 4. (a) Notwithstanding any other provision of law, a person shall not be subject to arrest, prosecution or penalty in any manner for being in possession of a controlled substance, if such person is the holder of a controlled substance identification card, or its equivalent, from a state which authorizes the possession of such controlled substance for medical purposes.

(b) This section shall be part of and supplemental to article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 1, by striking "the uniform"; also in line 1, by striking the second "act"; in line 2, after "IV;" by inserting "controlled substance identification cards;"

The committee report on **HB 2448** recommending a **S Sub HB 2448** be adopted, and the substitute bill be passed.

The committee report on **HB 2482** recommending a **S Sub HB 2482** be adopted, and the substitute bill be passed.

The committee report on **HB 2588** recommending a **S Sub HB 2588** be adopted, and the substitute bill be passed.

The committee report on **HB 2693** recommending a **S Sub HB 2693** be adopted, and the substitute bill be passed.

The Committee returned to consideration of **Sub HB 2002**. The amendment offered by Senator Ostmeyer was adopted: on page 1, by striking all in lines 30 through 36;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 16 and inserting:

"Sec. 2. K.S.A. 2013 Supp. 46-1106 is hereby amended to read as follows: 46-1106.

(a) (1) A financial-compliance audit shall be conducted each year of the general purpose financial statements prepared by the division of accounts and reports for its annual financial report. This audit shall be conducted in accordance with generally accepted governmental auditing standards. The resulting written audit report shall be issued as soon after the end of the fiscal year as is practicable.

(2) In addition, once every two years, separate written audit reports on the financial management practices of the office of the state treasurer and the pooled money investment board shall be prepared addressing the adequacy of financial management practices and compliance with applicable state laws. The separate audit of the pooled money investment board also shall include a comparative investment performance review and an analysis of the investment program, including an evaluation of investment policies and practices and of specific investments in the pooled money investment portfolio. The analysis of the specific investments in the pooled money investment portfolio shall review whether such investments meet the investment priorities of safety, liquidity and performance. The performance of such investments shall be measured by comparison to an appropriate market index.

(3) In addition, whenever an individual is first elected or appointed and qualified to the office of the state treasurer, the legislative division of post audit shall conduct a transition audit within two weeks after the date such individual enters upon the duties of the office of the state treasurer. The purpose of the transition audit shall be to review the assets in the custody of the office of the state treasurer for significant discrepancies at the time of the transition. A separate written report shall be prepared for each transition audit.

(4) Copies of the reports of audits conducted pursuant to this subsection (a) shall be furnished to the governor, director of accounts and reports, director of the budget, each state agency, the legislative post audit committee and other persons or agencies as may be required by law or by the specifications of the audit.

(5) Any additional costs associated with preparing the separate additional reports on the office of the state treasurer and the pooled money investment board shall be borne by the office of the state treasurer and the pooled money investment board in accordance with K.S.A. 46-1121, and amendments thereto.

(b) Including financial-compliance audit work conducted as part of the audit conducted pursuant to subsection (a), financial-compliance audit work shall be conducted at each state agency at least once every three years as directed by the legislative post audit committee. Written reports on the results of such auditing shall be furnished to the governor, director of accounts and reports, director of the budget, the state agency which is audited, the legislative post audit committee and such other persons or agencies as may be required by law or by the specifications of the audit.

(c) (1) Books and accounts of the state treasurer and the director of accounts and reports, including the bond register of the state treasurer, may be examined monthly if the legislative post audit committee so determines, and such examination may include detailed checking of every transaction or test checking.

(2) Any person receiving tax information under the provisions of subsection (a) or (b) shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(d) The post auditor shall report immediately in writing to the legislative post audit committee, governor and attorney general whenever it appears in the opinion of the post auditor that there may have occurred any violation of penal statutes or any instances of misfeasance, malfeasance or nonfeasance by a public officer or employee disclosed by any audit or audit work conducted under the legislative post audit act. The post auditor shall furnish the attorney general all information in the possession of the post auditor relative to any report referred to the attorney general. The attorney general shall institute and prosecute civil proceedings against any such delinquent officer or employee, or upon such officer or employee's official bond, or both, as may be needed to recover for the state any funds or other assets misappropriated. The attorney general shall also prosecute such ouster and criminal proceedings as the evidence in the case warrants. Any person receiving tax information under the provisions of this subsection shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(e) The post auditor shall immediately report to the committee on surety bonds and insurance when any audit or audit work conducted under the legislative post audit act

discloses a shortage in the accounts of any state agency, officer or employee.

(f) In the discharge of the duties imposed under the legislative post audit act, the post auditor may require state agencies to preserve and make available their accounts, records, documents, vouchers, requisitions, payrolls, canceled checks or vouchers and coupons, and other evidence of financial transactions.

(g) In the discharge of the duties imposed under the legislative post audit act, the post auditor or firm conducting a financial-compliance audit or conducting any other audit or audit work shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the legislative post audit act or in the custody of any such person or state agency. Except as otherwise provided in this subsection, the post auditor or firm conducting a financial-compliance audit or other audit or audit work under the legislative post audit act and all employees and former employees of the division of post audit or firm performing a financial-compliance audit or other audit or audit work shall be subject to the same duty of confidentiality imposed by law on any such person or state agency with regard to any such books, accounts, records, files, documents and correspondence, and any information contained therein, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the post auditor and on firms conducting financial-compliance audits or any other audits or audit work under the legislative post audit act and all employees of the division of post audit and all employees of such firms shall be subject to the provisions of subsection (d), and the post auditor may furnish all such books, accounts, records, files, documents and correspondence, and any information contained therein to the attorney general pursuant to subsection (d). Upon receipt thereof, the attorney general and all assistant attorneys general and all other employees and former employees of the office of attorney general shall be subject to the same duty of confidentiality with the exceptions that any such information contained therein may be disclosed in civil proceedings, ouster proceedings and criminal proceedings which may be instituted and prosecuted by the attorney general in accordance with subsection (d), and any such books, accounts, records, files, documents and correspondence furnished to the attorney general in accordance with subsection (d) may be entered into evidence in any such proceedings. Nothing in this subsection shall be construed to supersede any requirement of federal law.

(h) Any firm or firms which develop information in the course of conducting a financial-compliance audit or other audit or audit work under the legislative post audit act which the post auditor is required to report under subsection (d) or (e) shall immediately report such information to the post auditor. The post auditor shall then make the report required in subsection (d) or (e).

(i) (1) A financial-compliance audit shall be conducted annually on the accounts and transactions of the Kansas lottery and the Kansas lottery commission, of the Kansas public employees retirement system and of any other state agency as may be required by law. The auditor to conduct this audit work shall be specified in accordance with K.S.A. 46-1122, and amendments thereto. If the legislative post audit committee specifies under such statute that a firm is to perform all or part of such audit work, such firm shall be selected and shall perform such audit work as provided in K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 through 46-1127, and amendments thereto. The audits required pursuant to this subsection shall be conducted in

accordance with generally accepted governmental auditing standards, and shall be conducted as soon after the close of the fiscal year as practicable, but shall be completed no later than six months after the close of the fiscal year.

(2) The financial-compliance audit of the Kansas public employees retirement system shall include, but not be limited to, a review of alternative investments of the system with any estimates of permanent impairments to the value of such alternative investments reported by the system pursuant to K.S.A. 74-4907, and amendments thereto. The financial-compliance audit may include one or more performance audit subjects as directed by the legislative post audit committee. In considering performance audit subjects to be included in any such financial-compliance audit, the legislative post audit committee shall consider recommendations and requests for performance audits, relating to the system or the management thereof, by the joint committee on pensions, investments and benefits or by any other committee or individual member of the legislature. The legislative post audit committee shall specify if one or more performance audit subjects shall be included in such financial-compliance audit, in addition to such other subjects as may be directed to be included in such financial-compliance audit by the legislative post audit committee. Except as otherwise determined by the legislative post audit committee, one or more performance audit subjects specified by the legislative post audit committee shall be included at least once every two fiscal years in such financial-compliance audit. The legislative post audit committee may direct that one or more performance audit subjects are to be included in such financial-compliance audit not more than once during a specific period of three fiscal years, in lieu of once every two fiscal years.";

Also on page 5, in line 17, by striking "2012" and inserting "2013";

On page 6, in line 13, by striking "2012" and inserting "2013";

On page 13, in line 8, by striking "2012" and inserting "2013";

On page 1, in the title, in line 2, by striking "2012" and inserting "2013" and **Sub HB 2002** be passed as amended.

Senator Fitzgerald offered an amendment on **Sub HB 2002**; a ruling of the Chair was requested as to the germaneness of the amendment. The chair ruled the amendment was not germane. The amendment was withdrawn.

Senator Shultz made a motion to amend **HB 2552**: on page 1, following line 31, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended.* Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility

for aid for families with dependent children, for food stamp assistance and for any other assistance provided through the Kansas department for children and families under which federal moneys are expended, the secretary for children and families shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas.

(b) *Assistance to families with dependent children.* Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as aid to families with dependent children. Where husband and wife are living together both shall register for work under the program requirements for aid to families with dependent children in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

(c) *Aid to families with dependent children; assignment of support rights and limited power of attorney.* By applying for or receiving aid to families with dependent children such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving aid to families with dependent children, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

(d) *Eligibility requirements for general assistance, the cost of which is not shared by the federal government.* (1) General assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d).

(A) To qualify for general assistance in any form a needy person must have insufficient income or resources to provide a reasonable subsistence compatible with decency and health and, except as provided for transitional assistance, be a member of a family in which a minor child or a pregnant woman resides or be unable to engage in employment. The secretary shall adopt rules and regulations prescribing criteria for establishing when a minor child may be considered to be living with a family and whether a person is able to engage in employment, including such factors as age or physical or mental condition. Eligibility for general assistance, other than transitional assistance, is limited to families in which a minor child or a pregnant woman resides or to an adult or family in which all legally responsible family members are unable to engage in employment. Where a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary in determining need of any applicant for or recipient of general assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of general assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or a minor stepchild if the stepchild is living with such individual. In determining the need of an individual, the secretary may provide for income and resource exemptions.

(B) To qualify for general assistance in any form a needy person must be a citizen of the United States or an alien lawfully admitted to the United States and must be residing in the state of Kansas.

(2) General assistance in the form of transitional assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d), but who do not meet the criteria prescribed by rules and regulations of the secretary relating to inability to engage in employment or are not a member of a family in which a minor or a pregnant woman resides.

(3) In addition to the other requirements prescribed under this subsection (d), the secretary shall adopt rules and regulations which establish community work experience program requirements for eligibility for the receipt of general assistance in any form and which establish penalties to be imposed when a work assignment under a community work experience program requirement is not completed without good cause. The secretary may adopt rules and regulations establishing exemptions from any such community work experience program requirements. A first time failure to complete such a work assignment requirement shall result in ineligibility to receive general assistance for a period fixed by such rules and regulations of not more than three calendar months. A subsequent failure to complete such a work assignment requirement shall result in a period fixed by such rules and regulations of ineligibility of not more than six calendar months.

(4) If any person is found guilty of the crime of theft under the provisions of K.S.A. 39-720, and amendments thereto, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the provisions of K.S.A. 39-720, and amendments thereto, or the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 12 calendar

months from the date of conviction. First time offenders convicted of a felony under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction. If any person is found guilty by a court of competent jurisdiction of any state other than the state of Kansas of a crime involving welfare fraud, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction.

(e) *Requirements for medical assistance for which federal moneys or state moneys or both are expended.* (1) When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. Resources from inheritance shall be counted. A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall constitute a transfer of resources. The secretary shall exempt principal and interest held in irrevocable trust pursuant to subsection (c) of K.S.A. 16-303, and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient. Medical assistance eligibility for receipt of benefits under the title XIX of the social security act, commonly known as medicaid, shall not be expanded, as provided for in the patient protection and affordable care act, public law 111-148, 124 stat. 119, and the health care and education reconciliation act of 2010, public law 111-152, 124 stat. 1029, unless the legislature expressly consents to, and approves of, the expansion of medicaid services by an act of the legislature.

(3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.

(B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such discretionary trust shall be considered an available resource unless: (i) At the time of creation or amendment of the trust, the trust states a clear

intent that the trust is supplemental to public assistance; and (ii) the trust: (a) Is funded from resources of a person who, at the time of such funding, owed no duty of support to the applicant or recipient of medical assistance; or (b) is funded not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, "public assistance" includes, but is not limited to, medicaid, medical assistance or title XIX of the social security act.

(4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met: (i) The contract, agreement or accord must be in writing and executed prior to any services being provided; (ii) the moneys paid are in direct relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals; (iii) if no similarly situated nonlicensed individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards; (iv) such individual providing the services will report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies; (v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered; (vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and (vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.

(B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.

(5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.

(f) *Eligibility for medical assistance of resident receiving medical care outside state.* A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

(g) *Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients.* (1) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to subsection (d) of K.S.A. 39-756, and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection (e) is (A) a claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both, and (B) a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829, and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection (e) except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection (e) is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227, and amendments thereto, shall be a credit against the amount of the claim provided for such

medical assistance under this subsection (g). The secretary is authorized to enforce each claim provided for under this subsection (g). The secretary shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary from claims under this subsection (g) shall be deposited in the social welfare fund. The secretary may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection (g).

(3) By applying for or receiving medical assistance under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, such individual or such individual's agent, fiduciary, guardian, conservator, representative payee or other person acting on behalf of the individual consents to the following definitions of estate and the results therefrom:

(A) If an individual receives any medical assistance before July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under subsection (g)(2), such claim is limited to the individual's probatable estate as defined by applicable law; and

(B) if an individual receives any medical assistance on or after July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under subsection (g)(2), such claim shall apply to the individual's medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes, without limitation assets conveyed to a survivor, heir or assign of the deceased recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

(4) The secretary of health and environment or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record and transfers for value to a bona fide purchaser of record. The lien must be filed in the office of the register of deeds of the county where the real property is located within one year from the date of death of the recipient and must contain the legal description of all real property in the county subject to the lien.

(A) After the death of a recipient of medical assistance, the secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by such recipient.

(B) The secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by a recipient of medical assistance during the lifetime of such recipient. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home or other medical institution shall constitute a determination by the department of health and environment that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a continuous period of at least 90 days without being readmitted as an inpatient to a

nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of health and environment until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient. After the lien is filed against any real property owned by the recipient, such lien will be dissolved if the recipient is discharged, returns home and resides upon the real property to which the lien is attached for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. If the recipient is readmitted as an inpatient to a nursing or medical facility for a continuous period of less than 90 days, another continuous period of at least 90 days shall be completed prior to dissolution of the lien.

(5) The lien filed by the secretary of health and environment or the secretary's designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:

(A) After the death of the surviving spouse of the recipient;

(B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;

(C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or

(D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis since that time.

(6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:

(A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary or the secretary's designee;

(B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure; or

(C) the value of the real property is consumed by the lien, at which time the secretary or the secretary's designee may force the sale for the real property to satisfy the lien.

(7) If the secretary for aging and disability services or the secretary of health and environment, or both, or such secretary's designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease to operate as a lien on the real estate of the recipient. Such dormant lien may be revived in the same manner as a dormant judgment lien is revived under K.S.A. 60-2403 et seq., and amendments thereto.

(8) Within seven days of receipt of notice by the secretary for children and families or the secretary's designee of the death of a recipient of medical assistance under this subsection, the secretary for children and families or the secretary's designee shall give notice of such recipient's death to the secretary of health and environment or the secretary's designee.

(h) *Placement under the revised Kansas code for care of children or revised Kansas*

juvenile justice code; assignment of support rights and limited power of attorney. In any case in which the secretary for children and families pays for the expenses of care and custody of a child pursuant to K.S.A. 2013 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.

(i) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.

(j) If the applicant or recipient of aid to families with dependent children is a mother of the dependent child, as a condition of the mother's eligibility for aid to families with dependent children the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of aid to families with dependent children who fails to cooperate with requirements relating to child support enforcement under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations which penalty shall progress to ineligibility for the family after three months of noncooperation.

(k) By applying for or receiving child care benefits or food stamps, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the state only accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care benefits or food stamps, the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable

instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing support obligations to the same extent required of applicants for or recipients of aid to families with dependent children.

(1) A program of drug screening for applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall be established, subject to applicable federal law, by the secretary for children and families on or before January 1, 2014. Under such program of drug screening, the secretary for children and families shall order a drug screening of an applicant for or a recipient of cash assistance at any time when reasonable suspicion exists that such applicant for or recipient of cash assistance is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, an applicant's or recipient's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.

(2) Any applicant for or recipient of cash assistance whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any applicant for or recipient of cash assistance who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such applicant or recipient who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(3) Any applicant for or recipient of cash assistance who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary for children and families, secretary of labor or secretary of commerce, and a job skills program approved by the secretary for children and families, secretary of labor or secretary of commerce. Subject to applicable federal laws, any applicant for or recipient of cash assistance who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive cash assistance until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of cash assistance may be subject to periodic drug screening, as determined by the secretary for children and families. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from cash

assistance for a period of 12 months, or until such recipient of cash assistance completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be terminated from cash assistance, subject to applicable federal law.

(4) If an applicant for or recipient of cash assistance is ineligible for or terminated from cash assistance as a result of a positive test for unlawful use of a controlled substance or controlled substance analog, and such applicant for or recipient of cash assistance is the parent or legal guardian of a minor child, an appropriate protective payee shall be designated to receive cash assistance on behalf of such child. Such parent or legal guardian of the minor child may choose to designate an individual to receive cash assistance for such parent's or legal guardian's minor child, as approved by the secretary for children and families. Prior to the designated individual receiving any cash assistance, the secretary for children and families shall review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog.

(A) In addition, any individual designated to receive cash assistance on behalf of an eligible minor child shall be subject to drug screening at any time when reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, the designated individual's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the designated individual indicating unlawful use of a controlled substance or controlled substance analog.

(B) Any designated individual whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any designated individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such designated individual who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(C) Upon any positive test for unlawful use of a controlled substance or controlled substance analog, the designated individual shall not receive cash assistance on behalf of the parent's or legal guardian's minor child, and another designated individual shall be selected by the secretary for children and families to receive cash assistance on behalf of such parent's or legal guardian's minor child.

(5) If a person has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall thereby become forever ineligible to receive any cash assistance under this subsection unless such conviction is the person's first conviction. First-time offenders convicted under federal or state law of any offense which is

classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall become ineligible to receive cash assistance for five years from the date of conviction.

(6) Except for hearings before the Kansas department for children and families or, the results of any drug screening administered as part of the drug screening program authorized by this subsection shall be confidential and shall not be disclosed publicly.

(7) The secretary for children and families may adopt such rules and regulations as are necessary to carry out the provisions of this subsection.

(8) Any authority granted to the secretary for children and families under this subsection shall be in addition to any other penalties prescribed by law.

(9) As used in this subsection:

(A) "Cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant to such statutes.

(B) "Controlled substance" means the same as in K.S.A. 2013 Supp. 21-5701, and amendments thereto, and 21 U.S.C. 7 802.

(C) "Controlled substance analog" means the same as in K.S.A. 2013 Supp. 21-5701, and amendments thereto.

Sec. 3. K.S.A. 2013 Supp. 39-709 is hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "contracts";

A ruling of the Chair was requested as to the germaneness of the amendment on **HB 2552**. The Chair ruled the amendment was germane.

Senator Shultz made a motion to move his amendment and upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 29; Nays 8; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Longbine, V. Schmidt.

Present and Passing: Kelly, McGinn, Pettey.

The amendment was adopted and **HB 2552** be passed as amended.

Senator Pilcher-Cook offered an amendment on **HB 2552**; a ruling of the Chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was not germane. The amendment was withdrawn.

HB 2636 be amended by motion of Senator Knox: on page 1, in line 10, by striking "shall" and inserting "may" and **HB 2636** be passed as amended.

A motion by Senator Francisco to amend **HB 2636** failed and the following amendment was rejected: on page 1, in line 17, by striking "without any"; by striking all in line 18; in line 19, by striking all before the period.

HB 2479 be amended by adoption of the committee amendments, be further amended by motion of Senator Knox, on page 2, in line 23, by striking "On and"; by

striking all in line 24; in line 25, by striking "(A)"; also in line 25, by striking "(b)(1) (B)" and inserting "(b)(2)"; in line 30, by striking "(B)" and inserting "(2)"; in line 35, by striking "(1)" and inserting "(A)"; in line 36, by striking "(2)" and inserting "(B)"; in line 37, by striking "(3)" and inserting "(C)"; in line 38, by striking "(4)" and inserting "(D)"; in line 40, by striking "(5)" and inserting "(E)";

On page 3, by striking all in lines 10 through 20

HB 2479 be further amended by motion of Senator Faust-Goudeau, on page 4, following line 35, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund.

(B) A person whose driver's license has expired during the period when such person's drivers license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state

treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund. An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met: (i) The suspended license that expired was issued by the division of vehicles; (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state; and (iv) the individual has not previously received a stayed suspension as a result of a driving while suspended conviction.

~~(B)~~(C) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances: (i) In going to or returning from the person's place of employment or schooling; (ii) in the course of the person's employment; (iii) in going to or returning from an appointment with a health care provider or during a medical emergency; and (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$59 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit 42.37% of such moneys to the division of vehicles operating fund, 31.78% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 10.59% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2013 Supp. 20-1a15, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the

United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

(e) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after ~~the effective date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.";

And by renumbering sections accordingly;

Also on page 4, in line 36, by striking "is" and inserting ", 8-2110 and 8-2110a are";

On page 1, in the title, in line 3, after "device;" by inserting "failure to comply with a traffic citation; restricted driving privileges;"; also in line 3, after "8-1015" by inserting "and 8-2110"; in line 4, by striking "section" and inserting "sections; also repealing K.S.A. 2013 Supp. 8-2110a" and **HB 2479** be passed as further amended.

HB 2551 be amended by adoption of the committee amendments, be further amended by motion of Senator Francisco, on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2013 Supp. 75-5673 is hereby amended to read as follows: 75-5673. (a) The secretary of health and environment shall establish a statewide atmospheric mercury deposition monitoring network to measure mercury deposition in Kansas. ~~The network shall consist of no fewer than six sites in Kansas. At least two such sites shall be located to measure mercury deposition entering the state from the direction of prevailing winds. Mercury deposition samples shall be collected at each site on a weekly basis and concentration, precipitation and other pertinent values shall be recorded.~~

(b) The secretary of health and environment shall contract with a laboratory that has demonstrated capability to perform appropriate analysis of the samples collected and to provide reports in a form acceptable to the secretary. After analysis, data and analysis reports, including data on long term trends, shall be provided to the public through a website. Data also will be posted to a national database designated by the secretary.

(c) The secretary of health and environment shall ensure that data collected from the network and analyses of those data are made available specifically to Kansas-based research institutes and scientists for exploration of the impact of mercury on Kansas flora, fauna and human population.

~~(d) On or before the first day of the regular legislative session in 2009 and each year thereafter, the secretary of health and environment shall prepare and submit to the governor and the chairperson, vice chairperson and ranking minority member of each~~

~~standing committee of the house and of the senate having subject matter jurisdiction over utilities, environment or natural resources, a report summarizing the findings of the monitoring and analysis provided for by this section.";~~

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "ACT" by inserting "concerning the department of health and environment; amending K.S.A. 2013 Supp. 75-5673 and repealing the existing section; also"; in line 3, by striking the comma and inserting "and"; also in line 3, by striking all after "65-3490"; in line 4, by striking all before the period, and **HB 2551** be passed as further amended.

HB 2596 be amended by adoption of the committee amendments, be further amended by motion of Senator Smith: on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2013 Supp. 74-4932 is hereby amended to read as follows: 74-4932. As used in this act, unless the context otherwise requires:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which shall be credited to such member's account, with interest allowed thereon, plus such member's contributions transferred from the school employees savings fund of the state school retirement system;

(2) "compensation" means the same as defined in subsection (9) of K.S.A. 74-4902, and amendments thereto;

(3) "school year" means the twelve-month period beginning September 1 and ending August 31;

(4) "employee" means any employee of a participating employer which is an eligible employer, as specified in K.S.A. 74-4931, and amendments thereto, whose employment is not seasonal or temporary and whose employment requires at least 630 hours of work per year or 3.5 hours of work per day for at least 180 days or any employee who is concurrently employed by two or more eligible employers, as specified in K.S.A. 74-4931, and amendments thereto, whose combined employment is not seasonal or temporary and whose combined employment requires at least 630 hours of work per year or 3.5 hours of work per day for at least 180 days. Employee shall not include:

(a) Any employee who is covered by or eligible for or who will become eligible for retirement benefits under any retirement plan or system provided by K.S.A. 74-4925, and amendments thereto;

(b) any employee who is a contributing member of the United States civil service retirement system;

(c) any employee or class of employees specifically exempt by law, except those persons who were formerly employees of one or more of the participating employers which are eligible employers as specified in K.S.A. 74-4931, and amendments thereto, who are covered by and have contributions on deposit with the state school retirement system and who have not retired under that system on the day next preceding entry date;

(d) any employee who on entry date is covered by or eligible for or will become eligible for retirement benefits under a separate retirement system authorized or established under K.S.A. 72-1758 to 72-1769, inclusive, and amendments thereto or K.S.A. 72-6780, and amendments thereto, except that this paragraph (d) shall not include any employee, who before September 1, 1974, elects to become a member of the Kansas public employees retirement system as provided in K.S.A. 74-4935a, and amendments thereto; ~~or~~

(e) on and after July 1, 1975, no person who is otherwise eligible for membership in

the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for a retirement annuity under the provisions of K.S.A. 74-4925, and amendments thereto. However, no person shall receive service credit under the Kansas public employees retirement system for any period of service for which benefits accrue or are granted under a retirement annuity plan under the provisions of K.S.A. 74-4925, and amendments thereto; or

(f) any employee who takes a leave of absence and is not currently working for an eligible employer in a covered position with the Kansas public employees retirement system which meets the requirements of subsection (4).

(5) "executive director" means the managing officer of the system as defined in subsection (16) of K.S.A. 74-4902, and amendments thereto;

(6) "military service" means the same as defined in subsection (22) of K.S.A. 74-4902, and amendments thereto, and includes such service when followed by return to employment with the same or another participating employer on or before the beginning of the next school year following discharge or separation from such military service;

(7) "normal retirement date" means the same as defined in subsection (23) of K.S.A. 74-4902, and amendments thereto, as modified by subsection (1) of K.S.A. 74-4937, and amendments thereto;

(8) "school employment" means the employment of a member when employed by an eligible employer as specified in any of subsection (1), (2) or (3) of K.S.A. 74-4931, and amendments thereto; and

(9) "USERRA" means the same as defined in subsection (34) of K.S.A. 74-4902, and amendments thereto.";

On page 2, in line 4, by striking "is" and inserting "and K.S.A. 2013 Supp. 74-4932 and are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the comma by inserting "excluding certain non-covered employees;"; in line 4, after "74-49,115" by inserting "and K.S.A. 2013 Supp. 74-4932"; also in line 4, by striking "section" and inserting "sections", and **HB 2596** be passed as further amended.

Sub HB 2430 be amended by adoption of the committee amendments, be further amended by motion of Senator Tyson: on page 4, in line 4, after "(c)" by inserting "(1) Subject to the provisions of paragraph (2)."; in line 11, by striking "(1)" and inserting "(A)"; in line 12, by striking "(2)" and inserting "(B)"; in line 13, by striking "(3)" and inserting "(C)"; following line 14, by inserting:

"(2) No application for benefits under this act shall be approved unless such application has been submitted to and approved by the secretary of revenue.", and **Sub HB 2430** passed as further amended.

HB 2272 be amended by the adoption of the committee amendments, be further amended by motion of Senator Fitzgerald: on page 13, following line 23, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 74-8744 is hereby amended to read as follows: 74-8744.

(a) In accordance with rules and regulations adopted by the commission, the executive director shall have general responsibility for the implementation and administration of the provisions of this act relating to racetrack gaming facility operations, including the responsibility to:

(1) Certify net electronic gaming machine income by inspecting records, conducting audits, having agents of the Kansas lottery on site or by any other reasonable means;

and

(2) assist the commission in the promulgation of rules and regulations concerning the operation of racetrack gaming facilities, which rules and regulations shall include, without limitation, the following:

(A) The number of electronic gaming machines allocated for placement at each racetrack gaming facility, subject to the provisions of subsection (b);

(B) standards for advertising, marketing and promotional materials used by racetrack gaming facility managers;

(C) the kind, type, number and location of electronic gaming machines at any racetrack gaming facility; and

(D) rules and regulations and procedures for the accounting and reporting of the payments required from racetrack gaming facility managers under K.S.A. 2013 Supp. 74-8766, and amendments thereto, including the calculations required for such payments.

(b) Rules and regulations establishing the minimum and maximum number of electronic gaming machines allocated for placement at each racetrack gaming facility shall be adopted and published not later than 120 days after the effective date of this act. Such rules and regulations shall be subject to the following:

(1) At least 600 but not more than 1,400 electronic gaming machines shall be allocated to and placed at each racetrack gaming facility.

(2) The total number of electronic gaming machines allocated to and placed at all racetrack gaming facilities in the state shall not exceed 2,800. ~~Until lottery gaming facility management contracts for lottery gaming facilities in all gaming zones become binding, the total number of electronic gaming machines placed at all racetrack gaming facilities shall not exceed 2,200. When lottery gaming facility management contracts for lottery gaming facilities in all gaming zones have become binding, the lottery commission shall take privilege fee bids from the lottery gaming facility manager and racetrack gaming facility manager in each gaming zone for the remaining electronic gaming machines allocated to but not yet placed at the racetrack gaming facility in such zone. The minimum bid shall be a privilege fee of \$2,500 per electronic gaming machine. If the racetrack gaming facility manager submits the highest bid, the lottery commission shall place the remaining electronic gaming machines at the racetrack gaming facility. If the lottery gaming facility manager submits the highest bid, the commission shall not place any additional electronic gaming machines at the racetrack gaming facility.~~

(3) In addition to any privilege fee paid pursuant to paragraph (2), each racetrack gaming facility manager shall pay a privilege fee of \$2,500 for each electronic gaming machine placed at the racetrack gaming facility for which a privilege fee is not paid pursuant to paragraph (2).

(4) The racetrack gaming facility manager shall pay the privilege fees provided by this subsection to the executive director, who shall remit the entire amount to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the expanded lottery act revenues fund.

Sec. 3. K.S.A. 2013 Supp. 74-8746 is hereby amended to read as follows: 74-8746.

(a) Except as provided in subsection (b):

(1) No electronic gaming machines shall be operated at a parimutuel licensee

location in Sedgwick county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 100 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 with at least 13 live races conducted each day for not less than five days per week.

(2) No electronic gaming machines shall be operated at a parimutuel licensee location in Wyandotte county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts live horse racing programs for at least 60 days, with at least 10 live races conducted each program, and must offer and make a reasonable effort to conduct a minimum number of three live races restricted for quarter horses each day and seven live thoroughbred races each day, of which not less than two races each day shall be limited to registered Kansas-bred horses apportioned in the same ratio that live races are offered, except that the licensee shall not be required to conduct the second live race restricted to Kansas-bred horses unless there are at least seven qualified entries for such race, ~~and with at least 100 live greyhound races each calendar week for at least the same number of weeks raced during calendar year 2003, with at least 13 live races conducted each day for not less than five days per week.~~

(3) No electronic gaming machines shall be operated at a parimutuel licensee location in Crawford county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 85 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 in Sedgwick county, with at least 12 live races conducted each day for not less than five days per week.

(4) If a parimutuel licensee has not held live races pursuant to a schedule approved by the Kansas racing and gaming commission in the preceding 12 months, the Kansas racing and gaming commission shall hold a hearing to determine the number of days of live racing required for the remaining days of the first calendar year of operation to qualify for operation of electronic gaming machines. At such hearing, the commission shall receive testimony and evidence from affected breed groups, the licensee and others, as the Kansas racing and gaming commission deems appropriate concerning the schedule of live race days. The operation of electronic gaming machines shall not commence more than 90 days prior to the start of live racing at such facility.

(b) The Kansas racing and gaming commission may not grant exceptions to the requirements of subsection (a) for a parimutuel licensee conducting live racing unless such exception is in the form of an agreement which: (1) Is between the parimutuel licensee and the affected recognized greyhound or recognized horsemen's group, as defined in K.S.A. 74-8802, and amendments thereto; (2) has been approved by the appropriate official breed registering agencies; and (3) has been submitted to and approved by the commission. In the case of emergencies, weather related issues or immediate circumstances beyond the control of the licensee, the Kansas racing and gaming commission may grant an exception.

Sec. 4. K.S.A. 2013 Supp. 74-8747 is hereby amended to read as follows: 74-8747. (a) ~~Except as provided in section 5, and amendments thereto,~~ net electronic gaming machine income from a racetrack gaming facility shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 25% of net

electronic gaming machine income;

(2) 7% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2013 Supp. 74-8767, and amendments thereto, ~~except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;~~

(3) 7% of net electronic gaming machine income shall be credited to the live greyhound racing purse supplement fund established by K.S.A. 2013 Supp. 74-8767, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

~~(4)(A) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the racetrack gaming facility revenues to the county in which the racetrack gaming facility is located; or (B) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the racetrack gaming facility revenues to the city in which the racetrack gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;~~

~~(5)(4) (A) if the racetrack gaming facility is located in the southeast or south central Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the racetrack gaming facility revenues net gaming machine income to the county in which the racetrack gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the racetrack gaming facility is located in the southeast or south central Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the ~~racetrack gaming facility revenues~~ net gaming machine income to the city in which the racetrack gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;~~

~~(6)(5) 2% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2013 Supp. 79-4805, and amendments thereto;~~

~~(7)(6) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto;~~

~~(8)(7) 40% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund; and~~

~~(9)(8) 15% of electronic gaming machine income shall be used for gaming expenses, subject to agreement between the Kansas lottery and the racetrack gaming facility manager.~~

(b) A racetrack gaming facility management contract may include provisions for a

parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate, subject to the requirements of subsection (a)(9).

New Sec. 5. (a) Net electronic gaming machine income from a racetrack gaming facility located in the northeast Kansas gaming zone shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 64.5% of net electronic gaming machine income during the first and second full years the racetrack gaming facility is in operation and 60.5% during the third full year and all subsequent years the racetrack gaming facility is in operation;

(2) 10% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2013 Supp. 74-8767, and amendments thereto, during the first and second full years the racetrack gaming facility is in operation and 14% during the third and subsequent years the racetrack gaming facility is in operation;

(3) 2% of the net electronic gaming machine income shall be credited to the county in which the racetrack gaming facility is located;

(4) 0.5% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2013 Supp. 79-4805, and amendments thereto;

(5) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto; and

(6) 22% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate.

Sec. 6. K.S.A. 2013 Supp. 74-8751 is hereby amended to read as follows: 74-8751. The Kansas racing and gaming commission, through rules and regulations, shall establish:

(a) A certification requirement, and enforcement procedure, for officers, directors, key employees and persons directly or indirectly owning a ~~0.5%~~ 5% or more interest in a lottery gaming facility manager or racetrack gaming facility manager. Such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director of the Kansas racing and gaming commission deems 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 or racetrack gaming facility. In the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, such certification requirements shall include such security, fitness and background investigations and standards for officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and shall specify that such publicly traded company annually provide a list of all identifiable shareholders. In the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of waivers of the background investigation requirement by the executive director of the Kansas racing and gaming

commission. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(b) a certification requirement, and enforcement procedure, for those persons, including electronic gaming machine manufacturers, technology providers and computer system providers, who propose to contract with a lottery gaming facility manager, a racetrack gaming facility manager or the state for the provision of goods or services related to a lottery gaming facility or racetrack gaming facility, including management services. Such certification requirements shall include compliance with such security, fitness and background investigations and standards of officers, directors, key gaming employees and persons directly or indirectly owning a ~~0.5%~~ 5% or more interest in such entity as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits and 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 or racetrack gaming facility. In the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, or equivalent foreign securities law, such certification requirements include such security, fitness and background investigations and standards for officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and shall specify that such publicly traded company annually provide a list of all identifiable shareholders. In the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of waivers of the background investigation requirement by the executive director of the Kansas racing and gaming commission. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. If the executive director of the racing and gaming commission determines the certification standards of another state are comprehensive, thorough and provide similar adequate safeguards, the executive director may certify an applicant already certified in such state without the necessity of a full application and background check. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(c) provisions for revocation of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a ~~0.5%~~ 5% or more interest therein: (1) Has knowingly provided false or misleading material information to the Kansas lottery or its employees; or (2) has been convicted of a felony, gambling related offense or any crime of moral turpitude; and

(d) provisions for suspension, revocation or nonrenewal of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a ~~0.5%~~ 5% or more interest therein: (1) Has failed to notify the Kansas lottery about a material change in ownership of the certificate holder, or any change in the directors or officers thereof; (2) is delinquent in

remitting money owed to the Kansas lottery; (3) has violated any provision of any contract between the Kansas lottery and the certificate holder; or (4) has violated any provision of the Kansas expanded lottery act or any rule and regulation adopted hereunder.

Sec. 7. K.S.A. 74-8836 is hereby amended to read as follows: 74-8836. (a) Any organization licensee that conducts at least ~~150~~ 60 days of live racing during a calendar year ~~or is in compliance with provisions of K.S.A. 2013 Supp. 74-8746, and amendments thereto,~~ or a fair association that conducts fewer than ~~22~~ 40 days of live racing during a calendar year may apply to the commission for a simulcasting license to display simulcast horse or greyhound races and to conduct intertrack parimutuel wagering thereon. If the organization licensee conducts races at a racetrack facility that is owned by a facility owner licensee, both licensees shall join in the application. ~~A simulcasting license granted to a fair association that conducts fewer than 22 days of live racing shall restrict the fair association's display of simulcast races to a number of days, including days on which it conducts live races, equal to not more than twice the number of days on which it conducts live races.~~

(b) (1) A simulcasting license granted to an organization licensee other than a fair association shall authorize the display of simulcast races at the racetrack facility where the live races are conducted so long as the licensee: (A) Conducts at least eight live races per day and an average of 10 live races per day per week; or (B) the licensee is in compliance with provisions of K.S.A. 2013 Supp. 74-8746, and amendments thereto. If a simulcasting licensee conducts live horse races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than an average of 10 live horse races per day per week, not less than 80% of the races on which wagers are taken by the licensee during such week shall be live races conducted by the licensee unless approved by the recognized horsemen's group or upon a finding by the commission that the organization licensee was unable to do so for reasonable cause. If a simulcast licensee conducts live greyhound races on a day when simulcast races are displayed by the licensee and the licensee schedules fewer than 13 live greyhound races during a performance on such day, not less than 80% of the races on which wagers are taken by the licensee during such performance shall be live races conducted by the licensee.

(2) A simulcasting license granted to a fair association shall authorize the display of simulcast races at the racetrack facility where the races are conducted ~~only if live races are scheduled for two or more days of the same calendar week, except that the licensee may conduct simulcast races in the week immediately before and immediately after a live meeting if the total number of days on which simulcast races are displayed does not exceed the total authorized in subsection (a). In no case shall the live meet or simulcast races allowed under this subsection exceed 10 consecutive weeks. For purposes of this subsection, a calendar week shall be measured from Monday through the following Sunday.~~

~~(3) Notwithstanding the provisions of subsection (a), (b)(1) or (b)(2), a fair association may apply to the commission for not more than five additional days of simulcasting of special events. In addition, the commission may authorize a fair association to display additional simulcast races but, if such fair association is less than 100 miles from an organization licensee that is not a fair association, it also shall secure written consent from that organization licensee.~~

~~(4)~~ (3) Notwithstanding the provisions of subsection (b)(1), if an emergency causes

the cancellation of all or any live races scheduled for a day or performance by a simulcasting licensee, the commission or the commission's designee may authorize the licensee to display any simulcast races previously scheduled for such day or performance.

~~(5)~~ (4) Notwithstanding the provisions of subsection (b)(1), the commission may authorize the licensee to display simulcast special racing events as designated by the commission.

(c) The application for a simulcasting license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall be in a form and include such information as the commission prescribes.

(d) To qualify for a simulcasting license the applicant shall:

(1) Comply with the interstate horse racing act of 1978 (15 U.S.C. §3001 seq.) as in effect December 31, 1991;

(2) submit with the application a written approval of the proposed simulcasting schedule signed by: (A) The recognized horsemen's group for the track, if the applicant is licensed to conduct only horse races; (B) the recognized greyhound owners' group, if the applicant is licensed to conduct only greyhound races and only greyhound races are to be simulcast; (C) both the recognized greyhound owners' group and a recognized horsemen's group, if the applicant is licensed to conduct only greyhound races and horse races are to be simulcast; (D) the recognized greyhound owners' group, if the applicant is licensed to conduct both greyhound and horse races, only greyhound races are to be simulcast and races are to be simulcast only while the applicant is conducting live greyhound races; (E) the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound and horse races, only horse races are to be simulcast and races are to be simulcast only while the applicant is conducting live horse races; or (F) both the recognized greyhound owners' group and the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound races and horse races and horse races are to be simulcast while the applicant is conducting live greyhound races or greyhound races are to be simulcast while the applicant is conducting live horse races; and

(3) submit, in accordance with rules and regulations of the commission and before the simulcasting of a race, a written copy of each contract or agreement which the applicant proposes to enter into with regard to such race, and any proposed modification of any such contract or agreement.

(e) The term of a simulcasting license shall be one year.

(f) A simulcasting licensee may apply to the commission or its designee for changes in the licensee's approved simulcasting schedule if such changes are approved by the respective recognized greyhound owners' group or recognized horsemen's group needed throughout the term of the license. Application shall be made upon forms furnished by the commission and shall contain such information as the commission prescribes.

(g) Except as provided by subsection (j), the takeout for simulcast horse and greyhound races shall be the same as it is for the live horse and greyhound races conducted during the current or next live race meeting at the racetrack facility where the simulcast races are displayed. For simulcast races the tax imposed on amounts wagered shall be as provided by K.S.A. 74-8823, and amendments thereto. Of the balance of the takeout remaining after deduction of taxes, an amount equal to a percentage, to be determined by the commission, of the gross sum wagered on simulcast races shall be

used for purses, as follows:

(1) For greyhound races conducted by the licensee, if the simulcast race is a greyhound race and the licensee conducts only live greyhound races;

(2) for horse races conducted by the licensee, if the simulcast race is a horse race and the licensee conducts only live horse races;

(3) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast race is a greyhound race and the licensee does not conduct or is not currently conducting live greyhound races; or

(4) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast is a horse race and the licensee does not conduct or is not currently conducting live horse races. That portion of simulcast purse money determined to be used for horse purses shall be apportioned by the commission to the various horse race meetings held in any calendar year based upon the number of live horse race dates comprising such horse race meetings in the preceding calendar year.

(h) Except as provided by subsection (j):

(1) If a simulcasting licensee has a license to conduct live horse races and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall remit any such proceeds 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 Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall remit any such proceeds 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 Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(2) If a simulcasting licensee has a license to conduct live greyhound races and the licensee displays a simulcast greyhound race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live greyhound races.

(3) If a simulcasting licensee has a license to conduct live racing of only horses and the licensee displays a simulcast greyhound race, unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8822, and amendments thereto, for unclaimed winning ticket proceeds from live greyhound races. Breakage for such races shall be distributed for use to benefit greyhound racing as determined by the commission.

(4) If a simulcasting licensee has a license to conduct live racing of only greyhounds and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall remit any such proceeds 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 Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall remit any such proceeds 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 Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(I) The commission may approve a request by two or more simulcasting licensees to combine wagering pools within the state of Kansas pursuant to rules and regulations adopted by the commission.

(j) (1) The commission may authorize any simulcasting licensee to participate in an interstate combined wagering pool with one or more other racing jurisdictions.

(2) If a licensee participates in an interstate pool, the licensee may adopt the takeout of the host jurisdiction or facility. The amount and manner of paying purses from the takeout in an interstate pool shall be as provided by subsection (g).

(3) The tax imposed on amounts wagered in an interstate pool shall be as provided by K.S.A. 74-8823, and amendments thereto. Parimutuel taxes may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(4) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes and rules and regulations of the host jurisdiction and shall be allocated among the participating jurisdictions in a manner agreed to among the jurisdictions. Breakage allocated to this jurisdiction shall be distributed as provided by subsection (h).

(5) Upon approval of the respective recognized greyhound owners' group or recognized horsemen's group, the commission may permit an organization licensee to simulcast to other racetrack facilities or off-track wagering or intertrack wagering facilities in other jurisdictions one or more races conducted by such licensee, use one or more races conducted by such licensee for an intrastate combined wagering pool or use one or more races conducted by such licensee for an interstate combined wagering pool at off-track wagering or intertrack wagering locations outside the commission's jurisdiction and may allow parimutuel pools in other jurisdictions to be combined with parimutuel pools in the commission's jurisdiction for the purpose of establishing an interstate combined wagering pool.

(6) The participation by a simulcasting licensee in a combined interstate wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located.

(k) If the organization licensee, facility owner licensee if any and the recognized horsemen's group or recognized greyhound owners' group are unable to agree concerning a simulcasting application, the matter may be submitted to the commission for determination at the written request of any party in accordance with rules and regulations of the commission.

(l) This section shall be part of and supplemental to the Kansas parimutuel racing act.";

Also on page 13, in line 24, after "K.S.A." by inserting "74-8836 and K.S.A."; also on line 24, by striking "is" and inserting ", 74-8744, 74-8746, 74-8747 and 74-8751 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "K.S.A." by inserting "74-8836 and K.S.A."; also in line 3, after "74-8734" by inserting ", 74-8744, 74-8746, 74-8747 and 74-8751"; in line 4, by striking "section" and inserting "sections".

Having voted on the prevailing side, Senator Arpke moved to reconsider its action on Senator Fitzgerald's previous amendment on **HB 2272**. Motion was adopted by voice vote.

The Senate returned to discussion on Senator Fitzgerald's amendment and upon a showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 19; Nays 19; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Bowers, Bruce, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, Longbine, McGinn, Olson, Pettey, Pyle.

Nays: Arpke, Denning, Donovan, Holmes, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Pilcher-Cook, Powell, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: V. Schmidt.

Absent or Not Voting: Apple.

The amendment failed.

A motion by Senator Haley to amend **HB 2272** failed and the following amendment was rejected: on page 13, following line 23, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 21-6109 is hereby amended to read as follows: 21-6109. As used in K.S.A. 2013 Supp. 21-6109 through 21-6116, and amendments thereto:

(a) "Access point" means the area within a ten foot radius outside of any doorway, open window or air intake leading into a building or facility that is not exempted pursuant to subsection (d) of K.S.A. 2013 Supp. 21-6110, and amendments thereto.

(b) "Bar" means any indoor area that is operated and licensed for the sale and service of alcoholic beverages, including alcoholic liquor as defined in K.S.A. 41-102, and amendments thereto, or cereal malt beverages as defined in K.S.A. 41-2701, and amendments thereto, for on-premises consumption.

(c) "Employee" means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers their services for a nonprofit entity.

(d) "Employer" means any person, partnership, corporation, association or organization, including municipal or nonprofit entities, which employs one or more individual persons.

(e) "Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by solid walls, windows or doorways which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid or similar structures. For purposes of this section, the following shall not be considered an "enclosed area": (1) Rooms or areas, enclosed by walls, windows or doorways, having neither a ceiling nor a roof and which are completely open to the elements and weather at all times; and (2) rooms or areas, enclosed by

walls, fences, windows or doorways and a roof or ceiling, having openings that are permanently open to the elements and weather and which comprise an area that is at least 30% of the total perimeter wall area of such room or area.

(f) "Food service establishment" means any place in which food is served or is prepared for sale or service on the premises. Such term shall include, but not be limited to, fixed or mobile restaurants, coffee shops, cafeterias, short-order cafes, luncheonettes, grills, tea rooms, sandwich shops, soda fountains, taverns, private clubs, roadside kitchens, commissaries and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

~~(g) "Gaming floor" means the area of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto, where patrons engage in Class III gaming. The gaming floor shall not include any areas used for accounting, maintenance, surveillance, security, administrative offices, storage, cash or cash counting, records, food service, lodging or entertainment, except that the gaming floor may include a bar where alcoholic beverages are served so long as the bar is located entirely within the area where Class III gaming is conducted.~~

~~(h)~~ (g) "Medical care facility" means a physician's office, general hospital, special hospital, ambulatory surgery center or recuperation center, as defined by K.S.A. 65-425, and amendments thereto, and any psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto.

~~(i)~~ (h) "Outdoor recreational facility" means a hunting, fishing, shooting or golf club, business or enterprise operated primarily for the benefit of its owners, members and their guests and not normally open to the general public.

~~(j)~~ (i) "Place of employment" means any enclosed area under the control of a public or private employer, including, but not limited to, work areas, auditoriums, elevators, private offices, employee lounges and restrooms, conference and meeting rooms, classrooms, employee cafeterias, stairwells and hallways, that is used by employees during the course of employment. For purposes of this section, a private residence shall not be considered a "place of employment" unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

~~(k)~~ (j) "Private club" means an outdoor recreational facility operated primarily for the use of its owners, members and their guests that in its ordinary course of business is not open to the general public for which use of its facilities has substantial dues or membership fee requirements for its members.

~~(l)~~ (k) "Public building" means any building owned or operated by: (1) The state, including any branch, department, agency, bureau, commission, authority or other instrumentality thereof; (2) any county, city, township, other political subdivision, including any commission, authority, agency or instrumentality thereof; or (3) any other separate corporate instrumentality or unit of the state or any municipality.

~~(m)~~ (l) "Public meeting" means any meeting open to the public pursuant to K.S.A. 75-4317 et seq., and amendments thereto, or any other law of this state.

~~(n)~~ (m) "Public place" means any enclosed areas open to the public or used by the general public including, but not limited to: Banks, bars, food service establishments, retail service establishments, retail stores, public means of mass transportation, passenger elevators, health care institutions or any other place where health care services are provided to the public, medical care facilities, educational facilities,

libraries, courtrooms, public buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas and recreational facilities. For purposes of this section, a private residence shall not be considered a "public place" unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

~~(e)~~ (n) "Smoking" means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

~~(f)~~ (o) "Tobacco shop" means any indoor area operated primarily for the retail sale of tobacco, tobacco products or smoking devices or accessories, and which derives not less than 65% of its gross receipts from the sale of tobacco.

~~(g)~~ (p) "Substantial dues or membership fee requirements" means initiation costs, dues or fees proportional to the cost of membership in similarly-situated outdoor recreational facilities that are not considered nominal and implemented to otherwise avoid or evade restrictions of a statewide ban on smoking.

Sec. 3. K.S.A. 2013 Supp. 21-6110 is hereby amended to read as follows: 21-6110. (a) It shall be unlawful, with no requirement of a culpable mental state, to 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. 2013 Supp. 21-6111 or 21-6112, 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)~~ (4) 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)~~ (5) 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)~~ (6) tobacco shops;

~~(8)~~ (7) 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;

~~(9)~~ (8) a private club in designated areas where minors are prohibited; and

~~(10)~~ (9) 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 13, in line 24, before "74-8734" by inserting "21-6109, 21-6110 and"; also in line 24, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, before "74-8734" by inserting "21-6109, 21-6110 and"; in line 4, by striking "section" and inserting "sections"

A motion by Senator Holland to amend **HB 2272** was withdrawn.

FINAL ACTION ON CONSENT CALENDAR

SB 405; HB 2398, HB 2422, HB 2455, HB 2478, HB 2547, HB 2548, HB 2549, HB 2564, HB 2566, HB 2727 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 405, AN ACT concerning purchasing products and services of nonprofit entities for blind and disabled persons; relating to the state use law committee; amending K.S.A. 2013 Supp. 75-3317, 75-3321 and 75-3322c and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2398, AN ACT concerning limited liability companies; concerning the Kansas

revised limited liability company act; amending K.S.A. 17-7662, 17-7664, 17-7666, 17-7668, 17-7670, 17-7671, 17-7672, 17-7673, 17-7674, 17-7676, 17-7677, 17-7679, 17-7680, 17-7683, 17-7686, 17-7687, 17-7688, 17-7689, 17-7690, 17-7691, 17-7693, 17-7695, 17-7697, 17-7698, 17-76,100, 17-76,103, 17-76,104, 17-76,105, 17-76,106, 17-76,107, 17-76,110, 17-76,112, 17-76,113, 17-76,114, 17-76,115, 17-76,116, 17-76,117, 17-76,118, 17-76,119, 17-76,121, 17-76,121a, 17-76,122, 17-76,123, 17-76,124, 17-76,125, 17-76,126, 17-76,127, 17-76,128, 17-76,130, 17-76,131, 17-76,133, 17-76,134, 17-76,136, 17-76,137, 17-76,139 and 17-76,140 and K.S.A. 2013 Supp. 17-7663, 17-7675, 17-7678, 17-7681, 17-7682, 17-76,143, 84-9-406 and 84-9-408 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2422, AN ACT concerning property taxation; relating to watercraft; definition, levy of tax, exemptions; amending K.S.A. 2013 Supp. 79-5501 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2455, AN ACT concerning property taxation; relating to exemptions; certain utility systems and appurtenances located on military installations; amending K.S.A. 2013 Supp. 79-201a and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2478, AN ACT concerning criminal procedure; relating to jurisdiction and venue; crimes committed with an electronic device.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell,

Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2547, AN ACT concerning mines and mining; relating to mining permit applications; amending K.S.A. 49-406 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2548, AN ACT concerning the department of health and environment; relating to fee funds; creating the water program management fund; transferring the air quality fee fund; amending K.S.A. 65-3008 and 65-3024 and K.S.A. 2013 Supp. 65-166a and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2549, AN ACT concerning hazardous waste; relating to burial on-site; amending K.S.A. 2013 Supp. 65-3458 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2564, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system; normal retirement date; requiring 60-day re-employment wait; amending K.S.A. 2013 Supp. 74-49,204 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2566, AN ACT concerning court fees; relating to forensic and scientific

laboratories; amending K.S.A. 2013 Supp. 28-176 and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed.

HB 2727, AN ACT concerning accessible parking; relating to special license plates and permanent placards, expiration; amending K.S.A. 2013 Supp. 8-1,125 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 375; Sub HB 2002, S Sub HB 2014; HB 2125, HB 2272; S Sub 2298, Sub HB 2430; HB 2445; S Sub HB 2448; HB 2463, HB 2479, HB 2480; S Sub HB 2482; HB 2487, HB 2501, HB 2515, HB 2533, HB 2551, HB 2552, HB 2568; S Sub HB 2588; HB 2596, HB 2602, HB 2636; S Sub HB 2693 and Sub Sub HB 2721**, were advanced to Final Action and roll call.

SB 375, AN ACT concerning the Kansas lottery; amending K.S.A. 74-8704 and 74-8718 and repealing the existing sections.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bowers, Bruce, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Wagle, Wolf.

Nays: Abrams, Apple, Arpke, Donovan, Fitzgerald, Holmes, Knox, Love, Masterson, Pilcher-Cook, Pyle, Smith, Tyson.

The bill passed, as amended.

Sub HB 2002, AN ACT concerning the division of post audit; relating to certain financial and security audits; amending K.S.A. 2013 Supp. 46-1106, 46-1118 and 74-4921 and repealing the existing sections; also repealing K.S.A. 74-8707.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell,

Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Petersen, Tyson.

The substitute bill passed, as amended.

S Sub HB 2014, AN ACT concerning energy; repealing the renewable energy standards act; amending K.S.A. 2013 Supp. 66-104d, 66-1,184, 66-1264, 66-1269 and 66-1282 and repealing existing sections; also repealing K.S.A. 2013 Supp. 66-1256, 66-1257, 66-1258, 66-1259, 66-1260, 66-1261, 66-1262 and 66-1271.

On roll call, the vote was: Yeas 25; Nays 15; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle.

Nays: Bowers, Bruce, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Love, McGinn, Pettey, V. Schmidt, Wolf.

The substitute bill passed.

EXPLANATION OF VOTE

Madam President: We have seen great results from the perfect windstorm in Kansas. We have great wind resources in the state. The Federal Renewable Energy Production Tax Credit made early investments in wind technology attractive. Wind technology has improved. Very importantly, Kansas established a renewable portfolio standard with a goal of having investor-owned utilities have at least 20% of their peak demand come from renewable resources for 2020 onward. Here's what we've gained: greater stability in electric rates along with \$7 billion dollars in capital investment, 13,000 direct and indirect jobs, \$13 million dollars in annual landowner lease payments, and \$10 million dollars in annual donation payments to counties hosting wind energy. All with minimal cost to Kansas ratepayers: the Kansas Corporation Commission reports that energy from renewable resources counts for about .21 cents of the about 9.55 cents per kWh retail electricity cost across the state. The Southwest Power Pool's day-ahead market begun March 1st means that any utility that has wind to offer the market should be able to sell that wind. We have additional opportunities from investments in hydropower and solar. I want to keep the standards, enhance our environment and move our state forward. I vote "No" on **S Sub HB 2014**. – MARCI FRANCISCO

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **S Sub HB 2014**.

HB 2125, AN ACT concerning the Kansas expanded lottery act; amending K.S.A. 2013 Supp. 74-8741, 74-8746 and 74-8747 and repealing the existing sections.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Bruce, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, McGinn, Pettey, V. Schmidt.

The bill passed, as amended.

HB 2272, AN ACT concerning gaming; amending K.S.A. 2013 Supp. 74-8734 and repealing the existing section.

On roll call, the vote was: Yeas 28; Nays 10; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, Shultz, Wagle, Wolf.

Nays: Apple, Holmes, Love, McGinn, Olson, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson

Present and Passing: Arpke, Francisco

The bill passed as amended.

S Sub HB 2298, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, III and IV; amending K.S.A. 2013 Supp. 65-4105, 65-4109 and 65-4111 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

Sub HB 2430, AN ACT concerning the promoting employment across Kansas act; amending K.S.A. 2013 Supp. 74-50,212, 74-50,213 and 74-50,219 and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Arpke, Fitzgerald, Pyle, Tyson.

Present and Passing: Francisco.

The substitute bill passed, as amended.

HB 2445, AN ACT concerning criminal procedure; relating to discovery; amending K.S.A. 22-3213 and K.S.A. 2013 Supp. 22-3212 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

S Sub HB 2448, AN ACT concerning crimes, punishment and criminal procedure; relating to interference with judicial process; Kansas racketeer influenced and corrupt

organization act; sentencing; probation and postrelease supervision; amending K.S.A. 2013 Supp. 21-5905, 21-6328, 21-6329, 21-6604, 21-6608 and 22-3716 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

HB 2463, AN ACT concerning terrorism and illegal use of weapons of mass destruction; relating to civil liability for acts of terrorism; furtherance of terrorism; asset seizure and forfeiture; amending K.S.A. 2013 Supp. 21-5423 and 60-4104 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 60-4104b.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2479, AN ACT concerning driving privileges; relating to suspension and restriction for test failure or alcohol or drug-related conviction; ignition interlock device; amending K.S.A. 2013 Supp. 8-1015 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: Yesterday a friend and constituent buried his 19 year old son who died because of a drunk driver on K10 in DeSoto. Peter and Cindy Zevenbergen lost their only son. I vote "Aye" on **HB 2479**. – STEVE FITZGERALD

Senator Pettey requests the record to show that she concurs with the "Explanation of Vote, offered by Senator Fitzgerald on **HB 2479**.

HB 2480, AN ACT repealing K.S.A. 66-1,197 and 66-2013; concerning the review of TeleKansas I.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau,

Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

S Sub HB 2482, AN ACT creating the energy efficiency investment act.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

HB 2487, AN ACT concerning the state corporation commission; concerning the powers and duties thereof; issuance of certificates of public convenience and necessity; amending K.S.A. 66-106 and K.S.A. 2013 Supp. 66-131 and repealing the existing sections.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

HB 2501, AN ACT concerning human trafficking and related crimes; relating to court records and reporting; fines; diversion; buying sexual relations; staff secure facility requirements; amending K.S.A. 2013 Supp. 12-4106, 12-4416, 21-6421, 21-6422, 22-2909, 22-4704 and 65-535 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2515, AN ACT concerning hospital liens; relating to notice and amount of claims; amending K.S.A. 65-407 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2533, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system act of 2015; interest credits on annuity savings and retirement annuity accounts; payment of annuity upon retirement; amending K.S.A. 2013 Supp. 74-49,306, 74-49,308 and 74-49,313 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed.

HB 2551, AN ACT concerning the department of health and environment; amending K.S.A. 2013 Supp. 75-5673 and repealing the existing section; also repealing K.S.A. 65-3480, 65-3481, 65-3482, 65-3484, 65-3485, 65-3486, 65-3487 and 65-3489 and K.S.A. 2013 Supp. 65-3483, 65-3488 and 65-3490.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2552, AN ACT concerning the Kansas medical assistance program; amending K.S.A. 2013 Supp. 39-709 and repealing the existing section.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Pettey.

The bill passed, as amended.

HB 2568, AN ACT concerning domestic relations; relating to the Kansas family law code; child support guidelines; amending K.S.A. 2013 Supp. 20-165, 23-2201, 23-2215, 23-2216, 23-2223, 23-2224, 23-2707, 23-3002, 23-3005 and 23-3203 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 23-2217, 23-2218 and 23-2225.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

S Sub HB 2588, AN ACT concerning children and minors; relating to the revised Kansas juvenile justice code; revised Kansas code for care of children; placement in juvenile detention facilities; permanent custodians; juvenile offenders; alternative adjudication; youth residential centers and services; risk assessment; sentencing; good time credits; amending K.S.A. 2013 Supp. 21-6607, 38-2268, 38-2360, 38-2369, 38-2370 and 38-2372 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

HB 2596, AN ACT concerning state officers and employees; relating to furloughs or reduction in compensation; the Kansas public employees retirement system and systems thereunder, excluding certain non-covered employees; computation of benefits; amending K.S.A. 74-49,115 and K.S.A. 2013 Supp. 74-4932 and repealing the existing sections.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt.

The bill passed, as amended.

HB 2602, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; increasing the percentage of unclassified employees allowed to be employed by the system; amending K.S.A. 2013 Supp. 74-4908 and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The bill passed, as amended.

HB 2636, AN ACT concerning the secretary of health and environment relating to air quality standards.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine,

Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Hawk, Holland.

The bill passed, as amended.

S Sub HB 2693, AN ACT concerning motor vehicles; relating to driver's licenses; commercial vehicles, skills test; examiners; amending K.S.A. 74-2015 and K.S.A. 2013 Supp. 8-2,133 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

Sub Sub HB 2721, AN ACT concerning business entities; relating to business formation and filing requirements; enacting the business entity standard treatment act; amending K.S.A. 17-6002, 17-7673, 17-7674 and 17-7677 and K.S.A. 2013 Supp. 17-6003 and 56a-1102 and repealing the existing sections; also repealing K.S.A. 17-6003a, 17-6201, 17-6202, 17-6203, 17-6205, 17-6206, 17-7303, 17-7306, 17-7402, 17-7664, 17-7665, 17-7666, 17-7676, 17-7683, 17-76,120, 17-76,121, 17-76,121a, 17-76,123, 17-76,124, 17-76,125, 17-76,142, 56-1a102, 56-1a103, 56-1a105, 56-1a108, 56-1a154, 56-1a155, 56-1a501, 56-1a502, 56-1a503, 56-1a505, 56-1a506, 56-1a511, 56a-1002, 56a-1101, 56a-1104 and 56a-1105 and K.S.A. 2013 Supp. 17-6204, 17-7301, 17-7678, 56-1a104, 56-1a504, 56a-1005 and 56a-1106.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

MESSAGES FROM THE GOVERNOR

SB 248, SB 284 approved on March 25, 2014.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 267, SB 268, SB 321, SB 272, SB 351, SB 372**.

Announcing passage of **SB 256**, as amended, **SB 263**, as amended, **SB 285**, as amended, **SB 286**, as amended, **SB 344**, as amended, **SB 357**, as amended.

The House concurs in Senate amendments to **S Sub HB 2023**.

The House concurs in Senate amendments to **HB 2488**.

The House concurs in Senate amendments to **HB 2576**.

The House concurs in Senate amendments to **HB 2047**, and requests return of the bill.

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2338**, and has appointed Representatives Rhoades, Kinzer and Henry as Second conferees on the part of the House.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator King the Senate nonconcurrred in the House amendments to **SB 311** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Ostmeyer the Senate nonconcurrred in the House amendments to **SB 349** and requested a conference committee be appointed.

The President appointed Senators Ostmeyer, Shultz and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Powell the Senate nonconcurrred in the House amendments to **H Sub SB 147** and requested a conference committee be appointed.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Donovan the Senate nonconcurrred in the House amendments to **H Sub SB 231** and requested a conference committee be appointed.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

On motion of Senator King the Senate nonconcurrred in the House amendments to **SB 256** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator King the Senate nonconcurrred in the House amendments to **SB 258** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Ostmeyer the Senate nonconcurrred in the House amendments to **SB 263** and requested a conference committee be appointed.

The President appointed Senators Ostmeyer, Shultz and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator King the Senate nonconcurrred in the House amendments to **SB 329** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Powell the Senate nonconcurrred in the House amendments to **SB 357** and requested a conference committee be appointed.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Love the Senate nonconcurrred in the House amendments to **SB 286** and requested a conference committee be appointed.

The President appointed Senators Love, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 344** and requested a conference committee be appointed.

The President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 447, SB 448** be passed.

Also, **Sub HB 2681** be amended on page 3, by striking all in lines 5 through 34:

On page 12, in line 34, by striking "their"; in line 35, after "dependents" by inserting "of such veterans";

On page 13, in line 9, after "(l) " by inserting "Appoint and oversee the deputy director of veterans services pursuant to K.S.A. 73-1234, and amendments thereto.

(m)";

Also on page 13, in line 37, by striking "and"; in line 38, after "home" by inserting "; and

(4) the deputy director of veterans services pursuant to K.S.A. 73-1234, and amendments thereto";

On page 24, in line 37, after "(a)" by inserting "(1)"; in line 42, after the period, by inserting:

"(2) ";

On page 25, in line 2, after "2006." by inserting:

"(3) ";

Also on page 25 in line 3, by striking "director of the"; in line 4, by striking "veterans claims assistance program" and inserting "deputy director of veterans services"; in line 5, after "act." by inserting "The deputy director of veterans services shall provide such services to assist the director of the Kansas commission on veterans affairs office for all veterans services, except for those services relating to the Kansas soldiers' home and the Kansas veterans' home.

(4) ";

On page 26, in line 7, by striking "director of the veterans claims assistance program" and inserting "deputy director of veterans services"; in line 9, by striking "director of the claims"; in line 10, by striking "assistance program"; and inserting "deputy director of veterans services"; in line 11, by striking "director of the claims"; in line 12, by striking "assistance program" and inserting "deputy director of veterans services"; in line 18, by striking "director of the veterans claims assistance program" and inserting "deputy director of veterans services";

On page 27, in line 38, by striking "veterans claims assistance" and inserting "VCAP"; in line 42, after "(b)" by inserting "(1)"; also in line 42, by striking "the following members" and inserting "at least seven members as follows"; in line 43, by striking "(1)" and inserting "(A)"; also in line 43, after "The" by inserting "deputy"; also in line 43, by striking "the veterans claims assistance program" and inserting "veterans services";

On page 28, in line 3, by striking "(2)" and inserting "(B)"; in line 5, after "The" by inserting "deputy"; also in line 5, by striking "the veterans claims assistance program" and inserting "veterans services"; in line 10 by striking "Each such"; by striking all in lines 11 through 13; in line 14, by striking "veterans service organization." and inserting:

"(C) ";

Also on page 28, also in line 14, by striking "one veteran as a"; in line 15, by striking

all before the period and inserting "two members of the advisory board who shall be veterans. With regard to members appointed by the governor, any veterans service organization may submit a list of three names for consideration by the governor in making the appointment. The governor shall consider each such list if timely submitted and may appoint from among those listed";

Also on page 28, in line 16, by striking "(3)" and inserting "(D)"; following line 20, by inserting:

"(2) If there are less than two veterans services organizations participating in the grant program under subsection (b)(1)(B), then the governor shall appoint the remaining members of the advisory board. Appointments under this paragraph shall not exceed two members.";

On page 29, in line 27, by striking "(1)" and inserting "(a)"; in line 30, by striking "(2)" and inserting "(b)";

On page 30, in line 6, after the first "the" by inserting "deputy"; in line 11, before "director" by inserting "deputy";

On page 31, in line 8, by striking "(1)" and inserting "(a)"; in line 10, by striking "(2)" and inserting "(b)";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking "a Kansas advisory committee"; in line 5, by striking "on veterans affairs" and inserting "the VCAP advisory board"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 423 reported correctly engrossed March 25, 2014.

REPORT ON ENROLLED BILLS

SB 278, SB 371 reported correctly enrolled, properly signed and presented to the Governor on March 25, 2014.

On motion of Senator Bruce, the Senate adjourned until 9:00 a.m., Wednesday, March 26, 2014.

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 26, 2014, 9:00 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with forty senators present.
Invocation by Senator Tom Arpke:

Dear Lord, every day you give us something. Every day of our lives we are given the opportunity to see your work in the world about us. Every day we see your grace in others, we hear your voice in the words of others; we feel your warmth in the touch of a friend. Help us this day as we do our respective jobs to look for you, and receive with joy the gift you are giving us. In your holy name. Amen.

The Pledge of Allegiance was led by Vice President Jeff King.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 450**.

Federal and State Affairs: **SB 449**.

CHANGE OF REFERENCE

The Vice President withdrew **S Sub HB 2065; S Sub HB 2182; Sub HB 2442; HB 2490, HB 2502, HB 2613** from the Calendar under the heading of General Orders, and referred the bill to the Committee on **Ways and Means**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1805—

A RESOLUTION designating March 30, 2014,
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 Senate of the State of Kansas: That March 30, 2014, 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 Secretary of the Senate shall send five enrolled copies of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1805** was adopted by voice vote.

Guests introduced were Ret. Col. Lynn Rolf, Gregg Burden, Wayne Bollig, Terry Bender, Kafer Peele, Mike Devlin, Senator Steve Fitzgerald and Ed Porubsky, Senate Doorman.

Senators honored the veterans with a standing ovation.

Senators Faust-Goudeau and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1806—

A RESOLUTION designating March 26, 2014, as Equity Day at the Capitol.

WHEREAS, The Kansas African American Affairs Commission (KAAAC) is an agency of the State of Kansas, established in 1997 by action of the legislature and

approved by the Governor and derives its authority from K.S.A. 74-9901 through 74-9906; and

WHEREAS, The Kansas African American Affairs Commission, a bi-partisan board of seven appointees representing four congressional districts along with their Executive Director and staff, serves as a conduit for legislation, policy, programs and research to address concerns of the African American community in the State of Kansas; and

WHEREAS, The duties and responsibilities of the KAAAC are to: Act as advisors to the Governor of Kansas; gather and disseminate information and conduct hearings, conferences and special studies on problems and programs concerning African Americans; coordinate, assist and cooperate with the efforts of the state departments and agencies to draft and implement legislation to serve the needs of African Americans, especially in the areas of culture, education, employment, health, housing, welfare and recreation; develop, coordinate and assist other public and private associations and organizations with understanding the problems of African Americans; develop, coordinate and assist other public and private associations and organizations to provide services to African Americans; propose new programs and legislation concerning African Americans; evaluate existing programs and proposed legislation concerning African Americans; stimulate public awareness of the concerns and problems of African Americans by conducting a program of public education; conduct training programs for community leadership and service project staff; accept contributions to assist in the effectuation of the KAAAC and seek and enlist the cooperation of private, charitable, religious, labor, civic and benevolent organizations; solicit, receive and expend federal funds and enter into contracts and agreements with any federal agency; and establish advisory committees on special projects; and

WHEREAS, In 2010, KAAAC developed an instrument, entitled the State of African Americans in Kansas, which was designed to measure equity and mobilize communities through the selection and use of included evidence-based practice solutions to work in concert with the KAAAC to improve Kansas. This instrument is now in its third year of development; and

WHEREAS, Findings in this report have allowed the Commission to mobilize equity advisory boards to work in concert with Commissioners in each district to design and develop initiatives targeting health and safe communities, schools and educational opportunity, economic opportunity and asset building, civic leadership and advocacy, and criminalization and social justice; and

WHEREAS, Last year's report found African Americans in Kansas earned a median income of \$31,959 and attained an average ACT score of 17.8. Caucasian Americans in Kansas earned a median income of \$50,458 and attained an average ACT score of 22.5. Only 49.3% of African Americans in Kansas registered to vote, compared to 70.4% of Caucasian Americans in Kansas. Yet only 32.3% of African Americans in Kansas actually vote, compared to 48.8% of Caucasian Americans; and

WHEREAS, African Americans in Kansas have an unemployment rate double that of the state average. 25.1% of African American adults live below the poverty line, compared to 10.6% of Caucasian American adults. 34% of African American children live below the poverty line, compared to 12.8% of Caucasian American children. African American mothers who are twenty years and older with 12 years of education have children with an infant mortality rate of 20.35%; and

WHEREAS, At all levels of contact with Corrections and Juvenile Justice, inequities

exist; initial contact, reason for arrest, length of sentence, severity of charge, discharge status, family home or state funded facility and length of time on probation; and

WHEREAS, The third Annual Equity Day at the Capitol is being held today to highlight the plan and research of the Commission, to celebrate the programming and work of the KAAAC district-wide Equity Advisory boards and to advocate for the reduction in inequity within the areas of criminalization and social justice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That members of the Kansas Black Legislative Caucus commend the Commission on the work that they do to improve the lives of African Americans residing in Kansas and the collaborative nature by which they seek to develop and continue improving the State of Kansas; and

Be it further resolved: That this legislative body appropriately pause to commend this august group of individuals for their work and hereby designate March 26, 2014, as Equity Day at the Kansas State Capitol 2014; and

Be it further resolved: That the Secretary of the Senate shall send one enrolled copy of this resolution to each of the following KAAAC Commissioners: Daphne Maxwell, District 1; Chairperson Chiquita Coggs and C. Patrick Woods, District 2; Tyron Garner, District 3; James Barfield, Sherdeill Breathett and James Elmore, District 4, who also serve as members of the District 4 Equity Advisory Board. The Secretary of the Senate shall also send one enrolled copy of this resolution to each of the following Equity Advisory Board Chairs: Dr. Hence Parson, District 1; Mrs. Yasmari Rodriguez, District 2; and Ms. Rosalyn Brown, of WYCO, and Mrs. Virginia Sewing Ret, of JOCO, District 3. The Secretary of the Senate shall also send one enrolled copy of this resolution to each member of the African American Council of Elders: Presiding Elder Francis Calloway, Tasleem Muqtasid, Vada Bowen, Janet Diggs, Wakeelah Martinez, Carla Jackson-Patton and Terrill Forest. The Secretary of the Senate shall also send one enrolled copy of this resolution to Dr. Mildred Edwards, Executive Director of the KAAAC; Andrea Scipio, KAAAC Equity Project Director; and Zetta Sims, President of the McAdams Golden Age Club.

On emergency motion of Senator Faust-Goudeau **SR 1806** was adopted by voice vote.

Guests introduced were Chiquita Coggs, James Barfield, Sherdeill Breathett, Tyrone Garner, Daphne Maxwell, Mildred Edwards, Andrea Scipio, Capri Tiner, Dr. Janet Haynes and Yasmari Rodriguez.

Senators honored the guests with a standing ovation.

Senators V. Schmidt, Hensley and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1807—

A RESOLUTION designating March 27, 2014, as Mars Chocolate North America Day in Kansas and commending and congratulating Mars Chocolate North America upon the special celebration of its Topeka, Kansas Grand Opening.

WHEREAS, Mars Chocolate North America, the nation's leading chocolate company, officially opened the doors of a new, state-of-the-art, roughly 500,000-square-foot facility in Topeka, Kansas – the first new Mars Chocolate North America site built in the last 35 years; and

WHEREAS, This new \$270 million facility, which will bring about 200 new jobs to Topeka, is one of the largest investments in Mars history; and

WHEREAS, For more than 100 years, Mars has been committed to making its products in the markets where it sells them, and this facility in Topeka is further proof of this commitment; and

WHEREAS, Mars, Incorporated, which was founded in 1911 by Frank C. Mars, was ranked an impressive 96th place in 2013 and 76th place in 2014 in Fortune Magazine's 100 Best Companies to Work For, due to the company's ongoing commitment to make Mars an inspiring place to work for its 75,000 associates employed at its sites around the world; and

WHEREAS, The Topeka Plant will produce over eight million Snickers Minis per day and 1.5 million M&M's fun size per day, which equates to 39 million individual M&M's chocolate candies per day; and

WHEREAS, Of their 10 Mars Chocolate North America factories, seven have produced no waste going to landfills, and the factory in Topeka will be the first North American factory to start out sending no waste to landfills. The factory is designed to achieve a U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) designation and the plant is pursuing onsite renewable energy; and

WHEREAS, Before and after the August 2011 groundbreaking, Mars Chocolate North America Topeka has worked closely with Topeka community members, stakeholders, dignitaries and elected officials from the city, state and federal level on the plant's development; and

WHEREAS, It is the policy of the Senate to pay tribute to a progressive company such as Mars, Incorporated, which operates under the five excellent principles of quality, responsibility, mutuality, efficiency and freedom which, in turn, not only benefits Topeka and its surrounding areas but this great state as a whole: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate March 27, 2014, as Mars Chocolate North America Day. We do hereby commend Mars Chocolate North America upon the special occasion of its Topeka plant Grand Opening and wish it success in all its future endeavors.

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator V. Schmidt.

On emergency motion of Senator V. Schmidt **SR 1807** was adopted by voice vote.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

MESSAGES FROM THE GOVERNOR

March 14, 2014

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Member, Public Employee Relations Board, John Bowes (R), Topeka, pursuant to the authority vested in me by the K.S.A. 75-4323 effective upon the date of confirmation by the Senate to serve a four year term, to expire March 15, 2018, to succeed himself.

Member, State Board of Indigent Defense Services, Andrew Wimmer (R), Overland Park, pursuant to the authority vested in me by the K.S.A. 22-4519 effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2017, to succeed himself.

Member, University of Kansas Hospital Authority; David Dillon (R), Cincinnati, pursuant to the authority vested in me by the K.S.A. 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2016, to succeed Robert Regnier.

March 20, 2014

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Member, State Civil Service Board, Carroll Macke (D), Kansas City, pursuant to the authority vested in me by the K.S.A. 75-2929(a) effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2018, to succeed himself.

March 24, 2014

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Commissioner, Kansas Corporation Commission, Patton Apple (R), Louisburg, pursuant to the authority vested in me by the K.S.A. 74-601 effective upon the date of confirmation by the senate, to serve a four year term, to expire March 15, 2018, to succeed Thomas Wright.

REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred by the President to the Committee as indicated:

Member, University of Kansas Hospital Authority:

David Dillon, to serve a four-year term, ends March 15, 2017.
(Confirmation Oversight)

Member, Kansas Public Employee Relations Board:

John Bowes, to serve a four-year term, ends March 15, 2018.
(Confirmation Oversight)

Member, State Board of Indigents Defense Services:

Andrew Wimmer, to serve a three-year term, ends January 15, 2017.
(Confirmation Oversight)

Member, State Civil Service Board:

Carroll Macke, to serve a four-year term, ends March 15, 2018.
(Confirmation Oversight)

Member, State Corporation Commission:

Patton Apple, to serve a four-year term, ends March 15, 2018.
(Confirmation Oversight)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2402, HB 2643, HB 2675, HB 2745, HB 2767.**

Announcing passage of **Sub HB 2661.**

Announcing passage of **SB 273**, as amended by **H Sub SB 273; SB 274**, as amended.

Announcing passage of **SB 54**, as amended, **SB 271**, as amended, **SB 367**, as amended.

Announcing passage of **SB 99, SB 254, SB 306, SB 309, SB 310, SB 359, SB 402, SB 424.**

Announcing adoption of **Sub SCR 1618.**

Announcing adoption of **SCR 1622.**

INTRODUCTION OF HOUSE BILLS

HB 2402, HB 2643; Sub HB 2661; HB 2675, HB 2745, HB 2767 were thereupon introduced and read by title.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2099**, requests a conference and has appointed Representatives Schwab, Hutton and Houston as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2312**, requests a conference and has appointed Representatives Schwab, Hutton and Houston as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2444**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2446**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2447**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2491**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2537**, requests a conference and has appointed Representatives Schwab, Hutton and Houston as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 147** and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 231** and has appointed Representatives Carlson, Edmonds and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 256** and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 258** and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 263** and has appointed Representatives Goico, Osterman and Meier as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 286** and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 311** and has appointed Representatives Kleebl, Suellentrop and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 329** and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 344** and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 349** and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 357** and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

Motion to concur with Senate amendments to **S Sub HB 2014** failed. Bill is killed.

ORIGINAL MOTION

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2099**.

The President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2312**.

The President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2444**.

The President appointed Senators King, Smith and Haley as conferees on the part of

the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **S Sub HB 2446**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2447**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2491**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2537**.

The President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **H Sub SB 273** and requested a conference committee be appointed.

The President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator Ostmeyer the Senate nonconcurrred in the House amendments to **SB 274** and requested a conference committee be appointed.

The President appointed Senators Holmes, O'Donnell and Faust-Goudeau as conferees on the part of the Senate.

REPORT ON ENGROSSED BILLS

SB 375 reported correctly engrossed March 26, 2014.

REPORT ON ENROLLED BILLS

SR 1800, SR 1801, SR 1802, SR 1803, SR 1804 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 26, 2014.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, March 31, 2014.

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 31, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Good and Gracious God, we begin a new day and a new week filled with potential and possibilities. For those who love baseball, today begins a new season of wonder, amazement and statistics. Let us greet this day with gladness knowing that our presence in it is your gift to us. Allow us to see the differences between us to be strengths and grant us the wisdom to listen. In your holy name we pray. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 451, AN ACT concerning gaming; amending K.S.A. 74-8836 and K.S.A. 2013 Supp. 74-8744, 74-8746, 74-8747 and 74-8751 and repealing the existing sections, by Committee on Ways and Means.

SB 452, AN ACT concerning school districts; relating to school finance; amending K.S.A. 72-6411, 72-6415 and 72-8809 and K.S.A. 2013 Supp. 72-3711, 72-3715, 72-6407, 72-6415b, 72-6433, 72-6433d, 72-6441 and 72-6455 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 72-3716 and 72-6454, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SB 452** to the Committee on **Ways and Means**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1808—

A RESOLUTION designating March 31, 2014,
as Congenital Diaphragmatic Hernia Awareness Day.

WHEREAS, Congenital Diaphragmatic Hernia (CDH) is a birth defect for which there is no known cause. It affects people of all races and socioeconomic backgrounds. CDH occurs in about one in 2,000 to one in 5,000 live births. A baby born with CDH

either has a diaphragm that is missing or is partially formed. A missing or partially formed diaphragm causes abdominal organs to migrate into the chest cavity, which then causes undeveloped lungs; and

WHEREAS, Approximately 20 Kansas families are affected by CDH each year. Typically, medical costs are \$500,000 to \$1,000,000 for each baby. Most NICU stays are six to 12 weeks in length and require multiple surgeries; and

WHEREAS, About half of all babies born with CDH require time on an extracorporeal membrane oxygenation (ECMO) machine. Kansas does not have an ECMO machine, so parents choose to have these babies born in another state, or babies with CDH are life-flighted to a hospital that has an ECMO machine; and

WHEREAS, More awareness about CDH will lead to more research, which leads to better outcomes for those children diagnosed with CDH: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate March 31, 2014, as Congenital Diaphragmatic Hernia Awareness Day, and recognize the importance of awareness and research of CDH; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator V. Schmidt.

On emergency motion of Senator V. Schmidt **SR 1808** was adopted by voice vote.

Guests introduced were Tera Linenberger, David Linenberger, Megan Skaggs, William Skaggs III, David Seep, Deborah Seep, Richard Augustine, Deanna Augustine, Katherine Melcher, Kevin Melcher, Kinley Melcher, Kolton Melcher and Amber Gardner.

Senators honored the guests with a standing ovation.

Senator Apple introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1809—

A RESOLUTION congratulating the Paola Panther Robotics team on its success at the Crossroads Regional FIRST Robotics competition.

WHEREAS, The FIRST Robotics competition is an international high school robotics competition organized by For Inspiration and Recognition of Science and Technology (FIRST). Each year, teams of high school students compete to build robots weighing 120 pounds that can complete a task, which changes every year. Teams are given a standard set of parts and are required to set a budget when building their robot, and the team has six weeks to build a competitive robot that can operate autonomously as well as when guided by wireless controls to accomplish the game's tasks; and

WHEREAS, FIRST was founded in 1989 by inventor and entrepreneur Dean Kamen, with inspiration and assistance from physicist and MIT professor emeritus Woodie Flowers; and

WHEREAS, There are 44 FIRST district competitions, 54 regional competitions and one championship event held each year; and

WHEREAS, FIRST Team 1108 was founded in 2003 at Paola High School and made an immediate impact on the robotics scene. The team won the Rookie All-Star Award during its first season at the championship event; and

WHEREAS, This season, the team traveled to Terre Haute, Indiana, and participated in the Crossroads Regional where it received four major awards. The team received its record-tying eighth Regional Chairman's Award, mentor Gregg Rupp was named as a

Woodie Flowers Award Finalist and team president Kate Sample was named as a Dean's List Finalist. Topping the weekend off for Panther Robotics, FIRST Team 1108 was captain of the winning alliance, its first regional win since its inception in 2003; and

WHEREAS, The Chairman's Award is the most prestigious award a team can win at a regional competition or at the championship, more so than even winning the competition itself. The Woodie Flowers Award is awarded to a mentor within a team who the team believes has made a large contribution and deserves to be recognized, with criteria based on how well the mentor inspires the students toward better communication and engineering. The Dean's List Award recognizes individual students for their technical knowledge, leadership skills and their ability to inspire their team toward FIRST's mission; and

WHEREAS, Members of Panther Robotics will compete at the championship competition on April 23-26 in St. Louis, Missouri. They will compete against other regional tournament and Chairman Award winners from across the country: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Paola Panther Robotics team on its success at the Crossroads Regional FIRST Robotics competition. The FIRST Robotics competition is a way to boost the science, technology, engineering and math fields at all levels of education, and the Paola Panther Robotics team exemplifies this mission. We wish them tremendous success at the championship competition; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Apple.

On emergency motion of Senator Apple **SR 1809** was adopted by voice vote.

Guests present were Ben Sexton, Katie Jones, Luke Larson, Kate Sample, Cassie Olender, Bill Sample, Julie Sample, Tyler Box, Bill Hauldren, Gregg Rupp, Dave Green, Bob Hrenchir, Lisa Larson, Lyle Larson and Kelly Seyler.

Senators honored the guests with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2615; HB 2717**.

The following non-exempt bills were stricken from the Calendar pursuant to House Rule 1507: **H Sub SB 19, H Sub SB 60; SB 255, SB 270, SB 288, SB 303, SB 348; H Sub SB 403**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2615; HB 2717 were thereupon introduced and read by title.

CHANGE OF REFERENCE

The President withdrew **S Sub HB 2065, S Sub HB 2182; Sub HB 2442; HB 2490, HB 2502, HB 2613** from the Committee on **Ways and Means**, and referred to the calendar under the heading of General Orders.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **S Sub HB 2146**.

The House concurs in Senate amendments to **HB 2152**.

The House concurs in Senate amendments to **S Sub HB 2378**.

The House concurs in Senate amendments to **Sub HB 2424**.

The House concurs in Senate amendments to **HB 2728**.

The House concurs in Senate amendments to **HB 2516**, and requests return of the bill.

The House nonconcurrs in Senate amendments to **HB 2057**, requests a conference and has appointed Representatives Carlson, Edmonds and Sawyer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2125**, requests a conference and has appointed Representatives Brunk, Hawkins and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2197**, requests a conference and has appointed Representatives Brunk, Couture-Lovelady and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2223**, requests a conference and has appointed Representatives Brunk, Couture-Lovelady and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2430**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2552**, requests a conference and has appointed Representatives Crum, Concannon and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2673**, requests a conference and has appointed Representatives Crum, Concannon and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub Sub HB 2721**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 273** and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 274** and has appointed Representatives Schwab, Huebert and Sawyer as conferees on the part of the House.

The House announced the appointment of Rep. Edmonds to replace Rep. Schwab as a conferee on **HB 2060**.

The House announced the appointment of Rep. Sawyer to replace Rep. Menghini as a conferee on **HB 2060**.

The House announced the appointment of Rep. Edmonds to replace Rep. Schwab as a conferee on **H Sub SB 84**.

The House announced the appointment of Rep. Sawyer to replace Rep. Menghini as a conferee on **H Sub SB 84**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Ostmeyer the Senate nonconcurred in the House amendments to **SB 54** and requested a conference committee be appointed.

The President appointed Senators Ostmeyer, Shultz and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator King the Senate nonconcurred in the House amendments to **SB 271** and requested a conference committee be appointed.

The President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Abrams the Senate nonconcurred in the House amendments to **SB 367** and requested a conference committee be appointed.

The President appointed Senators Abrams, Arpke and Kelly as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2057**.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2125**.

The President appointed Senators Ostmeyer, Shultz and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Abrams, the Senate acceded to the request of the House for a conference on **S Sub HB 2197**.

The President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **Sub HB 2223**.

The President appointed Senators Ostmeyer, Shultz and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **Sub HB 2430**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **HB 2552**.

The President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **HB 2673**.

The President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

On the motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **Sub Sub HB 2721**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

STRICKEN FROM THE CALENDAR

On motion of Senator Bruce, the following bills were stricken from the Calendar under the heading of General Orders: **SB 393; S Sub 2118; HB 2555, HB 2648**.

REPORTS OF STANDING COMMITTEES

Committee on **Confirmation Oversight** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Commissioner, State Corporation Commission: K.S.A. 74-601

Pat Apple, to fill a term expiring on March 15, 2018

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

David Dillon, to fill a term expiring on March 15, 2016

Member, Public Employee Relations Board: K.S.A. 75-4323

John Bowes, to fill a term expiring on March 15, 2018

Member, State Civil Service Board: K.S.A. 75-2929a

Carroll Macke, to fill a term expiring on March 15, 2018

Member, State Board of Indigent Defense Services: K.S.A. 22-4519

Andrew Wimmer, to fill a term expiring on January 15, 2017

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

REPORT ON ENROLLED BILLS

SB 308 reported correctly enrolled, properly signed and presented to the Governor on March 31, 2014.

SR 1805, SR 1806, SR 1807 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 31, 2014.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, April 1, 2014.

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, April 1, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Dear Lord, we know you must have a superb sense of humor and would somehow enjoy the crazy things that we, members of your creation, may do on this day of fools. From slapstick to standup, from knock-knock to poor puns and everything in-between help us, dear Lord, to laugh, to see the wonder in something that causes us to giggle and roar with a good hearty cackle. Humor is a gift that comes from you, oh Lord, as you know what we need. In your holy name. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2643, HB 2745.**

Commerce: **Sub HB 2615; HB 2675.**

Federal and State Affairs: **SB 451; HB 2767.**

Interstate Cooperation: **HB 2402.**

Public Health and Welfare: **HB 2717.**

Utilities: **Sub HB 2661.**

Ways and Means: **SB 452.**

MESSAGE FROM THE GOVERNOR

SB 278, SB 371 approved on March 31, 2014.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Masterson, Kerschen and Petersen introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1810—

A RESOLUTION congratulating Derby High School athletics
and extracurricular activities on their incredibly successful seasons.

WHEREAS, The Derby Panthers football team won the 2013 Kansas 6A State championship with a 28-21 victory over Shawnee Mission East High School on

November 30, 2013, in Topeka, Kansas; and

WHEREAS, This championship is the first state title the Derby High School football team has won since 1994; and

WHEREAS, The Panthers, led by Coach Brandon Clark, finished the 2013 football season with a remarkable record of 12-1; and

WHEREAS, The football team's extraordinary season includes many accomplishments, including ranking as the number one scoring offense in 6A with 615 points in 13 games, as well as the number one scoring defense during the season. The varsity starters only allowed eight touchdowns in 13 games. Additionally, 10 players received 6A All-State honors and 14 players were offered college football scholarships; and

WHEREAS, The Panthers have made it to the state semifinals in three of the last four years; and

WHEREAS, In 2013, the baseball and softball teams both were regional champions and placed fourth at the state tournament. The wrestling team was the regional runner-up and placed third at the state tournament. The boys' basketball team was named league champion and placed third at the state tournament. The boys' and girls' tennis teams were both regional runners-up; and

WHEREAS, In 2013, the boys' soccer team was the league champion, regional champion, quarterfinal champion and placed fourth at the state tournament. The marching band was named Grand Champion at the Neewollah Marching Band Competition. The Air Force Junior ROTC earned more top place finishes than ever before; and

WHEREAS, Derby High School athletics and extracurricular activities are off to a great start in 2014, with the boys' basketball team being named league champion for the third year in a row. The girls' bowling team has been named league champion. The boys' bowling team has been named league champion and state runner-up; and team member Noah Brooks was named state champion. The wrestling team was named regional champion and state runner-up; and team member Tanner Smith was named state champion. Finally, the scholars bowl team made it to the state tournament; and

WHEREAS, Derby High School students who participate in athletics and extracurricular activities work hard in school and for their team. The students' dedication to their teams is a point of pride for their families, school and the Derby community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Derby High School athletic teams and extracurricular activities on their outstanding seasons. We wish the students and their coaches continued success; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Masterson.

On emergency motion of Senator Masterson **SR 1810** was adopted by voice vote.

Guests introduced were Coach Brandon Clark, Tim Hamblin, Tanner Anderson, Cole Hansen, Luke Palmer and Caleb Arnold.

Senators honored the athletes with a standing ovation.

Senators Bowers and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1812—

A RESOLUTION designating April 7-13, 2014, as National Public Health Week in Kansas and supporting the American Public Health Association and the Kansas Public Health Association.

WHEREAS, The week of April 7-13 is National Public Health Week and the theme is "Public Health: Start Here"; 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 issues important to improving the public's health; and

WHEREAS, Seven in 10 deaths in the U.S. are related to preventable diseases such as obesity, diabetes, high blood pressure, heart disease and cancer; and

WHEREAS, One in two deaths in Kansas are related to preventable diseases such as diabetes, high blood pressure, heart disease and cancer; and

WHEREAS, Seventy-five percent of our nation's healthcare dollars are spent treating such diseases. However, only 3% of our health care dollars go toward prevention; and

WHEREAS, Nearly $\frac{1}{3}$ of all students in the United States do not graduate from high school on time. Students who do not graduate face lifelong health risks and high medical costs, and are more likely to engage in risky health behaviors. They are less likely to be employed and insured, and they earn less, all of which continues the cycle of poverty and disparity; and

WHEREAS, More than half of all cancer deaths could be prevented by making healthy choices such as; not smoking, staying at a healthy weight, eating right, keeping active and getting recommended screening tests; and

WHEREAS, Foodborne contaminants cause an average of 5,000 deaths, 325,000 hospitalizations, 76 million illnesses and cost billions of dollars annually. The five most common foodborne pathogens cost the U.S. economy more than \$44 billion each year in medical costs and lost productivity; and

WHEREAS, Strong public health systems are critical for sustaining and improving the health of all Kansas communities: Now, therefore,

Be it resolved by the Senate 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 7-13, 2014, 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, "Public Health: Start Here"; and

Be it further resolved: That the Secretary of the Senate shall send one enrolled copy of this resolution to the Kansas Department of Health and Environment and one enrolled copy to the University of Kansas Medical Center.

On emergency motion of Senator Bowers **SR 1812** was adopted by voice vote.

Guests introduced were Austin Rogers, Kate Hoppe, Jennifer Maciaszek, Olga Shakhnovich, Julia Soap, Justin Begave, Chuck Sepers, Dr. Kimathi Choma, Tanya Honderick and Bob Moser.

Senators honored the guests with a standing ovation.

Senator Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1813—

A RESOLUTION congratulating the Olathe Northwest High School Dance Team on winning its third consecutive national title.

WHEREAS, On March 9, 2014, the Olathe Northwest Raven Dance Team won the National Dance Association National Dance Team Championship held in Orlando, Florida, for the third year in a row. They scored an all-time record high of 9.442 points at the competition, where 200 of the most talented dance teams from around the country competed; and

WHEREAS, The Raven Dance Team also received technical excellence, superior showmanship and innovative choreography trophies for the winning routine. Their first place finish allowed them to advance to the international competition, where they competed against teams from Japan; and

WHEREAS, The Raven Dance Team is made up of 20 varsity members and 21 junior varsity members. These dedicated and talented young dancers strive to represent Olathe Northwest High School in a positive and spirited manner; and

WHEREAS, The varsity team, formed in the fall of 2005, is a three-time National Championship winner for their team performance, ranked third in the nation for their jazz routine and fifth internationally for their team performance; and

WHEREAS, Varsity team members perform at all home football games, numerous boys' and girls' basketball games, pep assemblies, the Old Settlers Day Parade, the Olathe North vs. Olathe Northwest boys' soccer game, as well as occasional special guest appearances; and

WHEREAS, During the school year, the varsity team practices five days a week, up to two hours per day, to prepare for games and other performances. During football season, the team doubles as a color guard, performing at halftime with the band. In addition to being recognized for their tremendous dance ability, they have also received top scores and won awards for their work as an auxiliary unit. Varsity members also dance on the sidelines during football games, performing short routines choreographed by the team officers. The team dances are choreographed by Head Coach Shannon Summers; and

WHEREAS, Each January, the varsity team competes in two regional competitions against other midwest high school dance teams in various categories, including jazz, hip hop, team performance, lyrical, novelty and pom. The National Competition is held in March, where the team competes against high schools from all over the United States; and

WHEREAS, Members of the varsity team include Team Captain Lexi Kaminsky, Brooke Allen, Hailey Bartels, Anna Brogden, Alyssa Cooper, Marissa Fields, Callie Fisher, Kate Gardner, Sarah Glass, Madison Hartquist, Brittney Hugunin, Natalie Hunt, Caitlin Meyer, Rachel Midyett, Alyssa Monson, Adrianna Morse, Erin O'Brien, Mallory Pittman, Lily Riederer and Jordan Rose; and

WHEREAS, The Raven Dance junior varsity team is the newest addition to the Raven Dance Team, which was formed in 2010. This award-winning team is currently ranked first regionally in hip hop, jazz and pom. These team members perform special guest routines at home football games, boys' and girls' home basketball games, pep assemblies and the Old Settlers Day Parade. During the school year, the team practices

four days per week and approximately one to two hours per day. The junior varsity team also competes in two regional competitions each January; and

WHEREAS, In order to prepare for their regional and national competitions, the teams sacrifice some of their winter break and weekends for extra practice time. The team members work hard each year in order to maintain their tradition of success: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Olathe Northwest Raven Dance Team on winning its third consecutive national title, and we wish them continued tremendous success in the future; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1813** was adopted by voice vote.

Guests introduced were Brooke Allen, Hailey Bartels, Anna Brogden, Alyssa Cooper, Marissa Fields, Callie Fisher, Kate Gardner, Sarah Glass, Madison Hartquist, Brittney Hugunin, Natalie Hunt, Lexi Kaminsky, Caitlin Meyer, Rachel Midyett, Alyssa Monson, Adrianna Morse, Erin O'Brien, Mallory Pittman, Lily Riederer, Jordan Rose and Coach Shannon Summers.

Senators honored the dance team with a standing ovation.

Senators Love, Apple, Bruce, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, LaTurner, Longbine, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Pettet, V. Schmidt, Wagle and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1814—

A RESOLUTION designating April 2014 as Parkinson's Disease Awareness Month.

WHEREAS, Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease; and

WHEREAS, It is estimated that the disease affects over one million people in the United States, including thousands of Kansans; and

WHEREAS, Although research suggests that the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown; and

WHEREAS, There is no objective test for Parkinson's disease and the rate of misdiagnosis can be high; and

WHEREAS, Symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems and sleep disruptions; and

WHEREAS, Medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects; and

WHEREAS, Ultimately the medications and treatments lose their effectiveness, generally after four to eight years, leaving the person unable to move, speak or swallow; and

WHEREAS, There is no cure, therapy or drug to slow or halt the progression of Parkinson's disease; and

WHEREAS, Continued education and research are needed to help find a more effective treatment or cure for Parkinson's disease; and

WHEREAS, The University of Kansas Medical Center's Parkinson's Disease Center is designated as a National Parkinson Foundation Center of Excellence. Support groups and organizations such as the National Parkinson Foundation Heartland; patients including Rob Peppers, J. Basil Dannebohm and Lisa Reser; and advocates including Dr. Catherine Strecker, Ph.D., Dr. Rajesh Pahwa, Mark Mingenback and others work to promote Parkinson's disease awareness, education and patient support: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate April 2014 as Parkinson's Disease Awareness Month; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Love.

On emergency motion of Senator Love **SR 1814** was adopted by voice vote.

Guests introduced were Lisa Reser, Lloyd Kurtz, Basil Dannebohm, Sharon Schartz, Taylor Schartz, Linda Borrer, Gayle Christy, Catherine Strecker and Rev. Pascal Klein.

Senators honored the guests with a standing ovation.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Longbine in the chair.

On motion of Senator Longbine the following report was adopted:

SB 447, SB 448; HB 2724 be passed.

A motion by Senator Pettey to amend **SB 447** failed and the following amendment was rejected: on page 26, in line 32, by striking all after "(3)"; by striking all in line 33; in line 34, by striking "(4)"; in line 36, by striking "(5)" and inserting "(4)"; in line 39, after "to" by inserting ":

(1) ";

Also on page 26, in line 41, after "blind" by inserting:

":

(2) any state or municipal building operated as a public library;

(3) any state or municipal building operated as a community center; or

(4) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto";

On page 27, in line 9, after "(2)" by inserting " "Community center" means a building used by members of a community for social, cultural, educational and recreational activities.

(3) ";

And by redesignating paragraphs accordingly

A motion by Senator Francisco to amend **SB 448** failed and the following amendment was rejected: on page 1, in line 7, by striking "Sec." and inserting "Section";

On page 12, by striking all in line 43;

On page 13, by striking all in lines 1 through 10; in line 11, by striking "(m)" and inserting "(l)"

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

On roll call, the vote was: Yeas 10; Nays 30; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle.

Sub HB 2681 be amended by the adoption of the committee amendments, and the bill be passed as amended.

HB 2668 be amended by motion of Senator Olson: on page 5, in line 4, by striking all after the period; by striking all in line 5 and **HB 2668** be passed as further amended.

SB 412 be passed over and retain a place on the calendar.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **Sub HB 2002**.

The House concurs in Senate amendments to **HB 2463**.

The House concurs in Senate amendments to **HB 2602**.

The House accedes to the request of the Senate for a conference on **SB 54** and has appointed Representatives Brunk, Couture-Lovelady and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 271** and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 367** and has appointed Representatives Kelley, Cassidy and Trimmer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2298**, requests a conference and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2433**, requests a conference and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2436**, requests a conference and has appointed Representatives Sloan, Swanson and Bridges as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2448**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2451**, requests a conference and has appointed Representatives Proehl, Ryckman Jr. and Perry as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2452**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2479**, requests a conference and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2515**, requests a conference and has appointed Representatives Schwab, Hutton and Houston as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2551**, requests a conference and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2568**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2578**, requests a conference and has appointed Representatives Brunk, Couture-Lovelady and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2596**, requests a conference and has appointed Representatives Johnson, Howell and Trimmer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2693**, requests a conference and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

Announcing the appointment of Rep. Menghini to replace Rep. Ruiz as a conferee on **HB 2125**.

Announcing the appointment of Rep. DeGraaf to replace Rep. Schwab as a conferee on **HB 2312**.

Announcing the appointment of Rep. Kelly to replace Rep. Hutton as a conferee on **HB 2312**.

Announcing the appointment of Rep. Frownfelter to replace Rep. Houston as a conferee on **HB 2312**.

Announcing the appointment of Rep. Brunk to replace Rep. Proehl as a conferee on **SB 349**.

Announcing the appointment of Rep. Couture-Lovelady to replace Rep. Ryckman, Sr. as a conferee on **SB 349**.

Announcing the appointment of Rep. Ruiz to replace Rep. Perry as a conferee on **SB 349**.

ORIGINAL MOTION

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub HB 2298**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **HB 2433**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **Sub HB 2436**.

The Vice President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub HB 2448**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **Sub HB 2451**.

The Vice President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **Sub HB 2452**.

The Vice President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **HB 2479**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **HB 2515**.

The Vice President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **HB 2551**.

The Vice President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **HB 2568**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **HB 2578**.

The Vice President appointed Senators Ostmeyer, Shultz and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **HB 2596**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **S Sub HB 2693**.

The Vice President appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Donovan as a member of the Conference Committee on **HB 2060** to replace Senator Bruce.

On motion of Senator Bruce, the Senate recessed to the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **S Sub HB 2588**, requests a conference and has appointed Representatives Rubin, Gonzalez and Pauls as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 413, SB 431; HB 2553** be passed.

REPORT ON ENROLLED BILLS

SB 267, SB 268, SB 272, SB 321, SB 351, SB 372 reported correctly enrolled, properly signed and presented to the Governor on April 1, 2014.

SR 1808, SR 1809 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 1, 2014.

On motion of Senator Wagle, the Senate adjourned until 10:00 a.m., Wednesday, April 2, 2014.

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 2, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with forty senators present.

Invocation by Father Don Davidson:

Dear Lord, we come to you this day in grateful thanksgiving for the work of many in this chamber who most folks may see but never know. We thank you for the secretaries, clerks, readers, typists and those who have figured out how all of the paper gets in the right files. We thank you for the skill of the technicians who understand the technology and those able to translate one computer language to another. There are a bunch of folks that make it possible for the 40 members of this chamber to get the work, the work of the people, done. Today we thank those who may not be known, but truly are appreciated. In your holy name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

The following remarks, by Senator Garrett Love, are offered on **SR 1814** which was adopted April 1, 2014:

Madam President. The U.S. Senate designated April as Parkinson's Awareness Month for the first time on March 26th, 2010 when **SB 474** was passed by unanimous consent. Today we join with our nation and other states in showing our support of those who suffer from Parkinson's Disease. Committed to a cure, we stand with patients, family members, friends, advocates and caregivers. As stated in the resolution, as many as 1 million Americans have the disease including thousands of Kansans. There is no cure for the disease and while research continues to advance, today's best Parkinson's drug was discovered in 1967. So as we recognize April as Parkinson's Awareness Month, we are mindful of those who struggle and pledge our support and encouragement to them in their fight against this terrible disease.

Joining me on the floor today are: Lisa Reser from Ellinwood, Kansas. Mrs. Reser is a fifth grade teacher suffering from Parkinson's Disease. Though she faces the daily challenges of living with the disease, Lisa has been committed to the well-being of Kansas children for more than 25 years. As a matter of fact, one of those children is an adult now and the next individual I have the pleasure of introducing: J. Basil Dannebohm is also from Ellinwood. After living in California, he chose to return to his home state and utilize his professional talents for the service of rural Kansas

communities. While he lives each day with Young Onset Parkinson's Disease, he remains committed to serving Kansas. These two are supported today on the floor by Gayle Christy, a supporter of the cause. In our gallery, they are supported by several colleagues and friends who recognize their hard work.

Sadly we don't hear enough about Parkinson's Disease and all too often associate this illness with the elderly. Ladies and gentlemen, these two are also the face of Parkinson's – it doesn't discriminate by age. It is my hope that we can take time this month to learn more about the disease, its devastating affects on the patients and their loved ones and commit ourselves to supporting their work and hoping for a cure.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 453, AN ACT concerning education funding; relating to mineral production; creating the mineral production education fund; abolishing the oil and gas valuation depletion trust fund; concerning local effort; making and concerning appropriations for fiscal year 2017; amending K.S.A. 2013 Supp. 19-101a, 72-6410, 72-6431 and 79-4227 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 19-271 and 79-4231, by Committee on Ways and Means.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Petersen introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1815—

A RESOLUTION congratulating the Wichita South High School Women's basketball team on its second consecutive class 6A state championship.

WHEREAS, The Wichita South High School women's basketball team won the class 6A state title for the second year in a row, winning the title in 2013 and 2014; and

WHEREAS, The Wichita South High School women's basketball team defeated Maize High School with a score of 47-35; and

WHEREAS, The team has an impressive 24-1 record for this season and a remarkable 48-2 record in the past two seasons; and

WHEREAS, Members of this year's Wichita South High School women's basketball team include Kendrian Elliott, Rachala Ross, Eledria Franklin, Mauri Scales, Ericka Mattingly, Princess Alcaraz, Kyla Collins, Kirea Rogers, Patriece Dodson, Madison Northcutt, Sydni James, Alexis Beard and Kaela Whitfield. The team managers were Ogechi Odunze and Kayla Graf; and

WHEREAS, The team's coach, Antwain Scales, along with assistant coaches Heidi Dreiling and Wayne Riddle, worked diligently with this year's team to maintain their successful record, ultimately leading them to the 2014 class 6A state championship: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Wichita South High School women's basketball team on its class 6A state championship. These young women have worked hard over the past two seasons and this second consecutive state title is a testament to that hard work; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Petersen.

On emergency motion of Senator Petersen **SR 1815** was adopted by voice vote. Senators honored the team and coaches with a standing ovation.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1816—

A RESOLUTION congratulating the Marais des Cygnes Valley High School boys' basketball team for winning its class 1A-D1 state championship.

WHEREAS, The Marais des Cygnes Valley High School Trojans boys' basketball team won the class 1A-D1 state title for 2014; and

WHEREAS, This championship marks the Trojans' first trip to the state championship game in 15 years and the first title win for the team in the school's history; and

WHEREAS, The boys' basketball team had an impressive 26-0 record for the 2013-2014 season and a remarkable 46-2 record over the past two seasons. The team has numerous other achievements, including being named the Yates Center Tournament champion two years in a row, the undefeated Lyon County League champion two years in a row and the Lyon County League Tournament champion two years in a row; and

WHEREAS, Members of this year's Marais des Cygnes Valley High School varsity boys' basketball team include seniors Caleb Dickey, Trey Irey, Wyatt Jordan, Brett Schimmel, Matt Jones, Mark Price and Kaden Vanderpool, who has accepted an offer to play basketball for Hesston Community College; junior Zave Goodrich; and sophomore Cody Patterson; and

WHEREAS, Matt Jones and Mark Price were named to the class 1A first team all-state and Kaden Vanderpool received an honorable mention. Additionally, Matt Jones has been selected to play in the KSHSAA All-Star game; and

WHEREAS, Members of this year's Marais des Cygnes Valley High School junior varsity boys' basketball team include sophomores Corey Allen, Eric Marshall, Chase Allen, Michael Penland, Christian Cannon, Josh Sowers and Marquise Mitchell and freshman Curtis Sowers; and

WHEREAS, The team's coach, Tim Latham, along with assistant coach Donald Dyke, worked diligently with this year's team and ultimately led the team to the 2014 class 1A-D1 state championship: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Marais des Cygnes Valley High School boys' basketball team on its class 1A-D1 state championship. These young men have worked hard over the past two seasons and this state title is a testament to that hard work. The Trojans' success is a point of pride for the Melvern, Quenemo and Olivet communities; and

Be it further resolved: That the Secretary of the Senate shall send 16 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1816** was adopted by voice vote. Senators honored the team and coaches with a standing ovation.

Senators Francisco and Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1817—

A RESOLUTION congratulating Innocent Anavberokhai,
the 2014 Kansas Youth of the Year for the Boys & Girls Clubs of America.

WHEREAS, The Boys & Girls Clubs of America (BGCA) named Innocent Anavberokhai 2014 Kansas Youth of the Year; and

WHEREAS, Innocent will compete against other state Youth of the Year winners in the southwest regional competition to become a spokesperson for BGCA; and

WHEREAS, The honor recognizes youth who have overcome odds and demonstrated exceptional character and accomplishments; and

WHEREAS, Founded in 1947, the Youth of the Year program recognizes outstanding young people for service to their Club and community, academic performance and contributions to their family; and

WHEREAS, Innocent overcame significant obstacles in life and represents many Kansas young people whose lives begin to transform the day they enter a Boys & Girls Club; and

WHEREAS, Innocent is a senior at Free State High School in Lawrence, where he plays varsity basketball, is a member of the Fellowship of Christian Athletes and is a board member of his school's mentoring club. Innocent serves as a group leader at one of the Club's elementary school sites; has mentored 4th and 5th grade students at the Club; and choreographed a dance routine for his kindergarten group to perform for their talent show. Innocent also volunteers at a daycare and at United Way; and

WHEREAS, For more than 100 years, BGCA has enabled young people most in need to achieve great futures as productive, caring and responsible citizens, which Innocent embodies as the Kansas Youth of the Year winner; and

WHEREAS, Club programs promote academic success, good character, citizenship and healthy lifestyles, all of which Innocent exemplifies in order to achieve this honor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Innocent Anavberokhai for being named the 2014 Kansas Youth of the Year for the Boys & Girls Clubs of America. He is a role model for all Kansas youth and we thank him for giving back to his community; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Francisco.

On emergency motion of Senator Francisco **SR 1817** was adopted by voice vote.

Colby Wilson, Executive Director of the Boys and Girls Club of Lawrence was also introduced.

Senators acknowledged Innocent Anavberokhai and Colby Wilson with a standing ovation.

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1818—

A RESOLUTION congratulating the Norton Community High School wrestling team on winning the 2014 Class 3-2-1A State Wrestling Championship.

WHEREAS, The Norton Community High School wrestling team won the 2014 Kansas State High School Activities Association Class 3-2-1A State Wrestling

Championship held at Gross Memorial Coliseum in Hays. Norton scored 127 points, outscoring runner-up Rossville by 46 points; and

WHEREAS, The 2014 Norton wrestlers added another chapter to their school's history of success in wrestling, as this is Norton's second consecutive championship win and fourth state championship in the last five years; and

WHEREAS, State medalists were:

113 pounds – Branson Addington, first

138 pounds – Alec Hager, second

106 pounds – Skylar Johnson, third

145 pounds – Jared Tallent, third

220 pounds – Jacob Green, third

132 pounds – Toby Nickell, sixth

195 pounds – Kolton Harting, sixth

Also competing at the state tournament were sophomore Michael Kasson (1-2) at 152 pounds, junior Kendall Miller (2-2) at 160 pounds and senior Cole Renner (2-2) at 170 pounds; and

WHEREAS, The head coach was Bill Johnson and his assistant coaches were Doug Ray, Shane Miller and Tony Fiscus. Team managers were Lindsay Addington, Jordyn Gosselin and Austin Hager; and

WHEREAS, For Bill Johnson, this was his seventh team championship as head coach for Norton. Prior to the state championship, Coach Johnson was recognized as the National High School Wrestling Coach of the Year; and

WHEREAS, The team had the enthusiastic support of the school's administrators, the faculty, the students, the wrestlers' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Norton Community High School wrestling team and Coach Johnson be congratulated for winning the 2014 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship, and we extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1818** was adopted by voice vote.

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1819—

A RESOLUTION congratulating the Hoxie High School women's basketball team on its class 1A state championship.

WHEREAS, The Hoxie High School women's basketball team won the 2014 Kansas State High School Activities Association class 1A state championship with a victory over Valley Heights High School; and

WHEREAS, This is the Hoxie High School women's basketball team's third consecutive class 1A state championship title. Last year, Hoxie defeated the Olpe High School women's basketball team. For the second season in a row, the Hoxie team had a remarkable 26-0 record for the season; and

WHEREAS, The Hoxie Indians caught fire as soon as they hit the floor. Hoxie led the first half with a score of 29-23. Knowing the Valley Heights Mustangs were not

going to back down easily, the Indians came out strong in the second half and continued their fight for the gold. The score was 71-51 when the final buzzer of the season sounded; and

WHEREAS, Shelly Hoyt is the head basketball coach for the Hoxie High women's basketball team. When asked about her team's win she said, "I watched an amazing group of young ladies just dominate a state championship game against a very solid team." Coach Hoyt is assisted by Marlin Beougher; and

WHEREAS, The members of the 2014 Hoxie High School women's basketball team were Natasha Allmer, Kristina Farber, Gabriel Spresser, Kelsey Kelch, Carly Heim, Alexis Schamberger, Terran Hoyt, Scout Washington, Kelsey Geerdes, Erin Carter, Brynn Niblock and Nicole Heim. The team managers were Lilly Schamberger, Rebekah Castle and Brooke Dorenkamp: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Hoxie High School women's basketball team on its third consecutive state championship title. These young women have worked hard throughout the season, and these state titles are testaments to that hard work; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1819** was adopted by voice vote.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Donovan as a member of the Conference Committee on **H Sub SB 84** to replace Senator Bruce.

The President announced the appointment of Senator Longbine as a member of the Conference Committee on **HB 2596** to replace Senator Smith.

The President announced the appointment of Senator Hensley as a member of the Conference Committee on **HB 2596** to replace Senator Haley.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 447, AN ACT concerning weapons; relating to the regulation and possession of firearms and knives; amending K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 22-2512, 32-1047, 75-7c04 and 75-7c20 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6307 and 75-7c12, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 2; Present and Passing 4; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Hensley, Holmes, Kelly, Kersch, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Pettey.

Present and Passing: Francisco, Hawk, Holland, Wolf.

The bill passed.

EXPLANATION OF VOTE

Madam President: This legislation exempts local control of municipalities to regulate a safe working environment for their community. This bill now mandates that carrying a

lethal weapon into the work environment is more important than the safety of our citizens. Legal weapons do not need to be in the workplace, in our libraries or community centers. I vote "No" on **SB 447**. – PAT PETTEY

Senator Faust-Goudeau requests the record to show that she concurs with the "Explanation of Vote" offered by Senator Pettey on **SB 447**.

SB 448, AN ACT concerning abortion; relating to medical emergencies; relating to the woman's-right-to-know act; amending K.S.A. 65-6704 and K.S.A. 2013 Supp. 65-4a01, 65-4a07, 65-6701, 65-6705, 65-6709, 65-6723 and 76-3308 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Hawk, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Pettey.

The bill passed.

HB 2668, AN ACT concerning health care predetermination requests relating to health insurance benefits coverage, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Pyle, Tyson.

The bill passed, as amended.

Sub HB 2681, AN ACT concerning veterans; abolishing the Kansas commission on veterans affairs; creating the Kansas commission on veterans affairs office within the executive branch of government; transferring certain powers, duties and functions; providing the VCAP advisory board; amending K.S.A. 73-209, 73-210, 73-1211, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-1229, 73-1230, 73-1231, 73-1232, 76-1904, 76-1904a, 76-1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-1936, 76-1941, 76-1951, 76-1952, 76-1954, 76-1955, 76-1956, 76-1957 and 76-1958; K.S.A. 2012 Supp. 74-2012, as amended by section 3 of chapter 74 of the 2013 Session Laws of Kansas and K.S.A. 2013 Supp. 39-923, 65-1732, 65-2418, 73-1209, 73-1210a, 73-1217, 73-1218, 73-1233, 73-1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-1243, 75-3370, 75-4362, 76-6b05, 76-1906, 76-1939, 76-1953 and 79-3221k and repealing the existing sections; also repealing K.S.A. 73-1207, 73-1208b, 73-1208c and 73-1220 and K.S.A. 2013 Supp. 73-1208a and 73-1219, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King,

Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2724, AN ACT concerning the uniform commercial driver's license act; definitions, tank vehicle; amending K.S.A. 2013 Supp. 8-2,128 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2419**.

The House concurs in Senate amendments to **HB 2420**.

The House concurs in Senate amendments to **HB 2444**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2491**, and requests return of the bill.

The House nonconcurrs in Senate amendments to **HB 2086**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2246**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2272**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2580**, requests a conference and has appointed Representatives Goico, Osterman and Meier as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2616**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2655**, requests a conference and has appointed Representatives Goico, Osterman and Meier as conferees on the part of the House.

The House announced the appointment of Rep. Crum to replace Rep. Schwab as a conferee on **HB 2515**.

The House announced the appointment of Rep. Concannon to replace Rep. Hutton as a conferee on **HB 2515**.

The House announced the appointment of Rep. Ward to replace Rep. Houston as a conferee on **HB 2515**.

ORIGINAL MOTION

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub HB 2588**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub HB 2588**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2086**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **Sub HB 2246**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2272**.

The President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2580**.

The President appointed Senators Ostmeyer, Shultz and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **S Sub HB 2616**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub HB 2655**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2643**, as amended by House Committee of the Whole, (Corrected), be passed.

Committee on **Ways and Means** recommends Substitute for **HB 2231**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL No. 2231," as follows:

"Senate Substitute for Substitute for HOUSE BILL No. 2231

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, 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. 2013

Supp. 74-99b34, 79-34, 156, 79-4227 and 79-4804 and repealing the existing sections."; And the substitute bill be passed.

Also, **HB 2506** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2506," as follows:

"Senate Substitute for HOUSE BILL No. 2506

By Committee on Ways and Means

"AN ACT concerning education; relating to postsecondary education; enacting the SUCCESS act; creating the Johnson county community college go pro now program; relating to real property of certain state universities; relating to school districts; relating to the provision for school finance; relating to teacher licensure; enacting the education fairness property tax relief act; creating the K-12 school finance study commission; making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, and June 30, 2016, for certain state agencies; amending K.S.A. 71-204, 71-617, 72-6411, 72-6415 and 72-8809 and K.S.A. 2013 Supp. 72-3712, 72-3714, 72-3715, 72-3716, 72-6407, 72-6415b, 72-6433, 72-6433d, 72-6441, 72-6455 and 72-6460 and repealing the existing sections; also repealing K.S.A. 72-60b03 and K.S.A. 2013 Supp. 72-6454.";

And the substitute bill be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Smith in the chair.

On motion of Senator Smith the following report was adopted:

Sub HB 2442; HB 2744 be passed.

Senator Haley offered an amendment on **Sub HB 2442**; a ruling of the Chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was not germane. The motion was withdrawn.

SB 410 be amended by adoption of the committee amendments, and the bill be passed as amended.

HB 2490 be amended by adoption of the committee amendments, be further amended by motion of Senator Smith: on page 1, following line 4, by inserting:

"WHEREAS, The provisions of K.S.A. 2013 Supp. 21-2511, and amendments thereto, shall be known and may be cited as Katie's Law: Now, therefore," and **HB 2490** be passed as further amended.

The committee report on **HB 2065** recommending a **S Sub HB 2065** be adopted, be amended by motion of Senator King, on page 1, by striking all in lines 7 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 33 and by inserting:

"Section 1. K.S.A. 2013 Supp. 20-302b is hereby amended to read as follows: 20-302b. (a) Subject to assignment pursuant to K.S.A. 20-329, and amendments thereto, a district magistrate judge shall have the jurisdiction and power, in any case in which a violation of the laws of the state is charged, to conduct the trial of traffic infractions, cigarette or tobacco infractions or misdemeanor charges, to conduct felony first appearance hearings and the preliminary examination of felony charges and to hear misdemeanor or felony arraignments ~~subject to assignment pursuant to K.S.A. 20-329,~~

~~and amendments thereto. Except as otherwise provided, in civil cases, a district magistrate judge shall have jurisdiction over actions filed under the code of civil procedure for limited actions, K.S.A. 61-2801 et seq., and amendments thereto, and concurrent jurisdiction, powers and duties with a district judge. Except as otherwise specifically provided in this subsection and subsection (b), in all other civil cases, a district magistrate judge shall not have jurisdiction or cognizance over the following actions:~~

~~(1) Any action, other than an action seeking judgment for an unsecured debt not sounding in tort and arising out of a contract for the provision of goods, services or money, in which the amount in controversy, exclusive of interests and costs, exceeds \$10,000. The provisions of this subsection shall not apply to actions filed under the code of civil procedure for limited actions, K.S.A. 61-2801 et seq., and amendments thereto. In actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code or to issue support orders as provided by paragraph (6) of this subsection;~~

~~(2) actions against any officers of the state, or any subdivisions thereof, for misconduct in office;~~

~~(3) actions for specific performance of contracts for real estate;~~

~~(4) actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to be established. Nothing in this paragraph shall be construed as limiting the right to bring an action for forcible detainer as provided in the acts contained in K.S.A. 61-3801 through 61-3808, and amendments thereto. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;~~

~~(5) actions to foreclose real estate mortgages or to establish and foreclose liens on real estate as provided in the acts contained in article 11 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto;~~

~~(6) actions for divorce, separate maintenance or custody of minor children. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to: (A) Except as provided in subsection (c), hear any action pursuant to the Kansas code for care of children or the revised Kansas juvenile justice code; (B) establish, modify or enforce orders of support, including, but not limited to, orders of support pursuant to the Kansas parentage act, K.S.A. 2013 Supp. 23-2201 et seq., and amendments thereto, the uniform interstate family support act, K.S.A. 2013 Supp. 23-36,101 et seq., and amendments thereto, articles 29 or 30 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 39-718b or 39-755 or K.S.A. 2013 Supp. 23-3101 through 23-3113, 38-2338, 38-2339 or 38-2350, and amendments thereto; or (C) enforce orders granting visitation rights or parenting time;~~

~~(7) habeas corpus;~~

~~(8) receiverships;~~

~~(9) change of name;~~

~~(10) declaratory judgments;~~

~~(11) mandamus and quo warranto;~~

~~(12) injunctions;~~

~~(13) class actions;~~

(14) rights of majority; and

~~(15) actions pursuant to K.S.A. 59-29a01 et seq., and amendments thereto have jurisdiction over any civil action not filed under the code of civil procedure for limited actions only with the consent of the parties. A district magistrate judge shall have jurisdiction over uncontested actions for divorce.~~

(b) Notwithstanding the provisions of subsection (a), in the absence, disability or disqualification of a district judge, a district magistrate judge may:

(1) Grant a restraining order, as provided in K.S.A. 60-902, and amendments thereto;

(2) appoint a receiver, as provided in K.S.A. 60-1301, and amendments thereto; and

(3) make any order authorized by K.S.A. 23-2707, and amendments thereto.

(c)(1) All actions or proceedings before a district magistrate judge regularly admitted to practice law in Kansas shall be on the record if such actions or proceedings would be on the record before a district judge.

(2) In accordance with the limitations and procedures prescribed by law, and subject to any rules of the supreme court relating thereto, any appeal permitted to be taken from an order or final decision of a district magistrate judge: (A) Who is not regularly admitted to practice law in Kansas shall be tried and determined de novo by a district judge, except that in civil cases where a record was made of the action or proceeding before the district magistrate judge, the appeal shall be tried and determined on the record by a district judge; and (B) who is regularly admitted to practice law in Kansas shall be to the court of appeals.

(d) Except as provided in subsection (e), upon motion of a party, the chief judge may reassign an action from a district magistrate judge to a district judge.

(e) Upon motion of a party for a petition or motion filed under the Kansas code for care of children requesting termination of parental rights pursuant to K.S.A. 2013 Supp. 38-2361 through 38-2367, and amendments thereto, the chief judge shall reassign such action from a district magistrate judge to a district judge.

Sec. 2. K.S.A. 2013 Supp. 22-3602 is hereby amended to read as follows: 22-3602.

(a) Except as otherwise provided, an appeal to the appellate court having jurisdiction of the appeal may be taken by the defendant as a matter of right from any judgment against the defendant in the district court and upon appeal any decision of the district court or intermediate order made in the progress of the case may be reviewed. No appeal shall be taken by the defendant from a judgment of conviction before a district judge upon a plea of guilty or nolo contendere, except that jurisdictional or other grounds going to the legality of the proceedings may be raised by the defendant as provided in K.S.A. 60-1507, and amendments thereto.

(b) Appeals to the court of appeals may be taken by the prosecution from cases before a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, as a matter of right in the following cases, and no others:

(1) From an order dismissing a complaint, information or indictment;

(2) from an order arresting judgment;

(3) upon a question reserved by the prosecution; or

(4) upon an order granting a new trial in any case involving a class A or B felony or for crimes committed on or after July 1, 1993, in any case involving an off-grid crime.

(c) Procedures for appeals by the prosecution enumerated in subsection (b) shall be as provided in supreme court rules.

(d) Appeals to a district judge may be taken by the prosecution from cases before a

district magistrate judge who is not regularly admitted to practice law in Kansas as a matter of right in the cases enumerated in subsection (b) and from orders enumerated in K.S.A. 22-3603, and amendments thereto.

(e) Any criminal case on appeal to the court of appeals may be transferred to the supreme court as provided in K.S.A. 20-3016 and 20-3017, and amendments thereto, and any party to such case may petition the supreme court for review of any decision of the court of appeals as provided in subsection (b) of K.S.A. 20-3018, and amendments thereto, except that any such party may appeal to the supreme court as a matter of right in any case in which a question under the constitution of either the United States or the state of Kansas arises for the first time as a result of the decision of the court of appeals.

(f) For crimes committed on or after July 1, 1993, an appeal by the prosecution or the defendant relating to sentences imposed pursuant to a presumptive sentencing guidelines system as provided in K.S.A. 21-4701 et seq., prior to their repeal, or the revised Kansas sentencing guidelines act, article 68 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, shall be as provided in K.S.A. 21-4721, prior to its repeal, or K.S.A. 2013 Supp. 21-6820, and amendments thereto.

Sec. 3. K.S.A. 2013 Supp. 22-3609a is hereby amended to read as follows: 22-3609a. (1) A defendant shall have the right to appeal to a district judge from any judgment of a district magistrate judge who is not regularly admitted to practice law in Kansas. The chief judge shall be responsible for assigning a district judge for any such appeal. The appeal shall stay all further proceedings upon the judgment appealed from.

(2) An appeal to a district judge shall be taken by filing a notice of appeal with the clerk of the court. No appeal shall be filed until after the sentence has been imposed. No appeal shall be taken more than 14 days after the date the sentence is imposed.

(3) The clerk of the district court shall deliver the complaint, warrant and any appearance bond to the district judge to whom such appeal is assigned. The case shall be tried de novo before the assigned district judge.

(4) No advance payment of a docket fee shall be required when the appeal is taken.

(5) All appeals taken by a defendant ~~from a district magistrate judge~~ in misdemeanor cases from a district magistrate judge who is not regularly admitted to practice law in Kansas shall be tried by the court unless a jury trial is requested in writing by the defendant. All appeals taken by a defendant ~~from a district magistrate judge~~ in traffic infraction and cigarette or tobacco infraction cases from a district magistrate judge who is not regularly admitted to practice law in Kansas shall be to the court.

(6) Notwithstanding the other provisions of this section, appeal from a conviction rendered pursuant to subsection (c) of K.S.A. 22-2909, and amendments thereto, shall be conducted only on the record of the stipulation of facts relating to the complaint.

Sec. 4. K.S.A. 2013 Supp. 38-2273 is hereby amended to read as follows: 38-2273.

(a) An appeal may be taken by any party or interested party from any order of temporary custody, adjudication, disposition, finding of unfitness or termination of parental rights.

(b) An appeal from an order entered by a district magistrate judge who is not regularly admitted to practice law in Kansas shall be to a district judge. The appeal shall be heard on the basis of the record within 30 days from the date the notice of appeal is filed. If no record was made of the proceedings, the trial shall be de novo.

(c) Procedure on appeal shall be governed by article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(d) Notwithstanding any other provision of law to the contrary, appeals under this section shall have priority over all other cases.

(e) Every notice of appeal, docketing statement and brief shall be verified by the appellant if the appellant has been personally served at any time during the proceedings. Failure to have the required verification shall result in the dismissal of the appeal.

(f) While a case is on appeal from the district court, the district court or magistrate court shall continue to have jurisdiction over all issues not specifically appealed and shall conduct timely permanency hearings.

Sec. 5. K.S.A. 2013 Supp. 38-2382 is hereby amended to read as follows: 38-2382.

(a) An appeal from a district magistrate judge who is not regularly admitted to practice law in Kansas shall be to a district judge. The appeal shall be by trial de novo unless the parties agree to a de novo review on the record of the proceedings. The appeal shall be heard within 30 days from the date the notice of appeal was filed.

(b) Appeals from a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, shall be to the court of appeals.

(c) Procedure on appeal shall be governed by article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 6. K.S.A. 2013 Supp. 59-2401a is hereby amended to read as follows: 59-

2401a. (a) An appeal by an interested party from a district magistrate judge who is not regularly admitted to practice law in Kansas to a district judge may be taken no later than 14 days from any final order, judgment or decree entered in any proceeding pursuant to:

(1) The Kansas adoption and relinquishment act—(K.S.A. 59-2111 et seq., and amendments thereto);

(2) the care and treatment act for mentally ill persons—(K.S.A. 59-2945 et seq., and amendments thereto);

(3) the care and treatment act for persons with an alcohol or substance abuse problem—(K.S.A. 59-29b45 et seq., and amendments thereto); or

(4) the act for obtaining a guardian or conservator, or both—(K.S.A. 59-3050 et seq., and amendments thereto).

The appeal shall be heard no later than 30 days from the date the notice of appeal is filed. If no record was made of the proceedings, the trial shall be de novo. Except as provided further, if a record was made of the proceedings, the district judge shall conduct the appeal on the record. Upon motion of any party to the proceedings, the district judge may hold a trial de novo.

(b) An appeal by an interested party from ~~the district court~~ a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, to an appellate court shall be taken pursuant to article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, from any final order, judgment or decree entered in any proceeding pursuant to:

(1) The Kansas adoption and relinquishment act—(K.S.A. 59-2111 et seq., and amendments thereto);

(2) the care and treatment act for mentally ill persons—(K.S.A. 59-2945 et seq., and amendments thereto);

(3) the sexually violent predator act—(K.S.A. 59-29a01 et seq., and amendments thereto);

(4) the care and treatment act for persons with an alcohol or substance abuse

problem—K.S.A. 59-29b45 et seq., and amendments thereto); or

(5) the act for obtaining a guardian or conservator, or both—K.S.A. 59-3050 et seq., and amendments thereto).

Except for cases otherwise specifically provided for by law, appeals under this section shall have priority over all others.

(c) Pending the determination of an appeal pursuant to section subsection (a) or (b) ~~of this section~~, any order appealed from shall continue in force unless modified by temporary orders entered by the court hearing the appeal. The supersedeas bond provided for in K.S.A. 60-2103, and amendments thereto, shall not stay proceedings under an appeal from the district court to an appellate court.

(d) In an appeal taken pursuant to section subsection (a) or (b) ~~of this section~~, the court from which the appeal is taken may require an appropriate party, other than the state of Kansas, any subdivision thereof, and all cities and counties in this state, to file a bond in such sum and with such sureties as may be fixed and approved by the court to ensure that the appeal will be prosecuted without unnecessary delay and to ensure the payment of all judgments and any sums, damages and costs that may be adjudged against that party.

(e) As used in this section, "interested party" means:

(1) The parent in a proceeding pursuant to the Kansas adoption and relinquishment act—K.S.A. 59-2111 et seq., and amendments thereto);

(2) the patient under the care and treatment act for mentally ill persons—K.S.A. 59-2945 et seq., and amendments thereto);

(3) the patient under the care and treatment act for persons with an alcohol or substance abuse problem—K.S.A. 59-29b45 et seq., and amendments thereto);

(4) the person adjudicated a sexually violent predator under the sexually violent predator act—K.S.A. 59-29a01 et seq., and amendments thereto);

(5) the ward or conservatee under the act for obtaining a guardian or conservator, or both—K.S.A. 59-3050 et seq., and amendments thereto);

(6) the parent of a minor person adjudicated a ward or conservatee under the act for obtaining a guardian or conservator, or both—K.S.A. 59-3050 et seq., and amendments thereto);

(7) the petitioner in the case on appeal; and

(8) any other person granted interested party status by the court from which the appeal is being taken.

(f) This section shall be part of and supplemental to the Kansas probate code.

Sec. 7. K.S.A. 2013 Supp. 60-2102 is hereby amended to read as follows: 60-2102. (a) *Appeal to court of appeals as matter of right.* Except for any order or final decision of a district magistrate judge who is not regularly admitted to practice law in Kansas, the appellate jurisdiction of the court of appeals may be invoked by appeal as a matter of right from:

(1) An order that discharges, vacates or modifies a provisional remedy.

(2) An order that grants, continues, modifies, refuses or dissolves an injunction, or an order that grants or refuses relief in the form of mandamus, quo warranto or habeas corpus.

(3) An order that appoints a receiver or refuses to wind up a receivership or to take steps to accomplish the purposes thereof, such as directing sales or other disposal of property, or an order involving the tax or revenue laws, the title to real estate, the

constitution of this state or the constitution, laws or treaties of the United States.

(4) A final decision in any action, except in an action where a direct appeal to the supreme court is required by law. In any appeal or cross appeal from a final decision, any act or ruling from the beginning of the proceedings shall be reviewable.

(b) *Appeal to supreme court as matter of right.* The appellate jurisdiction of the supreme court may be invoked by appeal as a matter of right from:

(1) A preliminary or final decision in which a statute of this state has been held unconstitutional as a violation of article 6 of the ~~Kansas~~ constitution of the state of Kansas pursuant to K.S.A. 2013 Supp. 72-64b03, and amendments thereto. Any appeal filed pursuant to this subsection (b)(1) shall be filed within 30 days of the date the preliminary or final decision is filed.

(2) A final decision of the district court in any action challenging the constitutionality of or arising out of any provision of the Kansas expanded lottery act, any lottery gaming facility management contract or any racetrack gaming facility management contract entered into pursuant to the Kansas expanded lottery act.

(c) *Other appeals.* When a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, in making in a civil action an order not otherwise appealable under this section, is of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, the judge shall so state in writing in such order. The court of appeals may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within 14 days after the entry of the order under such terms and conditions as the supreme court fixes by rule. Application for an appeal hereunder pursuant to this subsection shall not stay proceedings in the district court unless the district judge of the district court or an appellate court or a judge thereof so orders.

Sec. 8. K.S.A. 2013 Supp. 60-2103a is hereby amended to read as follows: 60-2103a. (a) In actions commenced in the district courts of this state all appeals from orders or final decisions of a district magistrate judge who is not regularly admitted to practice law in Kansas shall be heard by a district judge. Except as otherwise provided by law, such appeals shall be taken by notice of appeal specifying the order or decision complained of and shall be filed with the clerk of the district court within 14 days after the entry of such order or decision. The notice of appeal shall specify the party or parties taking the appeal; shall designate the order or decision appealed from; and shall state that such appeal is being taken from an order or decision of a district magistrate judge. The appealing party shall cause notice of the appeal to be served upon all of the parties to the action in accordance with the provisions of K.S.A. 60-205, and amendments thereto. Upon filing the notice of appeal, the appeal shall be deemed perfected.

(b) Except as otherwise provided by law or rule of the supreme court, the provisions of subsections (b) through (i) of K.S.A. 60-2103, and amendments thereto, shall be applicable to appeals from orders and decisions of district magistrate judges who are not regularly admitted to practice law in Kansas.

Sec. 9. K.S.A. 2013 Supp. 61-3902 is hereby amended to read as follows: 61-3902. (a) All appeals from orders, rulings, decisions or judgments of district magistrate judges who are not regularly admitted to practice law in Kansas under the code of civil

procedure for limited actions shall be taken in the manner provided in subsection (a) of K.S.A. 60-2103a, and amendments thereto. All appeals from orders, rulings, decisions or judgments of district judges, or district magistrate judges who are regularly admitted to practice law in Kansas, under the code of civil procedure for limited actions shall be taken in the manner provided in subsections (a) and (b) of K.S.A. 60-2103, and amendments thereto. Notwithstanding the foregoing provisions of this subsection, if judgment has been rendered in an action for forcible detainer and the defendant desires to appeal from that portion of the judgment granting restitution of the premises, notice of appeal shall be filed within seven days after entry of judgment. The notice of appeal shall specify the party or parties taking the appeal; the order, ruling, decision or judgment appealed from; and the court to which the appeal is taken.

(b) The provisions of K.S.A. 60-2001, and amendments thereto, shall apply to appeals pursuant to this section.

(c) An appeal from an action heard by a district magistrate judge who is not regularly admitted to practice law in Kansas shall be taken to a district judge of the county. An appeal from an action heard by a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, shall be taken to the court of appeals.

Sec. 10. K.S.A. 61-3903 is hereby amended to read as follows: 61-3903. Subject to the rules of the supreme court of this state, once an appeal is perfected, if the judge from whom such appeal is taken is a district magistrate judge who is not regularly admitted to practice law in Kansas, such judge shall notify the chief judge of the judicial district that the appeal has been perfected. The chief judge then shall assign the case to a district judge to hear the appeal.";

Also on page 3, in line 34, by striking "20-2909, 20-2911, 20-2914 and 25-312a" and inserting "61-3903 and K.S.A. 2013 Supp. 20-302b, 22-3602, 22-3609a, 38-2273, 38-2382, 59-2401a, 60-2102, 60-2103a and 61-3902";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "district magistrate judges; relating to jurisdiction; appeals; amending K.S.A. 61-3903 and K.S.A. 2013 Supp. 20-302b, 22-3602, 22-3609a, 38-2273, 38-2382, 59-2401a, 60-2102, 60-2103a and 61-3902 and repealing the existing sections", and **S Sub HB 2065** be passed as amended.

The committee report on **HB 2182** recommending a **S Sub HB 2182** be adopted, be amended by motion of Senator King, on page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 33 and inserting:

"Section 1. K.S.A. 2013 Supp. 40-5515 is hereby amended to read as follows: 40-5515. (a) A public adjuster shall maintain a complete record of each transaction as a public adjuster. The records required by this section shall include the following:

- (1) Name of the insured;
- (2) date, location and amount of the loss;
- (3) copy of the contract between the public adjuster and insured;
- (4) name of the insurer and the amount, expiration date and number of each policy carried by the insured with respect to the loss;
- (5) itemized statement of the insured's recoveries;

(6) itemized statement of all compensation received by the public adjuster, from any source whatsoever, in connection with the loss;

(7) a register of all moneys received, deposited, disbursed or withdrawn in connection with a transaction with an insured, including fees, transfers and disbursements from a trust account and all transactions concerning all interest-bearing accounts;

(8) name of public adjuster who executed the contract;

(9) name of the attorney representing the insured, if applicable, and the name of the claims representatives of the insurance company; and

(10) evidence of financial responsibility in the format prescribed by the commissioner.

(b) Records shall be maintained for at least five years after the termination of the transaction with an insured and shall be open to examination by the commissioner at all times.

(c) Records submitted to the commissioner in accordance with this section that contain information identified in writing as proprietary by the public adjuster shall be treated as confidential by the commissioner and shall not be open for inspection under the Kansas open records act.

~~(d) The provisions of subsection (c) shall expire on July 1, 2014, unless the legislature acts to reenact such provisions. The provisions of subsection (c) shall be reviewed by the legislature prior to July 1, 2014.~~

Sec. 2. K.S.A. 2013 Supp. 45-229 is hereby amended to read as follows: 45-229. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

(1) The public record is of a sensitive or personal nature concerning individuals;

(2) the public record is necessary for the effective and efficient administration of a governmental program; or

(3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception which will expire in the following year which meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) "Exception" means any provision of law which creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law which creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

- (1) Is required by federal law;
- (2) applies solely to the legislature or to the state court system;
- (3) has been reviewed and continued in existence twice by the legislature; or
- (4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter.

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

- (A) What specific records are affected by the exception;
- (B) whom does the exception uniquely affect, as opposed to the general public;
- (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

(A) Allows the effective and efficient administration of a governmental program, which administration would be significantly impaired without the exception;

(B) protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or

(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) of this subsection (h) would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and which have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, subsections (a)(1) through (43) of 45-221, 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2009 are hereby continued in existence until July 1, 2015, at which time such exceptions shall expire: 17-2036, 40-5301, subsections (a)(45) and (a)(46) of 45-221, 60-3351, 72-972a, 74-99d05 and 75-53,105.

(j)(1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and which have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2010 are hereby continued in existence until July 1, 2016, at which time such exceptions shall expire: 12-5358, 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 44-1132, 60-3333, 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of

statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) ~~during 2006, 2007 and 2008 and which have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g)~~ are hereby continued in existence ~~until July 1, 2014, at which time such exceptions shall expire:~~ 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, ~~12-5332~~, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, subsections (a)(44), (45), (46) ~~and~~, (47) ~~and~~ (48) of 45-221, 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, ~~66-1233~~, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2011 are hereby continued in existence until July 1, 2017, at which time such exceptions shall expire: 12-5711, 21-2511, 38-2313, 65-516, 74-8745, 74-8752, 74-8772 and 75-7427.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and which have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-712 and 75-5366.

Sec. 3. K.S.A. 2013 Supp. 74-99b06 is hereby amended to read as follows: 74-99b06. (a) All resolutions and orders of the board shall be recorded and authenticated by the signature of the secretary or any assistant secretary of the board. The book of resolutions, orders, minutes of open meetings, annual reports and annual financial statements of the authority shall be public records as defined by K.S.A. 45-215 et seq., and amendments thereto. All public records shall be subject to regular audit as provided in K.S.A. 46-1106, and amendments thereto.

(b)(+) Notwithstanding any provision of K.S.A. 45-215 et seq., and amendments thereto, to the contrary, the following records of the authority shall not be subject to the provisions of the Kansas open records act, when in the opinion of the board, the disclosure of the information in the records would be harmful to the competitive position of the authority:

~~(A)(1)~~ Proprietary information gathered by or in the possession of the authority from third parties pursuant to a promise of confidentiality;

~~(B)(2)~~ contract cost estimates prepared for confidential use in awarding contracts for research development, construction, renovation, commercialization or the purchase of goods or services; and

~~(C)(3)~~ data, records or information of a proprietary nature produced or collected by or for the authority, its employees, officers or members of its board; financial statements not publicly available that may be filed with the authority from third parties; the identity, accounts or account status of any customer of the authority; consulting or other reports paid for by the authority to assist the authority in connection with its strategic planning and goals; and the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the authority.

~~(2) The provisions of this subsection shall expire on July 1, 2009. Prior to such date~~

~~the legislature shall review the provisions of this subsection.~~

(c) Notwithstanding any provision of this section to the contrary, the authority may claim the benefit of any other exemption to the Kansas open records act listed in K.S.A. 45-215 et seq., and amendments thereto.

Sec. 4. K.S.A. 2013 Supp. 40-5515, 45-229 and 74-99b06 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "crimes, punishment and criminal procedure; relating"; by striking all in line 2; in line 3, by striking all before the second "and" and inserting "legislative review of exceptions to open records; amending K.S.A. 2013 Supp. 40-5515, 45-229 and 74-99b06" and **S Sub HB 2182** be passed as amended.

HB 2464, HB 2511, HB 2684 be passed over and retain a place on the calendar.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

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

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2578** 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.

RALPH OSTMEYER

CLARK SHULTZ

Conferees on part of Senate

STEVE BRUNK

TRAVIS COUTURE-LOVELADY

Conferees on part of House

On motion of Senator Shultz the Senate adopted the conference committee report on **HB 2578**, and requested a new conference be appointed.

The President appointed Senators Ostmeyer, Shultz and Faust-Goudeau as second conferees on the part of the Senate.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 410, HB 2065, S Sub HB 2182, HB 2442, HB 2490** and **HB 2744** were advanced to Final Action and roll call.

SB 410, AN ACT concerning property taxation; relating to exemptions for certain donations of property to the state; amending K.S.A. 2013 Supp. 79-213 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell,

Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

S Sub HB 2065, AN ACT concerning district magistrate judges; relating to jurisdiction; appeals; amending K.S.A. 61-3903 and K.S.A. 2013 Supp. 20-302b, 22-3602, 22-3609a, 38-2273, 38-2382, 59-2401a, 60-2102, 60-2103a and 61-3902 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

S Sub HB 2182, AN ACT concerning legislative review of exceptions to open records; amending K.S.A. 2013 Supp. 40-5515, 45-229 and 74-99b06 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

Sub HB 2442, AN ACT concerning crimes, punishment and criminal procedure; relating to the uniform act regulating traffic; criminal penalties for fleeing and eluding; sentencing; amending K.S.A. 2013 Supp. 8-1568 and 21-6804 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Haley.

The substitute bill passed.

EXPLANATION OF VOTE

Madam President: I respect the intent of this bill which is to punish those who attempt to flee or elude the police. Although a basically non-violent activity (running away to avoid pursuit and/or apprehension), such offenders who engage in police chases are often more dangerous than drunk drivers and accordingly, I too believe, deserve to be punished. In that regard, this is really a good law. Still, I must PASS on **Sub HB 2442** as it is written out of concern over the bill's bed space impact. This Senate last

year adopted the “pay-go” rule – Joint Rule 6 – that requires any appropriations increase spending be accompanied by equal or greater reductions in spending. I recommend the same apply with bed space impacts (BSI). To be truly fiscally responsible (unless building and opening new state prisons to incarcerate basically non-violent offenders is your idea of fiscal responsibility), I recommend that whenever the legislature enacts a bill with a positive BSI, another bill reducing spaces must be simultaneously enacted; that the overall impact is neutral or negative. As a member of the Kansas Sentencing Commission, I know and respect that our State is now at capacity for bed space. Please understand that, Madame President and fellow Senators. Can we, simply, afford to build new prisons or house more inmates? I offered an amendment to this bill to make new admissions from it “bed space neutral” by reducing the number of new admissions for another category of non-violent offenders (drug possession) but it was ruled not germane. However, I still believe we need to rein in spending and preserve prison space for violent criminals. We need to find areas in our law where nonviolent offenders get some other help or are no longer incarcerated and reserve those spaces for genuinely violent crimes for genuine public safety. For that reason ALONE, I respectfully vote to “Pass” on **Sub HB 2442** which I yet find a modicum relief in knowing will pass this Chamber.—DAVID HALEY

HB 2490, AN ACT concerning crimes, punishment and criminal procedure; relating to DNA evidence; trials; conduct of jury after case is submitted; amending K.S.A. 22-3420 and K.S.A. 2013 Supp. 21-2511 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2744, AN ACT concerning insurance; providing coverage for autism spectrum disorder; requiring licensure of persons providing applied behavior analysis; amending K.S.A. 2013 Supp. 40-2,103 and 40-19c09 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Pilcher-Cook, Tyson.

The bill passed.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Olson moved the Senate concur in House amendments to **SB 285**.

SB 285, AN ACT concerning payments for providing vision care services; pertaining to limitations imposed by insurance plans and discount plans.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Denning.

The Senate concurred.

Senator Petersen moved the Senate concur in House amendments to **SB 344**.

SB 344, AN ACT regulating traffic; concerning motor carriers, special permits; relating to oversized loads; transporting hay or feed stuffs; amending K.S.A. 2013 Supp. 8-1911 and 66-1344 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2057** 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, following line 15, by inserting:

"New Sec. 2. Whenever personal property in this state is abandoned or repossessed after it is assessed and before the taxes are paid, the owner or lessee of any real property upon which such property was situated at the time of abandonment or repossession shall not be liable for such taxes where lawful title to such property is acquired by such landowner or lessee within 12 months of the time such property is deemed abandoned or within 12 months of the time legal proceedings are commenced to effect a repossession.

Sec. 3. K.S.A. 2013 Supp. 79-1613 is hereby amended to read as follows: 79-1613. (a) As used in this section:

(1) "Destroyed or substantially destroyed" means damage of any origin sustained by a homestead as the direct result of: (A) An earthquake, flood, tornado, fire, or storm; or ~~or other~~ (B) an event or occurrence which the governor of the state of Kansas has declared a disaster, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

(2) "Homestead" means the dwelling, or any part thereof, whether owned or rented, which is occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

(3) "Public or private buyout" means any buyout from a local, state or federal governmental entity or any non-governmental entity, including, but not limited to, an individual, foundation, trust, association, corporation, limited liability company or partnership.

(b) The owner of any homestead listed and assessed for property taxation purposes which was destroyed or substantially destroyed due to an earthquake, flood, tornado, fire, storm, or other event or occurrence which the governor of the state of Kansas has declared a disaster may make application to the board of county commissioners of the county in which such property is located for the abatement of property taxes levied upon such homestead or for a credit against property taxes payable by such owner, as permitted by this section.

(1) If such homestead has been so destroyed or substantially destroyed after January 1 of a particular year but prior to August 15 of such year, the owner of such homestead may make application to such board of county commissioners for the abatement of property taxes levied upon such homestead, or if such property taxes have been paid or partially paid, may make application for the granting of a credit against property taxes payable by such owner during any or all of the next succeeding three taxable years.

(2) If such homestead has been so destroyed or substantially destroyed on or after August 15 of a particular year but prior to January 1 of the next succeeding year, the owner of such homestead may make application to such board of county commissioners for the granting of a credit against property taxes payable by such owner during any or all of the next succeeding three taxable years.

(c) An application for relief as permitted by subsection (b) may be made for abatement of property taxes assessed but not yet paid, or for a grant of a credit for assessed property taxes paid or for both, as the case may be, and may be made on or before December 20 of the year next succeeding the year for which such taxes have been assessed.

(d) Upon receipt of any such application, subject to budgetary restraints of the county or taxing subdivision arising from the event or occurrence declared a disaster by the governor, the board of county commissioners shall inquire into and make findings regarding, among other things, whether the property is a homestead, as defined in subsection (a), whether the homestead was destroyed or substantially destroyed, as defined in subsection (a) and the assessed valuation thereof. If it is determined that an owner of such homestead is entitled to an abatement of all or any portion of the property taxes levied against such homestead or is entitled to a credit against property taxes payable by such owner in any or all of the next succeeding three years, the board may issue an order so providing.

~~(e) The board shall not grant an application for relief by an owner who is a recipient of funds from either a public or private buyout or insurance proceeds, which, as the case may be, are of an amount equal to or greater than 50% of the entire pre-disaster value of the homestead which was destroyed or substantially destroyed.~~

~~(f)~~—The county clerk and county treasurer shall in each case of abatement or credit correct their records in accordance therewith and the county clerk shall notify the governing body of any taxing district affected thereby.

~~(g)~~~~(f)~~ The provisions of this section shall be applicable to all taxable years commencing after December 31, 2011, and ~~ending before January 1, 2014~~ all taxable years thereafter.

Sec. 4. K.S.A. 2013 Supp. 79-1703 is hereby amended to read as follows: 79-1703.

(a) Except as provided in subsection (b) or as otherwise provided by law, no board of county commissioners or other officer of any county shall have power to release, discharge, ~~or remit or commute~~ any portion of the taxes assessed or levied against any person or property within their respective jurisdictions for any reason whatever. Any taxes so discharged, released, ~~or remitted or commuted~~ may be recovered by civil action from the members of the board of county commissioners or such other officer and the sureties of their official bonds at the suit of the attorney general, the county attorney, or of any citizen of the county or the board of education of any school district a part of the territory of which is in such county, as the case may be, and when collected shall be paid into the county treasury to be properly apportioned and paid to the county, municipalities, school districts and other taxing subdivisions entitled thereto. Nothing in this subsection shall be construed to prohibit a board of county commissioners from entering into an agreement whereby the board agrees to pay the full amount of the taxes assessed or levied against any person or property on behalf of such person, as long as such amount is properly apportioned and paid to the county, municipalities, school districts and other taxing subdivisions entitled to a portion of such amount.

(b) In the event a person, partnership or corporation has failed to pay any portion of the taxes assessed or levied against its property located within any county and such person, partnership or corporation is a debtor in an action filed pursuant to the United States bankruptcy code, the county commissioners of any such county may compromise, assign, transfer or otherwise settle such tax claim in such fashion as the commissioners deem to be in the best interest of the state and all taxing subdivisions affected thereby, subject to approval by the state court of tax appeals; except that, the state and each other taxing subdivision affected by any such settlement shall receive the same proportional share of its respective tax claim. The state court of tax appeals shall respond to such settlement request within 30 days from the date of receiving such request or such request shall be deemed approved.

Sec. 5. K.S.A. 79-2109 is hereby amended to read as follows: 79-2109. ~~If any owner of personal property after the date as of which personal property is assessed and before the tax thereon is paid, shall sell all of a class of the same to any one person, the tax for that year shall be a lien upon the property so sold, and shall at once become due and payable, and the county treasurer shall at once issue a tax warrant for the collection thereof, and the sheriff shall forthwith collect it as in other cases. The property so sold shall be liable in the hands of the purchaser for such tax, but in the event that a purchaser shall pay the tax or any part thereof or, if said property be seized and sold for such tax the seller thereof, shall be civilly liable to the purchaser for the amount of the~~

taxes the purchaser has paid or the amount of taxes due on the property so seized; but if the property be sold in the ordinary course of retail trade it shall not be so liable in the hands of the purchasers. (a) On and after January 1, 2015, if any owner of personal property sells or transfers such property to another after the date such property is assessed and before the tax thereon is paid, then the taxes on the personal property of such taxpayer which is being sold or transferred shall fall due immediately, and a lien shall attach to the property so sold or transferred. The lien shall be for an amount equal to the tax assessment for the year in which the sale or transfer is made and shall become due and payable immediately. The lien shall attach to the property and is not a personal debt of the purchaser or transferee. In no circumstance shall the purchaser or transferee be liable for any taxes owed by the seller or transferor prior to the year in which the sale or transfer occurred. Such lien shall be in preference to all other claims against such property. The county treasurer, after receiving knowledge of any such surrender or transfer, shall issue immediately a tax warrant for the collection thereof and the sheriff shall collect it as in other cases. The lien shall remain on the property and any person taking possession of the property does so subject to the lien. The one owing such tax shall be liable civilly to any person taking possession of such property for any taxes owing thereon, but the property shall be liable in the hands of the person taking possession thereof for such tax. If the property is sold in the ordinary course of retail trade it shall not be liable in the hands of the purchasers. No personal property which has been transferred in any manner after it has been assessed shall be liable for the tax in the hands of the transferee after the expiration of three years from the time such tax originally became due and payable.

(b) If, at the time of the sale, taxes on the personal property remain due and unpaid for any tax year or years prior to the year of the sale, then such unpaid taxes shall be a personal debt of the seller, subject to collection under K.S.A. 79-2017 or 79-2101, and amendments thereto, as the case may be. The county treasurer of the county where such personal property taxes remain due and unpaid shall update the records of the county treasurer to show that the seller or transferor is delinquent and owes personal property taxes levied against the seller or transferor for such previous year or years for the purposes of vehicle registration under K.S.A. 8-173, and amendments thereto.

Sec. 6. K.S.A. 2013 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 thereto.

(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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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 all taxable years beginning after December 31, 2012, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal

adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For all taxable years beginning after December 31, 2012, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxi) For all taxable years beginning after December 31, 2012, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For all taxable years beginning after December 31, 2012, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For all taxable years beginning after December 31, 2012, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2013 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. For all taxable years beginning after December 31, 2012, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(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. 2013 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) 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.

(xvii) 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.

(xviii) 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.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For all taxable years beginning after December 31, 2012, the amount of any:

(1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 7. K.S.A. 2013 Supp. 79-32,143a is hereby amended to read as follows: 79-32,143a. (a) For taxable years beginning after December 31, 2011, a taxpayer may elect to take an expense deduction from Kansas net income before expensing or recapture allocated or apportioned to this state for the cost of the following property placed in service in this state during the taxable year: (1) Tangible property eligible for depreciation under the modified accelerated cost recovery system in section 168 of the internal revenue code, as amended, but not including residential rental property, nonresidential real property, any railroad grading or tunnel bore or any other property with an applicable recovery period in excess of 25 years as defined under section 168(c) or (g) of the internal revenue code, as amended; and (2) computer software as defined in section 197(e)(3)(B) of the internal revenue code, as amended, and as described in section 197(e)(3)(A)(i) of the internal revenue code, as amended, to which section 167 of the internal revenue code, as amended, applies. If such election is made, the amount of expense deduction for such cost shall equal the difference between the depreciable cost of such property for federal income tax purposes and the amount of bonus depreciation being claimed for such property pursuant to section 168(k) of the internal revenue code, as amended, for federal income tax purposes in such tax year, but without regard to any expense deduction being claimed for such property under section 179 of the internal revenue code, as amended, multiplied by the applicable factor, determined by using, the table provided in subsection (f), based on the method of depreciation selected pursuant to section 168(b)(1), (2), or (3) or (g) of the internal revenue code, as amended, and the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended. This election shall be made by the due date of the original return, including any extensions, and may be made only for

the taxable year in which the property is placed in service, and once made, shall be irrevocable. 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.

(b) If the amount of expense deduction calculated pursuant to subsection (a) exceeds the taxpayer's Kansas net income before expensing or recapture allocated or apportioned to this state, such excess amount shall be treated as a Kansas net operating loss as provided in K.S.A. 79-32,143, and amendments thereto.

(c) If the property for which an expense deduction is taken pursuant to subsection (a) is subsequently sold during the applicable recovery period for such property as defined under section 168(c) of the internal revenue code, as amended, and in a manner that would cause recapture of any previously taken expense or depreciation deductions for federal income tax purposes, or if the situs of such property is otherwise changed such that the property is relocated outside the state of Kansas during such applicable recovery period, then the expense deduction determined pursuant to subsection (a) shall be subject to recapture and treated as Kansas taxable income allocated to this state. The amount of recapture shall be the Kansas expense deduction determined pursuant to subsection (a) multiplied by a fraction, the numerator of which is the number of years remaining in the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended, after such property is sold or removed from the state including the year of such disposition, and the denominator of which is the total number of years in such applicable recovery period.

(d) The situs of tangible property for purposes of claiming and recapture of the expense deduction shall be the physical location of such property. If such property is mobile, the situs shall be the physical location of the business operations from where such property is used or based. The situs of computer software shall be apportioned to Kansas based on the fraction, the numerator of which is the number of the taxpayer's users located in Kansas of licenses for such computer software used in the active conduct of the taxpayer's business operations, and the denominator of which is the total number of the taxpayer's users of the licenses for such computer software used in the active conduct of the taxpayer's business operations everywhere.

(e) Any member of a unitary group filing a combined report may elect to take an expense deduction pursuant to subsection (a) for an investment in property made by any member of the combined group, provided that the amount calculated pursuant to subsection (a) may only be deducted from the Kansas net income before expensing or recapture allocated to or apportioned to this state by such member making the election.

(f) The following table shall be used in determining the expense deduction calculated pursuant to subsection (a):

IRC§168 Recover Period (year)	Factors		
	IRC§168(b)(1) Depreciation Method	IRC§168(b)(2) Depreciation Method	IRC§168(b)(3)or(g) Depreciation Method
2.5	*	.077	.092
3	.075	.091	.106
3.5	*	.102	.116
4	*	.114	.129

5	.116	.135	.150
6	*	.154	.170
6.5	*	.163	.179
7	.151	.173	.190
7.5	*	.181	.199
8	*	.191	.208
8.5	*	.199	.217
9	*	.208	.226
9.5	*	.216	.235
10	.198	.224	.244
10.5	*	.232	.252
11	*	.240	.261
11.5	*	.248	.269
12	*	.256	.277
12.5	*	.263	.285
13	*	.271	.293
13.5	*	.278	.300
14	*	.285	.308
15	*	.299	.323
16	*	.313	.337
16.5	*	.319	.344
17	*	.326	.351
18	*	.339	.365
19	*	.351	.378
20	*	.363	.391
22	*	.386	.415
24	*	.408	.438
25	*	.419	.449

*Not Applicable

(g) If a taxpayer elects to expense any investment pursuant to subsection (a), such taxpayer shall not be eligible for any tax credit, accelerated depreciation, or deduction for such investment allowed pursuant to K.S.A. 2013 Supp. 79-32,160a(e), 79-32,182b, 79-32,201, 79-32,204, 79-32,211, 79-32,218, 79-32,221, 79-32,222, 79-32,224, 79-32,227, 79-32,229, 79-32,232, 79-32,234, 79-32,237, 79-32,239, 79-32,246, 79-32,249, 79-32,252, 79-32,255, 79-32,256 and 79-32,258, and amendments thereto.

(h)(1) For tax year 2013, ~~and all tax years thereafter~~, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, and used only to determine such taxpayer's corporate income tax liability.

(2) For tax year 2014, and all tax years thereafter, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine such taxpayer's corporate income or privilege tax liability.

Sec. 8. K.S.A. 2013 Supp. 79-32,195 is hereby amended to read as follows: 79-32,195. As used in this act, the following words and phrases shall have the meanings ascribed to them herein: (a) "Business firm" means any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act, any individual subject to the state income tax imposed by the provisions of the Kansas income tax act, any national banking association, state bank, trust company or savings and loan association paying an annual tax on its net income pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or any insurance company paying the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto;

(b) "Community services" means:

(1) The conduct of activities which meet a demonstrated community need and which are designed to achieve improved educational and social services for Kansas children and their families, and which are coordinated with communities including, but not limited to, social and human services organizations that address the causes of poverty through programs and services that assist low income persons in the areas of employment, food, housing, emergency assistance and health care;

(2) crime prevention;~~and~~

(3) health care services;~~and~~

(4) youth apprenticeship and technical training.

(c) "Crime prevention" means any nongovernmental activity which aids in the prevention of crime.

(d) "Youth apprenticeship and technical training" means conduct of activities which are designed to improve the access to and quality of apprenticeship and technical training which support an emphasis on rural construction projects as well as the necessary equipment, facilities and supportive mentorship for youth apprenticeships and technical training.

(e) "Community service organization" means any organization performing community services in Kansas and which:

(1) Has obtained a ruling from the internal revenue service of the United States department of the treasury that such organization is exempt from income taxation under the provisions of section 501(c)(3) of the federal internal revenue code; or

(2) is incorporated in the state of Kansas or another state as a nonstock, nonprofit corporation; or

(3) has been designated as a community development corporation by the United States government under the provisions of title VII of the economic opportunity act of 1964; or

(4) is chartered by the United States congress.

~~(f)~~ "Contributions" shall mean and include the donation of cash, services or property other than used clothing in an amount or value of \$250 or more. Stocks and bonds contributed shall be valued at the stock market price on the date of transfer. Services contributed shall be valued at the standard billing rate for not-for-profit clients. Personal property items contributed shall be valued at the lesser of its fair market value or cost to the donor and may be inclusive of costs incurred in making the contribution, but shall not include sales tax. Contributions of real estate are allowable for credit only when title thereto is in fee simple absolute and is clear of any encumbrances. The amount of credit allowable shall be based upon the lesser of two current independent

appraisals conducted by state licensed appraisers.

~~(f)~~(g) "Health care services" shall include, but not be limited to, the following: Services provided by local health departments, city, county or district hospitals, city or county nursing homes, or other residential institutions, preventive health care services offered by a community service organization including immunizations, prenatal care, the postponement of entry into nursing homes by home health care services, and community based services for persons with a disability, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, services provided by rural health clinics, integration of health care services, home health services and services provided by rural health networks, except that for taxable years commencing after December 31, 2013, health care services shall not include any service involving the performance of any abortion, as defined in K.S.A. 65-6701, and amendments thereto.

~~(g)~~(h) "Rural community" means any city having a population of fewer than 15,000 located in a county that is not part of a standard metropolitan statistical area as defined by the United States department of commerce or its successor agency. However, any such city located in a county defined as a standard metropolitan statistical area shall be deemed a rural community if a substantial number of persons in such county derive their income from agriculture and, in any county where there is only one city within the county which has a population of more than 15,000 and which classifies as a standard metropolitan statistical area, all other cities in that county having a population of less than 15,000 shall be deemed a rural community.

Sec. 9. K.S.A. 79-3492 is hereby amended to read as follows: 79-3492. (a) Except as otherwise provided in this act, a tax per gallon, or fraction thereof, at the rate computed as prescribed in K.S.A. 79-34,141, and amendments thereto, is hereby imposed on the LP-gas user or LP-gas dealer who places such LP-gas fuel into the fuel supply tank or tanks of any motor vehicle while such vehicle is within this state except that in those instances in which LP-gas is withdrawn from the cargo tank of a motor vehicle for the operation thereof upon the public highways of the state, the tax shall be imposed upon and measured only by that volume of LP-gas so withdrawn and used multiplied by the tax rate per gallon provided in this act.

(b) The conversion formula to be used to convert compressed natural gas and liquefied natural gas per gallon for the tax imposed pursuant to K.S.A. 79-34,141, and amendments thereto, shall be as follows:

(1) For purposes of converting the energy equivalent of compressed natural gas to a gasoline gallon energy equivalent, 126.67 cubic feet or 5.66 pounds of compressed natural gas shall equal one gasoline gallon; or

(2) for purposes of converting the energy equivalent of liquefied natural gas to a diesel gallon energy equivalent, 6.06 pounds of liquefied natural gas shall equal one diesel gallon.

Sec. 10. K.S.A. 2013 Supp. 79-3495 is hereby amended to read as follows: 79-3495. (a) Each LP-gas user or LP-gas dealer subject to the provisions of this act must, on or before the 25th day of each calendar month, file with the director a report, certified to be true and correct, on a form prescribed and furnished by the director, showing the total number of gallons of LP-gas placed into fuel supply tank or tanks of any motor vehicle while such vehicle is within this state during the preceding calendar month, including the number of gallons on hand at the beginning and end of each month, the

number of gallons received from any and all sources supported by detailed schedules of receipts, purchases and withdrawals for sale or use, and such other information as the director may require. Each LP-gas user or LP-gas dealer at the time of filing each monthly report must pay to the director the full amount of tax due for the preceding calendar month at the rate provided for in this act.

(b) Any tax imposed under the provisions of this act not paid on or before the 25th of the month succeeding the calendar month in which the LP-gas was used shall be deemed delinquent and shall bear interest at the rate per month, or fraction thereof prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from such due date until paid, and in addition thereto there is hereby imposed upon all amounts of such tax remaining due and unpaid after such due date a penalty in the amount of 5% thereof, and such penalty shall be by the director added to and collected as a part of such tax. If the LP-gas user or LP-gas dealer furnishes evidence to the director that the delinquency was due to causes beyond such user's or dealer's reasonable control, and if in the opinion of the director the delinquency was not the result of willful negligence of the LP-gas user or LP-gas dealer the penalty or interest or both may be waived or reduced by the director.

(c) The director, if satisfied that the enforcement of the act is not adversely affected, may exempt any LP-gas user or LP-gas dealer from the monthly reporting and payment requirements of this act and require in lieu thereof annual payment of the tax due hereunder and annual reporting on forms provided by the director.

(d) Whenever the secretary or the secretary's designee determines that the failure of the taxpayer to comply with the provisions of subsection (b) was due to reasonable causes, the secretary or the secretary's designee may waive or reduce any of the penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.

(e) It shall be unlawful for any LP-gas user or LP-gas dealer to use or sell any LP-gas within this state unless such LP-gas user or LP-gas dealer is a holder of an uncanceled, unsuspended or unrevoked license issued by the director, unless such user has remitted the tax to a licensed LP-gas dealer. To procure such license every applicant shall file with the director an application upon oath and in such form as the director may prescribe, setting forth the name and addresses, the kind of business, and the designation of the exact locations or places of business where LP-gas is delivered or placed into the fuel supply tank or tanks of a motor vehicle, and such other information as the director may require. Such application must also contain, as a condition to the issuance of the license, an agreement by the applicant to comply with the provisions and requirements of this act and the rules and regulations promulgated by the director. If the applicant is a partnership or association, the application shall set forth the name and address of each partner or person constituting the partnership, or association, and if a corporation, the names and addresses of the principal officers thereof, and any other information prescribed by the director for the purposes of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person, and in case of partnership or association, by a partner or member thereof, and in case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of such person's authority. Any valid LP-gas user's or LP-gas dealer's license in effect on

the effective date of this act shall remain in full force and effect and no new application need be made under this act.

(f) In the event that any application for a license to use LP-gas as an LP-gas user or LP-gas dealer in this state shall be filed by any person whose license shall at any time theretofore have been canceled for cause, or in case the director shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for the real person in interest whose license or registration shall theretofore have been canceled for cause, then and in any of such events, the director may refuse to issue to such person a license in this state. Notice of such refusal shall be mailed to the applicant. Any applicant aggrieved by the order of the director refusing to issue a license may request a hearing of the director on such application by filing with the director a written request therefor. Upon such filing the director shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act. If the director finds upon such hearing that applicant is entitled to a license, the director shall order its issuance, but if the director finds that such applicant is not entitled to a license, such director shall enter an order refusing issuance.

(g) Upon the filing of the application for a license, a filing fee of \$5 shall be paid to the director. All such fees collected by the director shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. The application in proper form having been accepted for filing, the bond hereafter provided for having been accepted and approved by the director and the other conditions and requirements of this act having been complied with, the director shall issue to such applicant a license and such license shall be in force so long as the holder thereof has in force a bond as required by this act deposited with the director, or until such license is suspended, surrendered, or revoked for cause by the director. The license issued by the director shall not be assignable and shall be valid only for the LP-gas user or LP-gas dealer in whose name issued, and shall be displayed conspicuously by the LP-gas user or LP-gas dealer at the user's or dealer's principal place of business as set forth in the application.

(h) In the event a person qualifies for both a user's and dealer's license, only one license shall be required. A copy of such user's or dealer's license shall be required for each place of business of the licensee where LP-gas is sold or dispensed. No charge shall be made for additional copies of such user's or dealer's license when such copies are required for multiple business locations.

Sec. 11. K.S.A. 2013 Supp. 79-34,141 is hereby amended to read as follows: 79-34,141. The tax imposed under this act shall be not less than:

(1) On motor-vehicle fuels other than E85 fuels, \$.24 per gallon, or fraction thereof;

(2) on special fuels, \$.26 per gallon, or fraction thereof;

(3) on LP-gas, other than compressed natural gas and liquefied natural gas, \$.23 per gallon, or fraction thereof; ~~and~~

(4) on E85 fuels, \$.17 per gallon, or fraction thereof;

(5) on compressed natural gas, \$.24 per gallon, or fraction thereof; and

(6) on liquefied natural gas, \$.26 per gallon, or fraction thereof";

And by renumbering sections accordingly;

Also on page 2, in line 16, after "K.S.A." by inserting "79-2109, 79-2110 and 79-

3492 and K.S.A."; also in line 16, by striking "is" and inserting ", 79-1613, 79-1703, 79-32,117, 79-32,143a, 79-32,195, 79-3495 and 79-34,141 are";

On page 1, in the title, in line 1, by striking all following "concerning"; by striking all in lines 2 and 3 and inserting "taxation; relating to property taxation, sale or abandonment of personal property before taxes paid, liens, appointment of interim appraisers, homesteads destroyed or substantially destroyed by natural disaster, certain agreements by board of county commissioners; privilege tax, deductions; income tax, credits, modification to Kansas adjusted gross income; liquified petroleum motor fuel law, rates of taxation; amending K.S.A. 79-2109 and 79-3492 and K.S.A. 2013 Supp. 19-430, 79-1613, 79-1703, 79-32,117, 79-32,143a, 79-32,195, 79-3495 and 79-34,141 and repealing the existing sections; also repealing K.S.A. 79-2110.";

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

LES DONOVAN
CARYN TYSON
TOM HOLLAND

Conferees on part of Senate

RICHARD CARLSON
JOHN EDMONDS
TOM SAWYER

Conferees on part of House

Senator Donovan moved the Senate adopt the Conference Committee Report on **HB 2057**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2338** 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 11, by striking "subsection (g) of"; following line 29, by inserting:

"Sec. 5. K.S.A. 5-517 is hereby amended to read as follows: 5-517. There is hereby created the dispute resolution fund in the state treasury which shall be administered by the judicial administrator. All expenditures from the dispute resolution fund shall be for the purpose of carrying out the dispute resolution act. ~~In addition to funds generated by remittances under K.S.A. 20-367, and amendments thereto,~~ Funds acquired through grants, training fees, registration and approval fees, and other public or private sources and designated for dispute resolution, shall be remitted to the dispute resolution fund for carrying out the dispute resolution act. All expenditures from the dispute resolution 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 judicial administrator or by the judicial administrator's designee.

Sec. 6. K.S.A. 2013 Supp. 20-1a04 is hereby amended to read as follows: 20-1a04. The clerk of the supreme court shall remit all moneys received by or for such clerk for docket fees, and all amounts received for other purposes than those specified in K.S.A. 20-1a01, 20-1a02 or 20-1a03, and amendments thereto, unless by order of the supreme court such clerk is directed to make other disposition thereof to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the judicial branch nonjudicial salary initiative fund, a sum equal to 52.24% of the remittances of docket fees, to the judicial branch nonjudicial salary adjustment fund, a sum equal to 6.72% of the remittance of docket fees, and to the ~~state general~~ judicial branch docket fee fund, a sum equal to 41.04% of the remittance of docket fees.";

On page 4, following line 37, by inserting:

"Sec. 8. K.S.A. 20-166 is hereby amended to read as follows: 20-166. (a) There is hereby created in the state treasury the access to justice fund. Money credited to the fund ~~pursuant to K.S.A. 20-362, and amendments thereto,~~ shall be used solely for the purpose of making grants for operating expenses to programs, including dispute resolution programs, which provide access to the Kansas civil justice system for persons who would otherwise be unable to gain access to civil justice. Such programs may provide legal assistance to pro se litigants, legal counsel for civil and domestic matters or other legal or dispute resolution services provided the recipient of the assistance or counsel meets financial qualifications under guidelines established by the program in accordance with grant guidelines promulgated by the supreme court of Kansas.

(b) All expenditures from the access to justice 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 chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

(c) The chief justice may apply for, receive and accept money from any source for the purposes for which money in the access to justice fund may be expended. Upon receipt of each such remittance, the chief justice shall remit the entire amount 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 access to justice fund.

(d) Grants made to programs pursuant to this section shall be based on the number of persons to be served and such other requirements as may be established by the Kansas supreme court in guidelines established and promulgated to regulate grants made under authority of this section. The guidelines may include requirements for grant applications, organizational characteristics, reporting and auditing criteria and such other standards for eligibility and accountability as are deemed advisable by the supreme court.";

On page 10, by striking all in lines 7 through 43;

On page 11, by striking all in lines 1 through 23 and inserting the following:

"Sec. 18. K.S.A. 2013 Supp. 20-362 is hereby amended to read as follows: 20-362. The clerk of the district court shall remit all revenues received from docket fees as

follows:

(a) At least monthly to the county treasurer, for deposit in the county treasury and credit to the county general fund:

(1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A. 60-2001 and 60-3005, and amendments thereto, during the preceding calendar month;

(2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments thereto; and

(3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding calendar month.

(b) At least monthly to the board of trustees of the county law library fund, for deposit in the fund, a sum equal to the library fees paid during the preceding calendar month for cases filed in the county.

(c) At least monthly to the county treasurer, for deposit in the county treasury and credit to the prosecuting attorneys' training fund, a sum equal to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month for cases filed in the county and a sum equal to \$1 for each fee paid pursuant to subsection (c) of K.S.A. 28-170, and amendments thereto, during the preceding calendar month for cases filed in the county.

~~(d) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the indigents' defense services fund, a sum equal to \$.50 for each docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A. 28-170, and amendments thereto, during the preceding calendar month.~~

~~(e)~~—To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the law enforcement training center fund a sum equal to \$15 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month.

~~(f)~~—To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the judicial branch surcharge fund a sum equal to the amount collected for credit to that fund, as provided by supreme court rule.

~~(g)~~~~(e)~~ To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury ~~and distribution according to K.S.A. 20-367, and amendments thereto~~, a sum equal to the balance which remains from all docket fees paid during the preceding calendar month after deduction of the amounts specified in subsections (a), (b), (c); ~~and (d), (e) and (f)~~. Of the balance remitted to the state treasury pursuant to this subsection, the state treasurer shall credit 0.99% to the judicial council fund. During the fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, of the remainder, the state treasurer shall deposit and credit the first \$3,100,000 to the electronic filing and management fund created in section 4, and amendments thereto. During the fiscal year ending June 30, 2018, and each fiscal year thereafter, of the remainder, the state treasurer shall deposit and credit the first \$1,000,000 to the electronic filing and management fund. Of the balance which remains after deduction of the amounts specified in this subsection, the state treasurer shall deposit and credit the remainder to the judicial branch docket fee fund.”;

On page 24, following line 14, by inserting:

"Sec. 26. K.S.A. 2013 Supp. 28-170 is hereby amended to read as follows: 28-170.

(a) The docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and the fees for service of process, shall be the only costs assessed for services of the clerk of the district court and the sheriff in any case filed under chapter 60 or chapter 61 of the Kansas Statutes Annotated, and amendments thereto, except that no fee shall be charged for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-31a01 et seq., and amendments thereto. For services in other matters in which no other fee is prescribed by statute, the following fees shall be charged and collected by the clerk. Only one fee shall be charged for each bond, lien or judgment:

1. For filing, entering and releasing a bond, mechanic's lien, notice of intent to perform, personal property tax judgment or any judgment on which execution process cannot be issued..... \$14
2. For filing, entering and releasing a judgment of a court of this state on which execution or other process can be issued \$24
3. For a certificate, or for copying or certifying any paper or writ, such fee as shall be prescribed by the district court.

(b) The fees for entries, certificates and other papers required in naturalization cases shall be those prescribed by the federal government and, when collected, shall be disbursed as prescribed by the federal government. The clerk of the court shall remit to the state treasurer at least monthly all moneys received from fees prescribed by subsection (a) or (b) or received for any services performed which may be required by law. The state treasurer shall deposit the remittance in the state treasury and credit the entire amount to the state general fund.

(c) In actions pursuant to the revised Kansas code for care of children, K.S.A. 2013 Supp. 38-2201 et seq., and amendments thereto, the revised Kansas juvenile justice code, K.S.A. 2013 Supp. 38-2301 et seq., and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-4001 et seq., and amendments thereto, the act for treatment of drug abuse, K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto, the clerk shall charge an additional fee of \$1 which shall be deducted from the docket fee and credited to the prosecuting attorneys' training fund as provided in K.S.A. 28-170a, and amendments thereto.

~~(d) In actions pursuant to the revised Kansas code for care of children, K.S.A. 2013 Supp. 38-2201 et seq., and amendments thereto, the revised Kansas juvenile justice code, K.S.A. 2013 Supp. 38-2301 et seq., and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-4001 et seq., and amendments thereto, the act for treatment of drug abuse, K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto, the clerk shall charge an additional fee of \$.50 which shall be deducted from the docket fee and credited to the indigents' defense services fund as provided in K.S.A. 28-172b, and amendments thereto.~~

(e) Except as provided further, the bond, lien or judgment fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such bond, lien or judgment. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per bond, lien or judgment fee, to fund the costs of non-judicial personnel.";

On page 25, in line 7, by striking all after "charges"; by striking all in lines 8 and 9; in line 10, by striking all before "shall" and inserting "made pursuant to the provisions of K.S.A. 20-362, and amendments thereto,"; following line 41, by inserting:

"Sec. 28. K.S.A. 2013 Supp. 28-172b is hereby amended to read as follows: 28-172b. (a) There is hereby established in the state treasury an indigents' defense services fund.

(b) ~~The clerk of the district court shall charge a fee of \$.50 in each criminal case, to be deducted from the docket fee as provided in K.S.A. 28-172a, and amendments thereto, and shall charge a fee of \$.50 in each case pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code and each mental illness, drug abuse or alcoholism treatment action as provided by subsection (d) of K.S.A. 28-170, and amendments thereto. The clerk of the district court shall remit all such fees 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 indigents' defense services fund.~~

(c) ~~Moneys in the indigents' defense services fund shall be used exclusively to provide counsel and related services for indigent defendants. 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 chairperson of the state board of indigents' defense services or a person designated by the chairperson.~~

Sec. 29. K.S.A. 2013 Supp. 28-177 is hereby amended to read as follows: 28-177. (a) Except as provided in this section and K.S.A. 2013 Supp. 28-178, and amendments thereto, the fees established by legislative enactment shall be the only fee collected or moneys in the nature of a fee collected for court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. Court procedures shall include docket fees, filing fees or other fees related to access to court procedures. On and after July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$26.50 per fee or the amount established by the applicable statute, whichever amount is less, to fund the costs of non-judicial personnel.

(b) Such additional charge imposed by the court pursuant to K.S.A. 8-2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2013 Supp. 21-6614, 23-2510, 28-178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the judicial branch ~~surecharge~~ docket fee fund, which is hereby created in the state treasury.

(c) ~~All Moneys credited to the judicial branch ~~surecharge~~ docket fee fund shall be used for compensation of non-judicial personnel and shall not be expended for compensation of judges or justices of the judicial branch.~~

(d) All expenditures from the judicial branch ~~surecharge~~ docket fee fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to ~~payrolls~~ vouchers approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

(e) Expenditures may be made from the judicial branch docket fee 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, and for educating and training municipal judges and municipal court and support staff, including official hospitality. The judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs. Such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality. All fees received for such purposes 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 docket fee fund.

(f) On the effective date of this act:

(1) The director of accounts and reports shall transfer all moneys in the judicial branch surcharge fund to the judicial branch docket fee fund;

(2) all liabilities of the judicial branch surcharge fund existing prior to that date are hereby imposed on the judicial branch docket fee fund; and

(3) the judicial branch surcharge fund is hereby abolished.

Sec. 30. K.S.A. 2013 Supp. 28-178 is hereby amended to read as follows: 28-178.

(a) In addition to any other fees specifically prescribed by law, on and after July 1, 2013, through July 1, 2015, the supreme court may impose a charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial personnel, on the following:

(1) A person who requests an order or writ of execution pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(2) Persons who request a hearing in aid of execution pursuant to K.S.A. 60-2419, and amendments thereto.

(3) A person requesting an order for garnishment pursuant to article 7 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or article 35 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto.

(4) Persons who request a writ or order of sale pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(5) A person who requests a hearing in aid of execution pursuant to K.S.A. 61-3604, and amendments thereto.

(6) A person who requests an attachment against the property of a defendant or any one or more of several defendants pursuant to K.S.A. 60-701 or 61-3501, and amendments thereto.

(b) The clerk of the district court shall remit all revenues received from the fees imposed pursuant to subsection (a) to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the judicial branch ~~surcharge~~ docket fee fund.

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

Sec. 31. K.S.A. 2013 Supp. 28-179 is hereby amended to read as follows: 28-179. (a) No post-decree motion petitioning for a modification or termination of separate maintenance, for a change in legal custody, residency, visitation rights or parenting time or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in the amount of \$40 on and after July 1, 2013, to the clerk of the district court.

(b) A poverty affidavit may be filed in lieu of a docket fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with ~~subsection (f) of~~ K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.";

On page 29, in line 21, before "34.50" by inserting "\$";

On page 32, in line 4, by striking "subsection (g) of"; in line 24, by striking "subsection (g) of";

On page 34, following line 41, by inserting:

"Sec. 38. K.S.A. 2013 Supp. 74-7325 is hereby amended to read as follows: 74-

7325. (a) There is hereby created in the state treasury the protection from abuse fund. All moneys credited to the fund shall be used solely for the purpose of making grants to programs providing: (1) Temporary emergency shelter for adult victims of domestic abuse or sexual assault and their dependent children; (2) counseling and assistance to those victims and their children; or (3) educational services directed at reducing the incidence of domestic abuse or sexual assault and diminishing its impact on the victims. All moneys credited to the fund ~~pursuant to K.S.A. 20-367, and amendments thereto,~~ shall be used only for on-going operating expenses of domestic violence programs. All moneys credited to the fund pursuant to any increase in docket fees as provided by this act as described in K.S.A. ~~20-367 and~~ 60-2001, and amendments thereto, shall not be awarded to programs until July 1, 2003, and shall be used for ongoing operating expenses of domestic violence or sexual assault programs.

(b) All expenditures from the protection from abuse 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 by a person or persons designated by the attorney general.

(c) The attorney general may apply for, receive and accept moneys from any source for the purposes for which moneys in the protection from abuse fund may be expended. Upon receipt of any such moneys, the attorney general shall remit the entire amount 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 protection from abuse fund.

(d) Grants made to programs pursuant to this section shall be based on the numbers of persons served by the program and shall be made only to the city of Wichita or to

agencies which are engaged, as their primary function, in programs aimed at preventing domestic violence or sexual assault or providing residential services or facilities to family or household members who are victims of domestic violence or sexual assault. In order for programs to qualify for funding under this section, they must:

- (1) Meet the requirements of section 501(c) of the internal revenue code of 1986;
- (2) be registered and in good standing as a nonprofit corporation;
- (3) meet normally accepted standards for nonprofit organizations;
- (4) have trustees who represent the racial, ethnic and socioeconomic diversity of the county or counties served;
- (5) have received 50% or more of their funds from sources other than funds distributed through the fund, which other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
- (6) demonstrate ability to successfully administer programs;
- (7) make available an independent certified audit of the previous year's financial records;
- (8) have obtained appropriate licensing or certification, or both;
- (9) serve a significant number of residents of the county or counties served;
- (10) not unnecessarily duplicate services already adequately provided to county residents; and
- (11) agree to comply with reporting requirements of the attorney general.

The attorney general may adopt rules and regulations establishing additional standards for eligibility and accountability for grants made pursuant to this section.

(e) As used in this section:

(1) "Domestic abuse" means abuse as defined by the protection from abuse act—~~6~~, K.S.A. 60-3101 et seq., and amendments thereto).

(2) "Sexual assault" means acts defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6419 through 21-6421, and amendments thereto.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the protection from abuse fund interest earnings based on:

- (1) The average daily balance of moneys in the protection from abuse fund for the preceding month; and
- (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 39. K.S.A. 2013 Supp. 74-7334 is hereby amended to read as follows: 74-7334. (a) There is hereby created in the state treasury the crime victims assistance fund. All moneys credited to the fund pursuant to K.S.A. 12-4117, 19-101e; and 19-4707-~~and~~ ~~20-367~~, and amendments thereto, shall be used solely for the purpose of making grants for on-going operating expenses of programs, including court-appointed special advocate programs, providing: (1) Temporary emergency shelter for victims of child abuse and neglect; (2) counseling and assistance to those victims; or (3) educational services directed at reducing the incidence of child abuse and neglect and diminishing its impact on the victim. The remainder of moneys credited to the fund shall be used for the purpose of supporting the operation of state agency programs which provide

services to the victims of crime and making grants to existing programs or to establish and maintain new programs providing services to the victims of crime.

(b) All expenditures from the crime victims assistance 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 attorney general or by a person or persons designated by the attorney general.

(c) The attorney general may apply for, receive and accept moneys from any source for the purposes for which moneys in the crime victims assistance fund may be expended. Upon receipt of any such moneys, the attorney general shall remit the entire amount 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 crime victims assistance fund.

(d) Grants made to programs with funds derived from K.S.A. 12-4117, 19-101e, ~~and 19-4707 and 20-367~~, and amendments thereto, shall be based on the numbers of persons served by the program and shall be made only to programs aimed at preventing child abuse and neglect or providing residential services or facilities to victims of child abuse or neglect. In order for programs to qualify for funding under this section, they must:

- (1) Meet the requirements of section 501(c) of the internal revenue code of 1986;
- (2) be registered and in good standing as a nonprofit corporation;
- (3) meet normally accepted standards for nonprofit organizations;
- (4) have trustees who represent the racial, ethnic and socioeconomic diversity of the county or counties served;
- (5) have received 50% or more of their funds from sources other than funds distributed through the fund, which other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
- (6) demonstrate ability to successfully administer programs;
- (7) make available an independent certified audit of the previous year's financial records;
- (8) have obtained appropriate licensing or certification, or both;
- (9) serve a significant number of residents of the county or counties served;
- (10) not unnecessarily duplicate services already adequately provided to county residents; and
- (11) agree to comply with reporting requirements of the attorney general.

The attorney general may adopt rules and regulations establishing additional standards for eligibility and accountability for grants made pursuant to this section.

(e) All moneys credited to the fund pursuant to K.S.A. 2013 Supp. 23-2510, and amendments thereto, shall be set aside to use as matching funds for meeting any federal requirement for the purpose of establishing child exchange and visitation centers as provided in K.S.A. 75-720, and amendments thereto. If no federal funds are made available to the state for the purpose of establishing such child exchange and visitation centers, then such moneys may be used as otherwise provided in this section. Only those moneys credited to the fund pursuant to K.S.A. 2013 Supp. 23-2510, and amendments thereto, may be used for such matching funds. No state general fund moneys shall be used for such matching funds.";

On page 37, following line 21, by inserting:

"Sec. 42. K.S.A. 2013 Supp. 75-7021 is hereby amended to read as follows: 75-7021. (a) There is hereby created in the state treasury the Kansas juvenile delinquency prevention trust fund. Money credited to the Kansas juvenile delinquency prevention trust fund ~~pursuant to K.S.A. 20-367, and amendments thereto, or by any other lawful means~~ shall be used solely for the purpose of making grants to further the purpose of juvenile justice reform, including rational prevention programs and programs for treatment and rehabilitation of juveniles and to further the partnership between state and local communities. Such treatment and rehabilitation programs should aim to combine accountability and sanctions with increasingly intensive treatment and rehabilitation services with an aim to provide greater public safety and provide intervention that will be uniform and consistent.

(b) All expenditures from the Kansas juvenile delinquency prevention trust 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 commissioner of juvenile justice or by a person or persons designated by the commissioner.

(c) The commissioner of juvenile justice may apply for, receive and accept money from any source for the purposes for which money in the Kansas juvenile delinquency prevention trust fund may be expended. Upon receipt of any such money, the commissioner shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas juvenile delinquency prevention trust fund.

(d) Grants made to programs pursuant to this section shall be based on the number of persons to be served and such other requirements as may be established by the Kansas advisory group on juvenile justice and delinquency prevention in guidelines established and promulgated to regulate grants made under authority of this section. The guidelines may include requirements for grant applications, organizational characteristics, reporting and auditing criteria and such other standards for eligibility and accountability as are deemed advisable by the Kansas advisory group on juvenile justice and delinquency prevention.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas juvenile delinquency prevention trust fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas juvenile delinquency prevention trust fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(f) On and after the effective date of this act, the Kansas endowment for youth trust fund created by this section prior to amendment by this act is hereby redesignated as the Kansas juvenile delinquency prevention trust fund. On and after the effective date of this act, whenever the Kansas endowment for youth trust fund created by this section prior to amendment by this act, or words of like effect, is referred to or designated by a statute, contract or other document such reference or designation shall be deemed to apply to the Kansas juvenile delinquency prevention trust fund.";

Also on page 37, in line 27, after "K.S.A." by inserting "5-517,"; also in line 27, after "20-162," by inserting "20-166,"; in line 29, before "20-367," by inserting "20-1a04, 20-

362,"; in line 30, after "22-2410," by inserting "28-170,"; also in line 30, after "28-172a," by inserting "28-172b, 28-177, 28-178, 28-179,"; in line 31, after the second comma by inserting "74-7325, 74-7334,"; also in line 31, by striking "and" and inserting a comma; also in line 31, after "75-5551" by inserting "and 75-7021";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "fund" by inserting "and the judicial branch docket fee fund; abolishing the judicial branch surcharge fund"; in line 9, after "K.S.A." by inserting "5-517,"; also in line 9, after "20-162," by inserting "20-166,"; in line 12, by striking "20-367" and inserting "20-1a04, 20-362"; also in line 12, after "22-2410," by inserting "28-170,"; also in line 12, after "28-172a," by inserting "28-172b, 28-177, 28-178, 28-179,"; in line 13, after the second comma by inserting "74-7325, 74-7334,"; also in line 13, by striking the first "and" and inserting a comma; also in line 13, after after "75-5551" by inserting "and 75-7021"; in line 14, after "Supp." by inserting "20-367,";

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

TY MASTERSON

JEFF KING

Conferees on part of Senate

MARC RHOADES

LANCE KINZER

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **S Sub HB 2338**.

On roll call, the vote was: Yeas 26; Nays 11; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Shultz, Smith, Wagle.

Nays: Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Pyle, V. Schmidt, Tyson.

Present and Passing: Faust-Goudeau, Love, Wolf.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: I vote "No" on the conference committee report on **S Sub HB 2338**. These provisions include policy decisions which were each before the Senate Judiciary committee in individual bills. **S Sub HB 2338** is designated a budget bill and the Senate should take into account the stakeholders of these policy decisions before passing this underlying bill. Those stakeholders include the chief judges of every judicial district in the State of Kansas who, to a person, have rejected some of these policy decisions; including allocating to each chief judge the responsibilities to set each judicial district's budget. We should respect the judicial branch's opinions when it weighs in on policy decisions that affect or disrupt its administration. This legislature should not get accustomed to mixing policy decisions with budget bills in that it does not serve our time-honored procedures well at all. Maintaining our tradition as a noble

Senate is important; mindful and respectful of both custom and separate, co-equal branches, of state government.—DAVID HALEY

Senators Francisco, Hensley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **S Sub HB 2338**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2447** 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.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2447**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

Motion by Senator Bruce to recess to the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2272**, and requests return of the bill.

The House nonconcur in Senate amendments to **HB 2668**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2578**, and has appointed Representatives Brunk, Couture-Lovelady and Ruiz as second conferees on the part of the House.

APRIL 2, 2014

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ORIGINAL MOTION

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2668**.

The President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 5:00 p.m., Thursday, April 3, 2014.

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 3, 2014, 5:00 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Dear Lord, we know that most of our wisdom comes after we have made decisions and recognize what happens. Help us in all ways to make the decisions of life with wisdom. Help us to consider not only what will happen today, but tomorrow and the effect of our decisions many years from now. Help us to pray mightily for your guidance and listen carefully to the thoughts of others. In all things good Lord: give us wisdom. In your holy name. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 454, AN ACT concerning state officers and employees; relating to an annual payment for classified state employees and certain officers; abolishing longevity bonus payments; amending K.S.A. 2013 Supp. 75-5551 and repealing the existing section; also repealing K.S.A. 2013 Supp. 75-5541, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 453**.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Pilcher-Cook as a member of the Conference Committee on **HB 2515** to replace Senator Olson.

The President announced the appointment of Senator Bowers as a member of the Conference Committee on **HB 2515** to replace Senator Longbine.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

The committee report on **HB 2506** recommending a **S Sub HB 2506** be adopted, be amended by motion of Senator Masterson: on page 2, in line 6, by striking "The" and inserting "That the"; on page 35, in line 2, after "(2)" by inserting "for school year 2015-2016, and each school year thereafter,".

S Sub HB 2506 be further amended by motion of Senator Pilcher-Cook: on page 2, in line 6, by striking "The" and inserting "That the";

On page 44, in line 10, by striking "(1)"; by striking all in lines 20 through 25.

S Sub HB 2506 be further amended by motion of Senator Knox: on page 31, following line 4, by inserting:

"New Sec. 44. (a) No state agency named in chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014 regular session of the legislature or any school district shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years ending June 30, 2015, June 30, 2016, or June 30, 2017, to implement the common core standards or any portion of such standards, including any assessments affiliated with common core standards unless the legislature expressly consents to the use of the common core standards.

(b) As used in this section, "common core standards" means the set of uniform educational curriculum standards for grades kindergarten through 12 established by the common core state standards initiative.";

And by renumbering sections accordingly.

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

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle.

Nays: Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

Present and Passing: Faust-Goudeau.

S Sub HB 2506 be further amended by Senator Kelly: on page 2, in line 6, by striking "The" and inserting "That the";

On page 30, in line 7, by striking "19" and inserting "21"; in line 9, by striking "Eight" and inserting "Ten"; in line 11, by striking "one" and inserting "two"; in line 12, after "senate," by inserting "one of which shall be a member of the senate committee on ways and means,"; in line 14, by striking "one" and inserting "two"; in line 15, after "representatives," by inserting "one of which shall be a member of the house of representatives committee on appropriations,"; in line 35, by striking "10" and inserting "11".

S Sub HB 2506 be further amended by motion of Senator Fitzgerald: on page 44, in line 19, after the period by inserting "The provisions of this subsection shall not apply to unified school district no. 207, and the board of such district may adopt a local option budget in excess of 31% of the state financial aid of the district in the current school year in accordance with subsection (d)."

S Sub HB 2506 be further amended by motion of Senator Wagle: on page 31, following line 4, by inserting the following:

"New Sec. 44. The provisions of sections 44 through 50, and amendments thereto, shall be known and may be cited as the corporate education tax credit scholarship program act.

New Sec. 45. As used in the corporate education tax credit scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value;

(b) "department" means the Kansas department of revenue;

(c) "educational scholarship" means an amount not to exceed \$8,000 provided to eligible students to cover all or a portion of the costs of tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school;

(d) "eligible student" means a child who:

(1) (A) Is a member of a household whose total annual income during the year prior to receiving an educational scholarship under this program does not exceed 185% of the most recent federal poverty income guidelines published in the calendar year by the United States department of health and human services, (B) has an individualized education program and is considered a child with a disability, as defined by K.S.A. 72-962(z), and amendments thereto, or (C) has received an educational scholarship under this program and has not graduated from high school or reached 21 years of age;

(2) resides in Kansas while receiving an educational scholarship; and

(3) (A) was enrolled in any public school in the previous school year in which an educational scholarship was first sought for the child, or (B) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six years;

(e) "individualized education program" shall have the meaning ascribed thereto in K.S.A. 72-962, and amendments thereto;

(f) "parent" includes a guardian, custodian or other person with authority to act on behalf of the child;

(g) "program" means the corporate education tax credit scholarship program established in sections 44 through 50, and amendments thereto;

(h) "public school" means a school operated by a school district;

(I) "qualified school" means any nonpublic school that provides education to elementary and secondary students, has notified the state board of its intention to participate in the program and complies with the requirements of the program;

(j) "scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to students attending qualified schools of their parents' choice;

(k) "school district" or "district" means any unified school district organized and operating under the laws of this state;

(l) "school year" shall have the meaning ascribed thereto in K.S.A. 72-6408, and amendments thereto;

(m) "secretary" means the secretary of revenue; and

(n) "state board" means the state board of education.

New Sec. 46. (a) There is hereby established the corporate education tax credit scholarship program. The program shall provide eligible students with an opportunity to attend schools of their parents' choice.

(b) Each scholarship granting organization shall issue a receipt, in a form prescribed

by the secretary, to each contributing taxpayer indicating the value of the contribution received. Each taxpayer shall provide a copy of such receipt when claiming the tax credit established in section 50, and amendments thereto.

(c) Prior to awarding an educational scholarship to an eligible student, unless such student is under the age of six years, the scholarship granting organization shall receive written verification from the state board that such student is an eligible student under this program, provided the state board and the board of education of the school district in which the eligible student was enrolled the previous school year have received written consent from such eligible student's parent authorizing the release of such information.

(d) Upon receipt of information in accordance with subsection (a)(2) of section 47, and amendments thereto, the state board shall inform the scholarship granting organization if such student has already been designated to receive an educational scholarship by another scholarship granting organization.

(e) In each school year, each eligible student under this program shall not receive more than one educational scholarship under this program.

(f) An eligible student's participation in this program by receiving an educational scholarship constitutes a waiver to special education services provided by any school district, unless such school district agrees to provide such services to the qualified school.

New Sec. 47. (a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships to students attending qualified schools;

(2) upon granting an educational scholarship to an eligible student, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an

aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(6) the scholarship granting organization shall ensure that each qualified school receiving educational scholarships from the scholarship granting organization is in compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to the eligible students determined by the state board under subsection (c) of section 46, and amendments thereto, and information specified in section 47, and amendments thereto. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship for any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program to eligible students in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship to an eligible student who received an educational scholarship under this program in the year immediately preceding the current school year.

(e) A scholarship granting organization shall direct payments of an educational scholarship to the qualified school on behalf of the eligible student. Payment shall be made by check made payable to both the parent and the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-8210, and amendments thereto, to provide for the education of such eligible student.

(f) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately

preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
- (2) the name and address of each eligible student receiving an educational scholarship by the scholarship granting organization;
- (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
- (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period, the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period to eligible students who qualified under subsection (d)(1)(A) of section 45, and amendments thereto, and total number and total dollar amount of educational scholarships awarded during the 12-month reporting period to eligible students who qualified under subsection (d)(1)(B) of section 45, and amendments thereto.

(g) No scholarship granting organization shall:

- (1) Provide an eligible student with an educational scholarship established by funding from any contributions made by any relative of such eligible student; or
- (2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student.

New Sec. 48. On or before the first day of the legislative session in 2015, and each year thereafter, the state board shall prepare and submit a report to the legislature on the program. Annual reports shall include information reported to the state board under subsection (f) of section 47, and amendments thereto, and a summary of such information.

New Sec. 49. (a) (1) To qualify for the tax credit allowed by this act, the scholarship granting organization shall apply each tax year to the state board for a certification that the scholarship granting organization is in substantial compliance with the program based on information received in the annual audit and yearly report filed by the scholarship granting organization with the state board.

(2) The state board shall prescribe the form of the application, which shall include, but not be limited to, the information set forth in subsection (a)(1).

(b) If the state board determines that the requirements under this section were met by the scholarship granting organization, the state board shall issue a certificate of compliance to the director of taxation.

(c) The state board shall adopt rules and regulations to implement the provisions of this section.

New Sec. 50. (a) There shall be allowed a credit against the corporate income tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax liability imposed upon a taxpayer pursuant to the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and the premium tax liability imposed upon a taxpayer pursuant to the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for tax years commencing after December 31, 2013, an amount equal to 70% of the amount contributed to a scholarship granting

organization authorized pursuant to section 44 et seq., and amendments thereto.

(b) The credit shall be claimed and deducted from the taxpayer's tax liability during the tax year which immediately follows the tax year in which the contribution was made to any such scholarship granting organization.

(c) For each tax year, in no event shall the total amount of credits allowed under this section exceed \$10,000,000 for any one tax year. Except as otherwise provided, the allocation of such tax credits for each scholarship granting organization shall be determined by the scholarship granting organization in consultation with the secretary, and such determination shall be completed prior to the issuance of any tax credits pursuant to this section.

(d) If the amount of any such tax credit claimed by a taxpayer exceeds the taxpayer's income, privilege or premium tax liability, such excess amount may be carried over for deduction from the taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability.

(e) The secretary shall adopt rules and regulations regarding filing of documents that support the amount of credit claimed pursuant to this section.";

On page 37, in line 29, after "(A)" by inserting "The sum of: (i)"; in line 30, after the first "year" by inserting ", excluding pupils described in clause (A)(ii),"; in line 31, by striking "such pupils were enrolled"; in line 33, by striking "such pupils are enrolled" and inserting "; and (ii) adjusted enrollment in the preceding school year of any pupils participating in the corporate education tax credit scholarship program pursuant to section 44 et seq., and amendments thereto, in the current school year, if any, plus adjusted enrollment in the preceding school year of preschool-aged at-risk pupils participating in the corporate education tax credit scholarship program pursuant to section 44 et seq., and amendments thereto, in the current school year, if any";

On page 50, following line 43, by inserting:

"Sec. 67. On and after July 1, 2014, K.S.A. 2013 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.

(b) here shall be added to federal taxable income: (i) The same modifications as are set forth in subsection (b) of K.S.A. 79-32,117, and amendments thereto, with respect to resident individuals, except subsections (b)(xix), (b)(xx), (b)(xxi), (b)(xxii) and (b)(xxiii).

(ii) The amount of all depreciation deductions claimed for any property upon which the deduction allowed by K.S.A. 2013 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is claimed.

(iii) The amount of any charitable contribution deduction claimed for any contribution or gift to or for the use of any racially segregated educational institution.

(iv) For taxable years commencing December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's

employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto.

(v) The amount of any charitable contribution deduction claimed for any contribution or gift made to a scholarship granting organization to the extent the same is claimed as the basis for the credit allowed pursuant to section 50, and amendments thereto.

(c) There shall be subtracted from federal taxable income: (i) The same modifications as are set forth in subsection (c) of K.S.A. 79-32,117, and amendments thereto, with respect to resident individuals, except subsection (c)(xx).

(ii) The federal income tax liability for any taxable year commencing prior to December 31, 1971, for which a Kansas return was filed after reduction for all credits thereon, except credits for payments on estimates of federal income tax, credits for gasoline and lubricating oil tax, and for foreign tax credits if, on the Kansas income tax return for such prior year, the federal income tax deduction was computed on the basis of the federal income tax paid in such prior year, rather than as accrued. Notwithstanding the foregoing, the deduction for federal income tax liability for any year shall not exceed that portion of the total federal income tax liability for such year which bears the same ratio to the total federal income tax liability for such year as the Kansas taxable income, as computed before any deductions for federal income taxes and after application of subsections (d) and (e) of this section as existing for such year, bears to the federal taxable income for the same year.

(iii) An amount for the amortization deduction allowed pursuant to K.S.A. 2013 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto.

(iv) For all taxable years commencing after December 31, 1987, the amount included in federal taxable income pursuant to the provisions of section 78 of the internal revenue code.

(v) For all taxable years commencing after December 31, 1987, 80% of dividends from corporations incorporated outside of the United States or the District of Columbia which are included in federal taxable income.

(d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) hereof. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under paragraph (iv) of subsection (b) of K.S.A. 79-32,117, and amendments thereto, and minus the deduction for federal income taxes as provided by subsection (c)(ii) shall be such corporation's Kansas taxable income.

(e) A corporation may make an election with respect to its first taxable year commencing after December 31, 1982, whereby no addition modifications as provided for in subsection (b)(ii) of K.S.A. 79-32,138, and amendments thereto, and subtraction modifications as provided for in subsection (c)(iii) of K.S.A. 79-32,138, and amendments thereto, as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.";

On page 51, in line 5, by striking "and" and inserting a comma; also in line 5, after "72-6460" by inserting "and 79-32,138";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after the semicolon by inserting "enacting the corporate education tax credit scholarship program act;"; in line 11, by striking "and" and inserting a comma; also in line 11, after "72-6460" by inserting "and 79-32,138".

S Sub HB 2506 be further amended by motion of Senator Arpke: on page 50, following line 43, by inserting the following:

"Sec. 60. On and after July 1, 2014, K.S.A. 72-1412 is hereby amended to read as follows: 72-1412. As used in K.S.A. 72-1412 through 72-1415, and amendments thereto:

(a) "Mentor teacher program" means a program established and maintained by the board of education of a school district for the purpose of providing probationary teachers with professional support and the continuous assistance of an on-site mentor teacher.

(b) "Mentor teacher" means a certificated teacher who has completed at least three consecutive school years of employment in the school district, has been selected by the board of education of the school district on the basis of having demonstrated exemplary teaching ability as indicated by criteria established by the state board of education, and has participated in and successfully completed a training program for mentor teachers provided for by the board of education of the school district in accordance with guidelines prescribed by the state board of education. The primary function of a mentor teacher shall be to provide probationary teachers with professional support and assistance. A mentor teacher may provide assistance and guidance to not more than two probationary teachers.

(c) "Probationary teacher" means a certificated teacher ~~to whom the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply who has completed less than three consecutive school years of employment in the school district.~~

Sec. 61. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5436 is hereby amended to read as follows: 72-5436. As used in this act: (a) "Teacher" means ~~any professional employee who is required to hold a certificate to teach in any school district, and any teacher or instructor in any area vocational-technical school, technical college, the institute of technology or community college. The term "teacher" does not include within its meaning any supervisors, principals or superintendents or any persons employed under the authority of K.S.A. 72-8202b, and amendments thereto, or any persons employed in an administrative capacity by any area vocational-technical school, technical college, the institute of technology or community college, or commencing in the 2006-2007 school year, any person who is a retiree from school employment of the Kansas public employees retirement system.~~

(b) "Board" means ~~the board of education of any school district, the board of control of any area vocational-technical school, technical college or the institute of technology, and the board of trustees of any community college.~~

Sec. 62. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5437 is hereby amended to read as follows: 72-5437. (a) All contracts of employment of teachers, ~~as defined in K.S.A. 72-5436, and amendments thereto,~~ except contracts entered into under the provisions of K.S.A. 72-5412a, and amendments thereto, shall be deemed to continue for the next succeeding school year unless written notice of termination or nonrenewal is served as provided in this subsection. Written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed,

and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before the third Friday in May. A teacher shall give written notice to a board that the teacher does not desire continuation of a contract on or before the 14th calendar day following the third Friday in May or, if applicable, not later than 15 days after the issuance of a unilateral contract as authorized by K.S.A. 72-5428a, and amendments thereto, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and a board.

(c) As used in this section:

(1) "Board of education" or "board" means the board of education of any school district, the board of control of any technical college or the institute of technology, and the board of trustees of any community college.

(2) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity.

(3) (A) "Teacher" means (1) a teacher as defined by K.S.A. 72-5436, and amendments thereto, and (2) any professional employee who is required to hold a certificate to teach in any school district, and any teacher or instructor in any technical college, the institute of technology or any community college, including any professional employee who is a retirant from school employment of the Kansas public employees retirement system.

(B) The term "teacher" does not include any supervisors, principals or superintendents or any persons employed under the authority of K.S.A. 72-8202b, and amendments thereto, or any persons employed in any administrative capacity by any technical college, the institute of technology or any community college.

Sec. 63. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5438 is hereby amended to read as follows: 72-5438. (a) Whenever a teacher is given written notice of intention by a board to not renew or to terminate the contract of the teacher as provided in K.S.A. 72-5437, and amendments thereto, the written notice of the proposed nonrenewal or termination shall include: (1) A statement of the reasons for the proposed nonrenewal or termination; and (2) a statement that the teacher may have the matter heard by a hearing officer upon written request filed with ~~the clerk of the board of education~~ or the board of control or the secretary of the board of trustees within 15 calendar days from the date of such notice of nonrenewal or termination.

(b) Within 10 calendar days after the filing of any written request of a teacher to be heard as provided in subsection (a), the board shall notify the commissioner of education that a list of qualified hearing officers is required. Such notice shall contain the mailing address of the teacher. Within 10 days after receipt of notification from the board, the commissioner shall provide to the board and to the teacher, a list of five randomly selected, qualified hearing officers.

(c) Within five days after receiving the list from the commissioner, each party shall eliminate two names from the list, and the remaining individual on the list shall serve as hearing officer. In the process of elimination, each party shall eliminate no more than one name at a time, the parties alternating after each name has been eliminated. The first name to be eliminated shall be chosen by the teacher within five days after the teacher receives the list. The process of elimination shall be completed within five days

thereafter.

(d) Either party may request that one new list be provided within five days after receiving the list. If such a request is made, the party making the request shall notify the commissioner and the other party, and the commissioner shall generate a new list and distribute it to the parties in the same manner as the original list.

(e) In lieu of using the process provided in subsections (b) and (c), if the parties agree, they may make a request to the American Arbitration Association for an arbitrator to serve as the hearing officer. Any party desiring to use this alternative procedure shall so notify the other party in the notice required under subsection (a). If the parties agree to use this procedure, the parties shall make a joint request to the American Arbitration Association for a hearing officer within 10 days after the teacher files a request for a hearing. If the parties choose to use this procedure, the parties shall each pay one-half of the cost of the arbitrator and of the arbitrator's expenses.

(f) The commissioner of education shall compile and maintain a list of hearing officers comprised of residents of this state who are attorneys at law. Such list shall include a statement of the qualifications of each hearing officer.

(g) Attorneys interested in serving as hearing officers under the provisions of this act shall submit an application to the commissioner of education. The commissioner shall determine if the applicant is eligible to serve as a hearing officer pursuant to the provisions of subsection (h).

(h) An attorney shall be eligible for appointment to the list if the attorney has: (1) Completed a minimum of 10 hours of continuing legal education credit in the area of education law, due process, administrative law or employment law within the past five years; or (2) previously served as the chairperson of a due process hearing committee prior to the effective date of this act. An attorney shall not be eligible for appointment to the list if the attorney has been employed to represent a board or a teacher in a due process hearing within the past five years.

Sec. 64. On and after July 1, 2014, K.S.A. 72-5439 is hereby amended to read as follows: 72-5439. The hearing provided for under K.S.A. 72-5438, and amendments thereto, shall commence within 45 calendar days after the hearing officer is selected unless the hearing officer grants an extension of time. The hearing shall afford procedural due process, including the following:

(a) The right of each party to have counsel of such party's own choice present and to receive the advice of such counsel or other person whom such party may select;

(b) the right of each party or such party's counsel to cross-examine any person who provides information for the consideration of the hearing officer, except those persons whose testimony is presented by affidavit;

(c) the right of each party to present such party's own witnesses in person, or their testimony by affidavit or deposition, except that testimony of a witness by affidavit may be presented only if such witness lives more than 100 miles from the location of the ~~unified school district office, area vocational-technical school, technical college, institute of technology~~ or community college, or is absent from the state, or is unable to appear because of age, illness, infirmity or imprisonment. When testimony is presented by affidavit the same shall be served upon ~~the clerk of the board of education or the board of control, or the secretary of the board of trustees;~~ or the agent of the board and upon the teacher in person or by first-class mail to the address of the teacher which is on file with the board not less than 10 calendar days prior to presentation to the hearing

officer;

(d) the right of the teacher to testify in the teacher's own behalf and give reasons for the teacher's conduct, and the right of the board to present its testimony through such persons as the board may call to testify in its behalf and to give reasons for its actions, rulings or policies;

(e) the right of the parties to have an orderly hearing; and

(f) the right of the teacher to a fair and impartial decision based on substantial evidence.

Sec. 65. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5445 is hereby amended to read as follows: 72-5445 (a) ~~(1) Subject to the provisions of subsections (b) and (c);~~ The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, apply only to: ~~(A) (1) Teachers who have completed not less than three consecutive years of employment, and been offered a fourth contract, in the school district, area vocational technical school technical college, institute of technology or community college by which any such teacher is currently employed; and (B) (2) teachers who have completed not less than two consecutive years of employment, and been offered a third contract, in the school district, area vocational technical school technical college, institute of technology or community college by which any such teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of subpart (A) paragraph (1) in any school district, area vocational technical school technical college, the institute of technology or community college in this state.~~

~~(2) (b)~~ Any board may waive, at any time, the years of employment requirements of provision (1) for any teacher employed by it.

~~(3) (c)~~ The provisions of this subsection are subject to the provisions of K.S.A. 72-5446, and amendments thereto.

~~(b) The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply to any teacher whose license has been nonrenewed or revoked by the state board of education for the reason that the teacher: (1) Has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, or an act described in K.S.A. 21-3412, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5413, or K.S.A. 21-3412a, prior to its repeal, or K.S.A. 2013 Supp. 21-5414, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6419 through 21-6421, and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5505, and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto; (5) has been convicted of a felony described in~~

article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the Kansas Statutes Annotated or subsection (a)(6) of K.S.A. 2013 Supp. 21-6412, and amendments thereto; (6) has been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301e, prior to their repeal, or K.S.A. 2013 Supp. 21-6401 or 21-6402, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

(e) (1) The provisions of this subsection shall apply to a teacher described in subsection (a)(1)(A) of this section. After a teacher has completed not less than three consecutive years of employment and if the requirements of paragraph (2) have been satisfied, the board of education of the school district and the teacher may enter into an agreement under which the school district may offer the teacher a contract of employment for a fourth year or a fourth and fifth year and the teacher agrees that the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, shall not apply to such teacher unless a sixth contract is offered to the teacher.

(2) 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.

(3) If an agreement under this subsection is reached by the teacher and the school district, then the school district shall file annually a report with the state board of education which shall contain the following information in subparagraphs (A) through (D):

(A) The number of teachers that were offered by the school district a contract under subsection (a)(1)(A) of this section;

(B) the number of teachers that were offered by the school district an agreement under this subsection;

(C) the number of teachers that accepted the agreement under this subsection;

(D) the number of teachers that were not offered by the school district either a contract under subsection (a)(1)(A) of this section or an agreement under this subsection.

(4) In addition to the reports required under paragraph (3), each school district shall report annually to the state board of education, the committee on education of the senate and the committee on education of the house of representatives the number of contracts issued under subsection (a) which result in the application of K.S.A. 72-5438 through 72-5443, and amendments thereto, to the teachers who receive such contracts and the year of employment for which the contract is issued.

(5) The provisions of this subsection shall expire on July 1, 2016.

Sec. 66. On and after July 1, 2014, K.S.A. 72-5446 is hereby amended to read as follows: 72-5446. In the event any teacher, as defined in K.S.A. 72-5436, and

~~amendments thereto~~, alleges that the teacher's contract has been nonrenewed by reason of the teacher having exercised a constitutional right, the following procedure shall be implemented:

(a) The teacher alleging an abridgment by the board of a constitutionally protected right shall notify the board of the allegation within 15 days after receiving the notice of intent to not renew or terminate the teacher's contract. Such notice shall specify the nature of the activity protected, and the times, dates, and places of such activity;

(b) the hearing officer provided for by K.S.A. 72-5438, and amendments thereto, shall thereupon be selected and shall decide if there is substantial evidence to support the teacher's claim that the teacher's exercise of a constitutionally protected right was the reason for the nonrenewal;

(3) if the hearing officer determines that there is no substantial evidence to substantiate the teacher's claim of a violation of a constitutionally protected right, the board's decision to not renew the contract shall stand;

(d) if the hearing officer determines that there is substantial evidence to support the teacher's claim, the board shall be required to submit to the hearing officer any reasons which may have been involved in the nonrenewal;

(e) if the board presents any substantial evidence to support its reasons, the board's decision not to renew the contract shall be upheld.";

On page 51, in line 3, after "K.S.A." by inserting "72-1412, 72-5439, 72-5446,"; in line 5, after the first comma by inserting "72-5436, 72-5437, 72-5438, 72-5445,";

On page 1, in the title, in line 5, after "licensure" by inserting "and administrative due process"; in line 9, after the second comma by inserting "72-1412, 72-5439, 72-5446,"; in line 10, after the last comma by inserting "72-5436, 72-5437, 72-5438, 72-5445,"and **S Sub HB 2506** be passed as amended.

A motion by Senator Hensley to amend **S Sub HB 2506** failed and the following amendment was rejected: on page 1, by striking all in lines 16 through 36;

By striking all on pages 2 through 50;

On page 51, by striking all in lines 1 through 8, and inserting the following:
"Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Supplemental general state aid.....\$103,865,000

(b) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 144(b) of chapter 136 of the 2013 Session Laws of Kansas on the school district capital outlay state aid fund of the department of education is hereby increased from \$0 to no limit.

Sec. 2. K.S.A. 2013 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. 2013 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, 2013, June 30, 2014, June 30, 2015, or June 30, 2016.~~ 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. 3. K.S.A. 2013 Supp. 72-8814 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, in line 1, by striking all after "to"; by striking all in lines 2 through 12; in line 13, by striking all before the period and inserting "capital outlay; making and concerning appropriations for the fiscal year ending June 30, 2015, for the department of education; amending K.S.A. 2013 Supp. 72-8814 and repealing the existing section"

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

On roll call, the vote was: Yeas 11; Nays 29; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

A motion by Senator Abrams to amend **S Sub HB 2506** failed and the following amendment was rejected: on page 31, following line 4, by inserting:

"New Sec. 44. (a) The legislature hereby finds and declares the following:

(1) The unencumbered moneys held by school districts in the school district funds are a part of the legislature's provision for school finance;

(2) after the decisions by the Kansas supreme court in *Montoy v. State* in 2005, school districts began accumulating unencumbered moneys in the school district funds; and

(3) the amount of unencumbered moneys held by school districts in the school district funds has continued to increase since school year 2005-2006 which demonstrates that such moneys are not necessary for the operational cash flow needs of the school districts.

(b) On or before August 25, 2014, each school district shall determine the following:

(1) The aggregate amount of unencumbered moneys held by such school district in the school district funds on July 1, 2005;

(2) the aggregate amount of unencumbered moneys held by such school district in the school district funds on July 1, 2013; and

(3) subtract the amount determined under paragraph (1) from the amount determined under paragraph (2).

(b) Notwithstanding any other provision of law, for school year 2014-2015, any school district may expend the amount determined under subsection (a)(3) to pay for general operating expenses of the school district out of the general fund as approved by the board of education of such district.

(c) On or before August 25, 2014, the superintendent appointed by the board of education of each school district, or such superintendent's designee, shall certify to the state board of education the amount determined under subsection (a)(3). Upon receipt of such certification, the state board of education shall adjust the amount of general state aid such school district is entitled to receive for school year 2014-2015 by deducting the amount determined under subsection (a)(3) from the amount of general state aid

determined for such school district pursuant to K.S.A. 72-6416, and amendments thereto. In the event, a school district's local effort exceeds such district's state financial aid as determined by the state board of education for school year 2014-2015, such school district shall remit the amount determined under subsection (a)(3) at such time and in such manner as remittances are made under subsection (d) of K.S.A. 72-6431, and amendments thereto.

(d) As used in this section, the term "school district funds" means the at-risk education fund, as provided in K.S.A. 76-6414a, and amendments thereto, bilingual education fund, as provided in K.S.A. 72-9509, and amendments thereto, contingency reserve fund, as provided in K.S.A. 72-6426, and amendments thereto, driver training fund, as provided in K.S.A. 72-6423, and amendments thereto, parent education program fund, as provided in K.S.A. 72-3607, and amendments thereto, preschool-aged at-risk education fund, as provided in K.S.A. 72-6414b, and amendments thereto, professional development fund, as provided in K.S.A. 72-9609, and amendments thereto, summer program fund, as provided in K.S.A. 72-8237, and amendments thereto, textbook and student materials revolving fund, as provided in K.S.A. 72-8250, and amendments thereto, special education fund, as provided in K.S.A. 72-965 and 72-6420, and amendments thereto, virtual school fund, as provided in K.S.A. 72-3715, and amendments thereto, and vocational education fund, as provided in K.S.A. 72-6421, and amendments thereto.

(e) The provisions of this section shall be part of and supplemental to the school district finance and quality performance act.":

On page 32, by striking all in lines 23 through 43;

By striking all on pages 33 through 45;

On page 46, by striking all in lines 1 through 5; also on page 46, by striking all in lines 28 through 43;

By striking all on pages 47 through 49;

On page 50, by striking all in lines 1 through 30;

On page 51, in lines 1, by striking "72-6433"; in line 2, by striking "and"; in line 3, by striking ", 72-6411, 72-"; in line 4, by striking "6415"; also in line 4, by striking all after "72-8809"; in line 5, by striking all before "are";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 9, by striking ", 72-6411, 72-6415"; in line 10, by striking all after "Supp."; in line 11, by striking all before "72-6433d"; also in line 2, by striking all after "72-6433d"; in line 12, by striking the last "and"; in line 13, by striking all before the period.

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

On roll call, the vote was: Yeas 17; Nays 22; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Fitzgerald, Holmes, Knox, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pilcher-Cook, Pyle, Smith, Tyson.

Nays: Apple, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kerschen, King, LaTurner, Longbine, Love, McGinn, Pettey, Powell, V. Schmidt, Shultz, Wagle, Wolf.

Present and Passing: Kelly.

The committee report on **HB 2231** recommending a **S Sub Sub HB 2231** be adopted and **S Sub Sub HB 2231** be passed.

A motion by Senator Pyle to amend **S Sub HB 2231** failed and the following amendment was rejected: on page 57, following line 23, by inserting:

"Sec. 92. (a) No state agency named in chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014 regular session of the legislature or any public entity shall expend moneys appropriated from the state general fund or any special revenue fund or funds for fiscal years 2015, 2016 and 2017, for the following unless the legislature expressly consents to do so: (1) Employ or contract for the services of a lobbyist; (2) pay membership dues or provide any other type of financial support to an association that employs a lobbyist; (3) pay membership dues or provide any other type of financial support to an association that has an affiliated organization that employs a lobbyist; or (4) pay, as a direct or indirect gift or campaign contribution, any elected official, officer or employee of the state or any municipality.

(b) As used in this section:

(1) "Financial support" means any type of monetary or non-monetary payment, contribution, gift, or in-kind exchange, regardless of whether the public entity receives a benefit in return for such payment, contribution, or in-kind exchange.

(2) "Gift" means a voluntary transfer of anything of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official state agency business.

(3) "Lobbyist" shall have the meaning ascribed thereto in K.S.A. 46-222, and amendments thereto.

(4) "Public entity" shall have the meaning ascribed to "municipality" in K.S.A. 75-6102, and amendments thereto.";

And by renumbering sections accordingly.

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

On roll call, the vote was: Yeas 14; Nays 19; Present and Passing 6; Absent or Not Voting 1.

Yeas: Abrams, Fitzgerald, Knox, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson.

Nays: Bowers, Bruce, Denning, Donovan, Francisco, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, McGinn, Pettey, V. Schmidt, Shultz, Wagle, Wolf.

Present and Passing: Arpke, Faust-Goudeau, Haley, Holmes, Love, Ostmeyer.

Absent or Not Voting: Apple.

A motion by Senator Melcher to amend **S Sub Sub HB 2231** failed and the following amendment was rejected: on page 19, following line 26, by inserting:

"(b) On July 1, 2014, in addition to the other purposes for which expenditures may be made by the department of commerce from the state affordable airfare fund of the department of commerce pursuant to section 124(c) of chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature for fiscal year 2015, expenditures shall be made by the above agency from the state affordable airfare fund for fiscal year 2015 for a grant given directly to Sedgwick county, Kansas in the amount of \$2,240,000 and to Garden City, Kansas in the amount of \$250,000: *Provided*, That the provisions of the proviso for the state affordable airfare fund of the department of commerce pursuant to section 124(c) of chapter 136 of the 2013 Session Laws of Kansas, authorizing the above agency to expend the moneys in the state affordable airfare fund during fiscal year 2015 as a grant

given directly to the city or county which received moneys from the state affordable airfare fund during fiscal year 2014 in the same amount as was received in fiscal year 2014, are hereby declared null and void and shall have no force and effect.

(c) On July 1, 2014, 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 \$2,500,000 from the state highway fund to the state general fund.

(d) On July 1, 2014, of the \$5,000,000 to be transferred from the state highway fund to the state affordable airfare fund of the department of commerce for the fiscal year ending June 30, 2015, by section 124(f) of chapter 136 of the 2013 Session Laws of Kansas, such amount is hereby reduced to the amount of \$2,500,000."

Senator Pyle offered an amendment of **S Sub Sub HB 2231**; a ruling of the Chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was not germane. The motion was withdrawn.

A motion by Senator Kelly to amend **S Sub Sub HB 2231** was withdrawn.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **S Sub Sub HB 2231** and **S Sub HB 2506** were advanced to Final Action and roll call.

S Sub Sub HB 2231, AN ACT making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, 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. 2013 Supp. 74-99b34, 79-34,156, 79-4227 and 79-4804 and repealing the existing sections.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Ostmeyer, Pettey, V. Schmidt, Tyson.

The substitute bill passed.

EXPLANATION OF VOTE

Madam President: I vote "No" on **S Sub Sub HB 2231**. I vote no for the students – the future – of Kansas. This budget fails to restore the cuts made over the past three years to K-12 education or provide funding for any substantial increase in base state aid per pupil. Furthermore, it fails to restore last year's funding cuts, the largest in Kansas history, to Kansas Regents universities, despite the Governor's statewide tour and promises to do so. I vote no for the state employees of Kansas. Once again, we've failed to keep our promise to fund the under market pay adjustment for our lowest paid state employees. And, we've failed to pass the Governor's recommended 1.5% pay increase for our classified employees. Finally, I vote no for the arts in Kansas. This budget eliminates more than half a million dollars from the budget of the Kansas Creative Arts

Industries Commission. For these reasons and many more that would take me beyond the limitation of 200 words, I vote NO on this bill. – ANTHONY HENSLEY

Senators Hawk, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub Sub HB 2231**.

S Sub HB 2506, AN ACT concerning education; relating to postsecondary education; enacting the SUCCESS act; creating the Johnson county community college go pro now program; relating to real property of certain state universities; relating to school districts; relating to the provision for school finance; relating to teacher licensure; enacting the education fairness property tax relief act; creating the K-12 school finance study commission; making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, and June 30, 2016, for certain state agencies; amending K.S.A. 71-204, 71-617, 72-6411, 72-6415 and 72-8809 and K.S.A. 2013 Supp. 72-3712, 72-3714, 72-3715, 72-3716, 72-6407, 72-6415b, 72-6433, 72-6433d, 72-6441, 72-6455 and 72-6460 and repealing the existing sections; also repealing K.S.A. 72-60b03 and K.S.A. 2013 Supp. 72-6454.

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wagle, Wolf.

Nays: Arpke, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Ostmeyer, Pettey, V. Schmidt, Shultz, Tyson.

The substitute bill passed as amended.

EXPLANATION OF VOTE

Madam President: I vote "No" on **S Sub HB 2506**. Less than one month ago the Kansas Supreme Court affirmed that the legislature has created an unconstitutional school finance system and then was the time to fix it. They told us to resolve inequities by fully funding capital outlay and local option budget equalization. Unfortunately, we have waited until the final two days of the legislative session to address this issue. When the equity issue should have been this legislature's first and foremost priority. It is absurd that we are discussing more cuts to important areas of education – at-risk, virtual schools, transportation – to fix this. More cuts are not the solution. This bill makes unnecessary and unvetted new education policy such as blocking the implementation of the Common Core standards, creating a corporate tax scholarship credit, eliminating due process for teachers, and establishing a property tax credit without a fiscal note for families using private schools. The school finance formula is not broken and should not be changed. The formula is underfunded. And, if we really want to put money into the classroom, we should be restoring the cuts and raising the base state aid per pupil. – ANTHONY HENSLEY

Senators Francisco, Hawk, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub HB 2506**.

PROTEST***Senate Substitute for House Bill 2506 April 3, 2014***

Madam President: I hereby exercise my right under Article 2, Section 10 of the Kansas Constitution to protest **Senate Substitute for House Bill 2506**.

On March 7, 2014, the Kansas Supreme Court affirmed the district court's ruling in *Gannon v. State* holding that "the State established unconstitutional, wealth-based disparities by prorating and reducing supplemental state aid payments to which certain school districts were otherwise entitled for their local option budgets" and that "the State established unconstitutional, wealth-based disparities by withholding all capital outlay state aid payments to which certain school districts were otherwise entitled." This decision requires that the Kansas Legislature act by July 1, 2014, to expeditiously address these inequities by 1) fully funding the capital outlay and supplemental state aid equalization and therefore ending the litigation for the equity portion of the lawsuit; 2) less than fully funding the capital outlay and supplemental state aid equalization or amending the K-12 school finance formula and therefore requiring court review of the legislative action; or 3) taking no action which could create a constitutional crisis.

Senate Substitute for House Bill 2506 is the Senate's attempt to address the Kansas Supreme Court's ruling. The title of the bill is "An Act concerning education;" and continues on to list numerous substantial changes of policy including teacher licensure, a study commission on school finance, the Lexia Reading program and numerous amendments to the K-12 school finance formula. Intertwined with these education policy changes is a property tax provision relating to tax credits for home owning parents of children educated in private schools. Additionally, this bill includes provisions "making and concerning appropriations for fiscal years ending June 30, 2014-2016 for the Department of Education as well as Higher Education." Article 2, Section 16 of the Kansas Constitution provides that, "No bill shall contain more than one subject, except appropriations bills and bills for revision or codification of statutes."

It has been established that **Senate Substitute for House Bill 2506** is not an appropriations bill. While the subject of the bill is "education," it is a bill:

- making and concerning appropriations for K-12 and Higher education;
- revising existing statutes pertaining to the K-12 school finance formula;
- establishing substantial new education policy regarding teacher licensure and a study commission acting independent of the Kansas State School Board; and
- establishing property tax credits for families with children attending private schools.

The inclusion of the provisions establishing new education policy, amending the K-12 finance formula, establishing property tax credits, and making appropriations for K-12 and Higher Education co-mingles four different subjects into a single bill violative of Article 2, Section 16.

For these reasons I voted "No" on **Senate Substitute for House Bill 2506** and urge the Senate to set aside politics and address the Court ruling in a simple and responsible manner. — ANTHONY HENSLEY

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2057**.

The House adopts the Conference Committee report on **HB 2447**.

The House adopts the Conference Committee report on **SB 311**.

The House concurs in Senate amendments to **S Sub HB 2101**.

The House concurs in Senate amendments to **S Sub HB 2482**.

The House concurs in Senate amendments to **HB 2636**.

The House concurs in Senate amendments to **S Sub HB 2197**, and requests return of the bill.

The House concurs in Senate amendments to **Sub HB 2223**, and requests return of the bill.

The House concurs in Senate amendments to **S Sub HB 2298**, and requests return of the bill.

The House concurs in Senate amendments to **Sub HB 2436**, and requests return of the bill.

The House concurs in Senate amendments to **Sub HB 2451**, and requests return of the bill.

The House concurs in Senate amendments to **Sub HB 2452**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2479**, and requests return of the bill.

The House nonconcurrs in Senate amendments to **HB 2490**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

REPORT ON ENGROSSED BILLS

SB 410 reported correctly engrossed April 3, 2014.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Friday, April 4, 2014.

Journal of the Senate

FIFTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 4, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

The end of the week has come, O Lord, and the long hours are almost at an end. Give us your presence to refrain from reacting instead of careful responses; to refrain from personal judgments instead of respecting diversity. Our hope lies in our ability to recognize the good in all persons, and that means seeing you in the eyes of those around us. In your holy name we pray. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committees as indicated:

Ways and Means: **SB 454**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 54**.

The House adopts the Conference Committee report on **SB 349**.

The House concurs in Senate amendments to **S Sub HB 2065**.

The House concurs in Senate amendments to **S Sub HB 2182**.

The House concurs in Senate amendments to **HB 2418**.

The House concurs in Senate amendments to **HB 2577**.

The House concurs in Senate amendments to **H Sub HB 2681**.

The House concurs in Senate amendments to **HB 2552**, and requests return of the bill.

The House concurs in Senate amendments to **S Sub HB 2655**, and requests return of the bill.

Announcing passage of **SB 218**, as amended by **H Sub SB 218**.

The House nonconcurrs in Senate amendments to **S Sub HB 2231**, requests a conference and has appointed Representatives Suellentrop, Kleeb and Henry as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2506**, requests a conference and has appointed Representatives Suellentrop, Kleeb and Henry as conferees on the part of the House.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Haley, Faust-Goudeau and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1820—

A RESOLUTION commemorating the 50th Anniversary
of the Civil Rights Act of 1964.

WHEREAS, The Civil Rights Act of 1964 is a landmark piece of civil rights legislation in the United States and was signed into law by President Lyndon B. Johnson on July 2, 1964; and

WHEREAS, The bill was called for by President John F. Kennedy in his civil rights speech of June 11, 1963, in which he asked for legislation "giving all Americans the right to be served in facilities which are open to the public," as well as "greater protection for the right to vote." President Kennedy delivered this speech following a series of peaceful protests from various communities of Americans from different racial and religious backgrounds; and

WHEREAS, Emulating the Civil Rights Act of 1875, the 1964 Act included many provisions: Title I bars unequal application of voter registration requirements; Title II outlaws discrimination based on race, color, religion or national origin in hotels, motels, restaurants, theaters and all other public accommodations engaged in interstate commerce; Title III prohibits state and municipal governments from denying access to public facilities on grounds of race, color, religion or national origin; Title IV encourages the desegregation of public schools and authorized the U.S. Attorney General to file suits to enforce the act; Title V expanded the Civil Rights Commission established by the earlier Civil Rights Act of 1957 with additional powers, rules and procedures; Title VI prevents discrimination by government agencies that receive federal funds; Title VII prohibits discrimination by certain employers on the basis of race, color, religion, sex or national origin; Title VIII requires compilation of voter registration and voting data in geographic areas specified by the Commission on Civil Rights and includes the Fair Housing Act, which bans discrimination in sale or rental of property; Title IX made it easier to move civil rights cases from state courts to federal courts in order to ensure that civil rights activists would receive fair trials; Title X established the Community Relations Service, tasked with assisting in community disputes involving claims of discrimination; and Title XI imposes criminal penalties for a violation of the other Titles of the Act and gives defendants the right to a jury trial; and

WHEREAS, Fifty years ago, President Johnson's vision for a more just and honorable America contributed to the passing of the Civil Rights Act, the most transformational civil rights legislation since Reconstruction and a crucial step in the realization of America's promise. His vision went far beyond ending racial discrimination, as education, economic opportunity, health care, clean air and water and access to the arts and humanities are inherent civil rights for all Americans; and

WHEREAS, Kansas is at the forefront of ending segregation and implementing civil rights for all people, beginning with Kansas entering the Union in 1861 as a free state, under the premise that all men and women are created equal and that every American has the same Constitutional rights. Kansas' history of promoting civil rights also includes the 1954 landmark Supreme Court case *Brown v. Board of Education of Topeka, Kansas*: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the 50th Anniversary of the signing of the Civil Rights Act of 1964 and affirm all of the rights found in the Act, including the right to be free from discrimination in voter registration requirements, public accommodations, public facilities, public schools, employment opportunities and housing; and

Be it further resolved: That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Haley, two enrolled copies to Senator Faust-Goudeau and one enrolled copy to Senator Hensley.

On emergency motion of Senator Haley **SR 1820** was adopted by voice vote.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Masterson the Senate nonconcurred in the House amendments to **H Sub SB 218** and requested a conference committee be appointed.

The President appointed Senators Masterson, Denning and Hensley as conferees on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **S Sub HB 2231**.

The President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **S Sub HB 2506**.

The President appointed Senators Masterson, Denning and Hensley as conferees on the part of the Senate.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Abrams in the chair.

On motion of Senator Abrams the following report was adopted:

HB 2553 be passed.

HB 2643 be amended by motion of Senator Donovan: on page 4, in line 29, by striking "of" and inserting "and"; in line 33, by striking "information" and inserting "informal".

HB 2643 be further amended by motion of Senator Donovan: on page 3, in line 7, after the period by inserting "For property described in section 4, and amendments thereto, the county appraiser appraising such property or the taxpayer may request that the director of property valuation contract with an independent appraiser pursuant to the provisions of sections 4 through 8, and amendments thereto, to determine classification

of such property."; in line 8, by striking "appraised as given in" and inserting "classified in accordance with"; in line 12, after "property" by inserting "has occurred"; in line 13, after "property" by inserting "has occurred"; in line 14, after "law" by inserting "has occurred";

On page 10, following line 7, by inserting:

"New Sec. 13. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this 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.

HB 2643 be further amended by motion of Senator Melcher: (Corrected), on page 10, following line 7, by inserting:

"Sec. 13. K.S.A. 2013 Supp. 79-201 is hereby amended to read as follows: 79-201. The following described property, to the extent herein specified, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All buildings used exclusively as places of public worship and all buildings used exclusively by school districts and school district interlocal cooperatives organized under the laws of this state, with the furniture and books therein contained and used exclusively for the accommodation of religious meetings or for school district or school district interlocal cooperative purposes, whichever is applicable, together with the grounds owned thereby if not leased or otherwise used for the realization of profit, except that: (a) (1) Any school building, or portion thereof, together with the grounds upon which the building is located, shall be considered to be used exclusively by the school district for the purposes of this section when leased by the school district to any political or taxing subdivision of the state, including a school district interlocal cooperative, or to any association, organization or nonprofit corporation entitled to tax exemption with respect to such property; and (2) any school building, together with the grounds upon which the building is located, shall be considered to be used exclusively by a school district interlocal cooperative for the purposes of this section when being acquired pursuant to a lease-purchase agreement; and (b) any building, or portion thereof, used as a place of worship, together with the grounds upon which the building is located, shall be considered to be used exclusively for the religious purposes of this section when used as a not-for-profit day care center for children which is licensed pursuant to K.S.A. 65-501 et seq., and amendments thereto, or when used to house an area where the congregation of a church society and others may purchase tracts, books and other items relating to the promulgation of the church society's religious doctrines.

Second. All real property, and all tangible personal property, actually and regularly used exclusively for literary, educational, scientific, religious, benevolent or charitable purposes, including property used exclusively for such purposes by more than one agency or organization for one or more of such exempt purposes. Except with regard to real property which is owned by a religious organization, is to be used exclusively for religious purposes and is not used for a nonexempt purpose prior to its exclusive use for religious purposes which property shall be deemed to be actually and regularly used exclusively for religious purposes for the purposes of this paragraph, this exemption shall not apply to such property, not actually used or occupied for the purposes set forth herein, nor to such property held or used as an investment even though the income or

rentals received therefrom is used wholly for such literary, educational, scientific, religious, benevolent or charitable purposes. In the event any such property which has been exempted pursuant to the preceding sentence is not used for religious purposes prior to its conveyance which results in its use for nonreligious purposes, there shall be a recoupment of property taxes in an amount equal to the tax which would have been levied upon such property except for such exemption for all taxable years for which such exemption was in effect. Such recoupment tax shall become due and payable in such year as provided by K.S.A. 79-2004, and amendments thereto. A lien for such taxes shall attach to the real property subject to the same on November 1 in the year such taxes become due and all such taxes remaining due and unpaid after the date prescribed for the payment thereof shall be collected in the manner provided by law for the collection of delinquent taxes. Moneys collected from the recoupment tax hereunder shall be credited by the county treasurer to the several taxing subdivisions within which such real property is located in the proportion that the total tangible property tax levies made in the preceding year for each such taxing subdivision bear to the total of all such levies made in that year by all such taxing subdivisions. Such moneys shall be credited to the general fund of the taxing subdivision or if such taxing subdivision is making no property tax levy for the support of a general fund such moneys may be credited to any other tangible property tax fund of general application of such subdivision. This exemption shall not be deemed inapplicable to property which would otherwise be exempt pursuant to this paragraph because an agency or organization: (a) Is reimbursed for the provision of services accomplishing the purposes enumerated in this paragraph based upon the ability to pay by the recipient of such services; or (b) is reimbursed for the actual expense of using such property for purposes enumerated in this paragraph; or (c) uses such property for a nonexempt purpose which is minimal in scope and insubstantial in nature if such use is incidental to the exempt purposes of this paragraph; or (d) charges a reasonable fee for admission to cultural or educational activities or permits the use of its property for such activities by a related agency or organization, if any such activity is in furtherance of the purposes of this paragraph; or (e) is applying for an exemption pursuant to this paragraph for a motor vehicle that is being leased for a period of at least one year.

Third. All moneys and credits belonging exclusively to universities, colleges, academies or other public schools of any kind, or to religious, literary, scientific or benevolent and charitable institutions or associations, appropriated solely to sustain such institutions or associations, not exceeding in amount or in income arising therefrom the limit prescribed by the charter of such institution or association.

Fourth. The reserve or emergency funds of fraternal benefit societies authorized to do business under the laws of the state of Kansas.

Fifth. All buildings of private nonprofit universities or colleges which are owned and operated by such universities and colleges as student union buildings, president's homes and student dormitories.

Sixth. All real and tangible personal property actually and regularly used exclusively by the alumni association associated by its articles of incorporation with any public or nonprofit Kansas college or university approved by the Kansas board of regents to confer academic degrees or with any community college approved by its board of trustees to grant certificates of completion of courses or curriculum, to provide accommodations and services to such college or university or to the alumni, staff or

faculty thereof.

Seventh, All parsonages owned by a church society and actually and regularly occupied and used predominantly as a residence by a minister or other clergyman of such church society who is actually and regularly engaged in conducting the services and religious ministrations of such society, and the land upon which such parsonage is located to the extent necessary for the accommodation of such parsonage.

Eighth, All real property, all buildings located on such property and all personal property contained therein, actually and regularly used exclusively by any individually chartered organization of honorably discharged military veterans of the United States armed forces or auxiliary of any such organization, which is exempt from federal income taxation pursuant to section 501(c)(19) of the federal internal revenue code of 1986, for clubhouse, place of meeting or memorial hall purposes, and real property to the extent of not more than two acres, and all buildings located on such property, actually and regularly used exclusively by any such veteran's organization or its auxiliary as a memorial park.

Ninth, All real property and tangible personal property actually and regularly used by a community service organization for the predominant purpose of providing humanitarian services, which is owned and operated by a corporation organized not-for-profit under the laws of the state of Kansas or by a corporation organized not-for-profit under the laws of another state and duly admitted to engage in business in this state as a foreign not-for-profit corporation if: (a) The directors of such corporation serve without pay for such services; (b) the corporation is operated in a manner which does not result in the accrual of distributable profits, realization of private gain resulting from the payment of compensation in excess of a reasonable allowance for salary or other compensation for services rendered or the realization of any other form of private gain; (c) no officer, director or member of such corporation has any pecuniary interest in the property for which exemption is claimed; (d) the corporation is organized for the purpose of providing humanitarian services; (e) the actual use of property for which an exemption is claimed must be substantially and predominantly related to the purpose of providing humanitarian services, except that, the use of such property for a nonexempt purpose which is minimal in scope and insubstantial in nature shall not result in the loss of exemption if such use is incidental to the purpose of providing humanitarian services by the corporation; (f) the corporation is exempt from federal income taxation pursuant to section 501(c)(3) of the internal revenue code of 1986 and; (g) contributions to the corporation are deductible under the Kansas income tax act. As used in this clause, "humanitarian services" means the conduct of activities which substantially and predominantly meet a demonstrated community need and which improve the physical, mental, social, cultural or spiritual welfare of others or the relief, comfort or assistance of persons in distress or any combination thereof including, but not limited to, health and recreation services, child care, individual and family counseling, employment and training programs for handicapped persons and meals or feeding programs. Notwithstanding any other provision of this clause, motor vehicles shall not be exempt hereunder unless such vehicles are exclusively used for the purposes described therein, except that the use of any such vehicle for the purpose of participating in a coordinated transit district in accordance with the provisions of K.S.A. 75-5032 through 75-5037, and amendments thereto, or K.S.A. 75-5051 through 75-5058, and amendments thereto, shall be deemed as exclusive use.

Tenth, For all taxable years commencing after December 31, 1986, any building, and the land upon which such building is located to the extent necessary for the accommodation of such building, owned by a church or nonprofit religious society or order which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and actually and regularly occupied and used exclusively for residential and religious purposes by a community of persons who are bound by vows to a religious life and who conduct or assist in the conduct of religious services and actually and regularly engage in religious, benevolent, charitable or educational ministrations or the performance of health care services.

Eleventh, For all taxable years commencing after December 31, 1998, all property actually and regularly used predominantly to produce and generate electricity utilizing renewable energy resources or technologies. For purposes of this section, "renewable energy resources or technologies" shall include wind, solar, photovoltaic, biomass, hydropower, geothermal and landfill gas resources or technologies.

Twelfth. For all taxable years commencing after December 31, 2001, all personal property actually and regularly used predominantly to collect, refine or treat landfill gas or to transport landfill gas from a landfill to a transmission pipeline, and the landfill gas produced therefrom.

Thirteenth. For all taxable years commencing after December 31, 2014, all real property owned and operated by a health club in the state of Kansas. For purposes of this section, "health club" means any corporation, partnership, unincorporated association or other business enterprise whose primary purpose is to offer facilities that contain cardio, weight training or strength and conditioning equipment, or both, for the preservation, maintenance, encouragement or development of physical fitness in return for the payment of a fee which entitles the buyer to the use of such facilities. A health club may have on such club's premises health spas, studios, tennis, racquet or basketball facilities or swimming pools that offer programs that enhance the primary purpose of the health club as specified in this subsection; but may not be facilities that are primarily weight control facilities, health spas, dance studios, martial arts or self-defense studios, tennis, racquet or basketball facilities, swimming pools, golf clubs or similar activities which do not have the primary purpose as specified in this subsection. For purposes of this subsection, real property shall be considered "owned and operated by a health club" if the owner of the real property to be exempted from taxation and the business enterprise that operates the health club and collects the payment of the fee entitling the buyer to use the facility are the same business entity, a parent or subsidiary of the same business entity or have any direct or indirect common ownership. This exemption shall not apply to any real property in a redevelopment district established pursuant to K.S.A. 12-1770 et seq., and amendments thereto, established prior to July 1, 2014, until such time as the redevelopment district is terminated or expires.

The provisions of this section, except as otherwise more specifically provided, shall apply to all taxable years commencing after December 31, 2009."; in line 8, after "12-1744a," by inserting "79-201,";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after "reservists;" by inserting "property tax exemptions, health clubs;"; in line 6, after "12-1744a," by inserting "79-201,"; in line 7, after "79-1609" by inserting "and 79-1507"; in line 7, after "section" by inserting "sections".

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

On roll call, the vote was: Yeas 21; Nays 17; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Arpke, Bruce, Fitzgerald, Kerschen, King, Knox, LaTurner, Love, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Wagle.

Nays: Bowers, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Tyson, Wolf.

Absent or Not Voting: Apple, Masterson.

And **HB 2643** be passed as amended.

A motion by Senator King to amend **HB 2643** failed and the following amendment was rejected: on page 7, in line 34, by striking all following "New Sec. 11."; by striking all in lines 35 through 43;

On page 8, by striking all in lines 1 through 12 and inserting "(a) The director of property valuation shall contract with an independent appraiser who is a certified real property appraiser with at least three years of experience in the classification and appraisal of cement manufacturing facilities to classify and appraise the ash grove cement plant located in Neosho county. The independent appraiser shall conduct such classification and appraisal in conformance with Kansas law, including, but not limited to, section 1, and amendments thereto. Such classification and appraisal shall be conducted in order to determine the value of the property on January 1, 2012. The director of property valuation may require the county appraiser and the taxpayer to submit such documentation to the independent appraiser as necessary to classify and appraise the property. The taxpayer shall permit one or more physical inspections of the property, scheduled at mutually agreeable times so as not to delay the timely completion of the classification and appraisal of the property. The final determination made by the independent appraiser pursuant to this section shall be admissible before the courts of this state and the Kansas court of tax appeals in subsequent classification and valuation proceedings. The county shall be responsible for all reasonable and prior approved costs of the independent classification and appraisal.

(b) The director of property valuation shall notify the taxpayer and the county appraiser of the classification and appraised valuation of the property described in subsection (a). Such notification shall be mailed to the county appraiser and to the taxpayer at the taxpayer's last known address.

(c) Within 15 days of receipt of the notification required by subsection (b), if the taxpayer or the county appraiser has any objection to the notification as issued, the taxpayer or the county appraiser shall notify the director of property valuation in writing of such objection. Within 30 days of the receipt by the director of such objection, the director shall hold an informal meeting with the taxpayer and the county and shall issue a final determination, which shall become effective for purposes of appeal as provided in K.S.A. 79-1609, and amendments thereto. The informal meeting held pursuant to this section may be conducted by the director or the director's designee. An informal meeting with the director or the director's designee shall be a condition precedent to an appeal to the court of tax appeals.

(d) Upon receiving a final determination pursuant to this section, the taxpayer may file a petition with the court of tax appeals to dismiss any case before the court relating to the subject property for the 2012 tax year or any tax year thereafter. The taxpayer

may then refile the case before the court with the classification and valuation as determined by this section.";

On page 1, in the title, in line 2, by striking "definition,"

A motion by Senator Holland to amend **HB 2643** failed and the following amendment was rejected: on April 4, 2014, by an amendment designated as "fa_2014_hb2463_s_4499" by striking all of subsection *Thirteenth* in Sec. 13. and inserting:

"Thirteenth. For all taxable years commencing after December 31, 2014, all real property owned and operated by a health club in the state of Kansas, except for any health club located in Douglas county. For purposes of this section, "health club" means any corporation, partnership, unincorporated association or other business enterprise whose primary purpose is to offer facilities that contain cardio, weight training or strength and conditioning equipment, or both, for the preservation, maintenance, encouragement or development of physical fitness in return for the payment of a fee which entitles the buyer to the use of such facilities. A health club may have on such club's premises health spas, studios, tennis, racquet or basketball facilities or swimming pools that offer programs that enhance the primary purpose of the health club as specified in this subsection; but may not be facilities that are primarily weight control facilities, health spas, dance studios, martial arts or self-defense studios, tennis, racquet or basketball facilities, swimming pools, golf clubs or similar activities which do not have the primary purpose as specified in this subsection. For purposes of this subsection, real property shall be considered "owned and operated by a health club" if the owner of the real property to be exempted from taxation and the business enterprise that operates the health club and collects the payment of the fee entitling the buyer to use the facility are the same business entity, a parent or subsidiary of the same business entity or have any direct or indirect common ownership. This exemption shall not apply to any real property in a redevelopment district established pursuant to K.S.A. 12-1770 et seq., and amendments thereto, established prior to July 1, 2014, until such time as the redevelopment district is terminated or expires."

A motion by Senator Fitzgerald to amend **HB 2643** failed and the following amendment was rejected: on April 4, 2014, by an amendment designated as "fa_2014_hb2463_s_4499" by striking all of subsection *Thirteenth* in Sec. 13. and inserting:

"Thirteenth. For all taxable years commencing after December 31, 2014, all real property owned and operated by a health club in the state of Kansas, except in any county where the total appraised value of real property exempt from ad valorem taxation exceeds 25% of the total appraised value of real property in that county. For purposes of this section, "health club" means any corporation, partnership, unincorporated association or other business enterprise whose primary purpose is to offer facilities that contain cardio, weight training or strength and conditioning equipment, or both, for the preservation, maintenance, encouragement or development of physical fitness in return for the payment of a fee which entitles the buyer to the use of such facilities. A health club may have on such club's premises health spas, studios, tennis, racquet or basketball facilities or swimming pools that offer programs that enhance the primary purpose of the health club as specified in this subsection; but may not be facilities that are primarily weight control facilities, health spas, dance studios, martial arts or self-defense studios, tennis, racquet or basketball facilities, swimming

pools, golf clubs or similar activities which do not have the primary purpose as specified in this subsection. For purposes of this subsection, real property shall be considered "owned and operated by a health club" if the owner of the real property to be exempted from taxation and the business enterprise that operates the health club and collects the payment of the fee entitling the buyer to use the facility are the same business entity, a parent or subsidiary of the same business entity or have any direct or indirect common ownership. This exemption shall not apply to any real property in a redevelopment district established pursuant to K.S.A. 12-1770 et seq., and amendments thereto, established prior to July 1, 2014, until such time as the redevelopment district is terminated or expires."

SB 323 be amended by the adoption of the committee amendments, be further amended by motion of Senator Powell: on page 1, in line 22, by striking the colon; in line 23, by striking "(1)" and inserting a comma; also in line 23, by striking all after "years"; by striking all in lines 24 through 28; in line 29, by striking all before the period"

SB 323 be further amended by motion of Senator Petersen: on page 1, in line 22, by striking "created" and inserting ", except for conservation easements created to buffer airplane runways on any active military installations, executed".

SB 323 be further amended by motion of Senator Fitzgerald: on page 1, in line 22, by striking "created" and inserting ", except for conservation easements created to buffer military installations, executed" and **SB 323** be passed as further amended.

A motion by Senator Arpke to amend **SB 323** was withdrawn.

Senator Francisco moved **SB 323** be rereferred to the Committee on **Natural Resources**. The motion failed.

HB 2557 be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson: on page 7, in line 10, before the period by inserting "For all taxable years beginning after December 31, 2012, the amount which exceeds \$25,000 or \$50,000 for a married couple filing a joint return, of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service";

Also on page 7, in line 11, before "For" by inserting "(xx)"; in line 16, by striking "(xx)" and inserting "(xxi)"; in line 22, by striking "(xxi)" and inserting "(xxii)"; in line 27, by striking "(xxii)" and inserting "(xxiii)"; in line 32, by striking "(xxiii)" and inserting "(xxiv)"; in line 42, by striking "(xxiv)" and inserting "(xxv)".

HB 2557 be further amended by motion of Senator V. Schmidt: on page 11, following line 28, by inserting:

"Sec. 3. K.S.A. 2013 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as defined by K.S.A. 79-3301, and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political

subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of

K.S.A. 79-3615, and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide

resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of subsection (o) of K.S.A. 79-3603, and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(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. 2013 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 prior to January 1, 2012, except as otherwise provided, 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, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business which

meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such 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. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(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 facility for people with intellectual disability 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 facility for people with intellectual disability 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 off-site, 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~~ purposes 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, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(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, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(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 Ill, Inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas Mental Illness Awareness Council for the purposes of advocacy for persons who are mentally ill and ~~to~~ for 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 parent-teacher 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, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. 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. xa7 101.36;

(lll) 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 psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the West Sedgwick County-Sunrise Rotary Club and Sunrise Charitable Fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) 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;

(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;

(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 intellectual disability, 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~~
 (hhhh) all sales of tangible personal property and services purchased by a hospice which is certified to participate in the medicare program under 42 code of federal regulations, chapter IV, section 418.1 et seq. for the purpose of providing services for hospice patients, and purchased by an organization licensed as a program of all-inclusive care for the elderly (pace) provider as licensed by the Kansas department of aging and disability services for the purpose of providing care for pace patients, all of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code.";

And by renumbering sections accordingly;

Also on page 11, in line 29, by striking "and" and inserting a comma; also in line 29, after "79-32,117" by inserting "and 79-3606";

On page 1, in the title, in line 3, after the semicolon by inserting "sales tax exemptions;"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "79-32,117" by inserting "and 79-3606"

HB 2557 be further amended by motion of Senator Knox: on April 4, 2014, in the amendment designated as "fa_2014_hb2557_s_4467", in Sec. 3, K.S.A. 2013 Supp. 79-3606, by striking all of subsection (b) and inserting the following:

"(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; (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; or (3) such political subdivision is a housing authority and provides housing for projects other than housing projects for persons of low income as described in K.S.A. 17-2339, and amendments thereto, and such items of personal property or services are used or proposed to be used in such business;";

Also in Sec. 3, K.S.A. 2013 Supp. 79-3606, by striking all of subsection (d) and inserting the following:

"(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. Such purchases by a contractor for a housing authority shall be exempt from the tax imposed by this act only if used in a housing project for persons of low income as described in K.S.A. 17-2339, and amendments thereto, and not housing for resale or other purposes. 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. In addition to any other provision of this subsection, if a contractor for a housing authority violates the purposes of the exemption certificate, the housing authority is liable for the payment of any taxes under this act for any such purchases of tangible personal property that were otherwise exempt under this act;"

HB 2557 be amended by motion of Senator Petty, on April 4, 2014, in the amendment designated as "fa_2014_hb2557_s_4467", in Sec. 3, K.S.A. 2013 Supp. 79-3606, at the end of (gggg) by striking the "and"; also in (hhhh) by striking the period at the end and inserting the following: "; and

(iiii) all sales of tangible personal property purchased by or on behalf of the epilepsy foundation of Missouri and Kansas, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of leading the fight to stop seizures, finding a cure and overcoming the challenges created by epilepsy, and all sales of any such property by or on behalf of such organization for such purpose."

HB 2557 be amended by motion of Senator O'Donnell: on April 4, 2014, in the amendment designated as "fa_2014_hb2557_s_4514", in Sec. 3, K.S.A. 2013 Supp. 79-3606, at the end of (hhhh) by striking the "and"; also in (iiii) by striking the period at the end and inserting the following: ";

(jjjj) 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 Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. 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 Wichita children's home. When Wichita children's home 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 Wichita children's home 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, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, 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, shall be subject to the penalties provided for in subsection (h) of K.S.A. 79-3615, and amendments thereto;

(kkkk) all sales of tangible personal property or services purchased by or on behalf of the beacon, 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 those desiring help with food, shelter, clothing and other necessities of life during times of special need; and

(llll) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community." and **HB 2557** be passed as further amended.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2588** 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.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

JOHN RUBIN

RAMON GONZALEZ

JANICE PAULS

Conferees on part of House

On motion of Senator King the Senate adopted the conference committee report on **S Sub HB 2588**, and requested a new conference be appointed.

The President appointed Senators King, Smith and Haley as a second Conference

Committee on the part of the Senate on **S Sub HB 2588**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2389** 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.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

JOHN RUBIN

RAMON GONZALEZ

JANICE PAULS

Conferees on part of House

On motion of Senator King the Senate adopted the conference committee report on **S Sub HB 2389**, and requested a new conference be appointed.

The President appointed Senators King, Smith and Haley as a second Conference Committee on the part of the Senate on **S Sub HB 2389**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 323**; **HB 2553**, **HB 2557** and **HB 2643** were advanced to Final Action and roll call.

SB 323, AN ACT concerning property; relating to conservation easements; amending K.S.A. 58-3811 and repealing the existing section.

On roll call, the vote was: Yeas 16; Nays 23; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Denning, Fitzgerald, Holmes, Knox, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson.

Nays: Apple, Bowers, Bruce, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, McGinn, Ostmeyer, Pettey, V. Schmidt, Shultz, Wagle, Wolf.

Present and Passing: Donovan.

A constitutional majority having failed to vote in favor of the bill, **SB 323** did not pass.

EXPLANATION OF VOTE

Madam President: As introduced, **SB 323** would limit the duration of conservation easements in Kansas to the life of the grantor or a specified term of years, whichever occurs first. Amendments allow for durations for up to 50 years, for the life of the project if the purpose is compensatory mitigation required under the Clean Water Act, and create an exception for conservation easements created to buffer military installations. Conservation easements are agreements between a willing landowner and a qualified conservation organization or government agency under which a landowner

agrees to maintain the land in a way that respects the land's existing conservation values. These easements allow for the provision of buffers for military training, mitigation for watershed development, continuation of the use of farm and grazing lands, and protection of wildlife habitat and scenic natural areas including our tallgrass prairie. Kansans have enjoyed this right for over 20 years since the legislature passed the Uniform Conservation Easement Act in 1992. Although the bill allows some exceptions, it would interfere with many opportunities for Kansans to exercise their private property rights and to provide for their vision of the future. I vote "No" on **SB 323**. – MARCI FRANCISCO

Senator Hawk requests the record to show that he concurs with the "Explanation of Vote" offered by Senator Francisco on **SB 323**.

HB 2553, AN ACT concerning health care; enacting the health care compact.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Petey, V. Schmidt, Wolf.

The bill passed.

HB 2557, AN ACT concerning taxation; relating to income tax, penalties for certain taxpayers who file incorrect returns and certain income modifications; amending K.S.A. 2013 Supp. 79-3228 and 79-32,117 and repealing the existing sections.

On roll call, the vote was: Yeas 25; Nays 12; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Donovan, Faust-Goudeau, Fitzgerald, Holland, Holmes, Kerschen, Knox, LaTurner, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Petey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Tyson, Wagle.

Nays: Apple, Bruce, Denning, Haley, Hawk, Hensley, Kelly, King, Longbine, Melcher, Smith, Wolf.

Present and Passing: Francisco, Love, Lynn.

The bill passed, as amended.

HB 2643, AN ACT concerning property taxation; relating to commercial and industrial machinery and equipment, definition, classification; independent appraisers; reclassification of certain tax exempt property; motor vehicles, members of military service and active guard and reservists; property tax exemptions, health clubs; amending K.S.A. 2013 Supp. 12-1744a, 79-201, 79-251, 79-1609 and 79-5107 and repealing the existing sections.

On roll call, the vote was: Yeas 29; Nays 8; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Francisco, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Haley, Hawk, Hensley, Holland, Kelly, King, Petey.

Present and Passing: Donovan, Longbine, McGinn.
The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote no on **HB 2643**. Passing this bill reinforces the cynicism most of our fellow Kansans have about politics – those who contribute large sums of money to political campaigns get laws passed giving them special treatment. This bill does exactly that. The owner of Genesis Health Clubs gets an exemption on his business property taxes in return for contributing \$45,000 to Senate candidates in the last election. Where will this end? This bill sets a dangerous precedent. If it's Genesis Health Clubs today, how many other for-profit businesses will come to the Legislature and ask for a property tax exemption? I vote no on this bill. – ANTHONY HENSLEY

ORIGINAL MOTION

On motion of Senator King, the Senate acceded to the request of the House for a conference on **HB 2490**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

Senator Bruce moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **SB 311**.

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 311** 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 4, in line 17, by striking "and" and inserting a comma; also in line 17, after "60-19a02" by inserting ", 60-3801, 60-3802, 60-3803, 60-3804, 60-3805, 60-3806 and 60-3807";

On page 1, in the title, in line 3, before "amending" by inserting "repealing statutes pertaining to collateral source benefits;"; in line 5, before the period by inserting "; also repealing K.S.A. 60-3801, 60-3802, 60-3803, 60-3804, 60-3805, 60-3806 and 60-3807";

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

MARVIN KLEEB

GENE SUELLENTROP

JANICE PAULS

Conferees on part of House

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

Senator Smith moved the Senate adopt the Conference Committee Report on **SB 311**.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Bruce, Pilcher-Cook.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2130** submits the following report:

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

On page 1, following line 5, by inserting:

"New Section 1. (a) A county election officer may request the preparation of a ballot language statement for the purposes of explaining the language of a ballot question of any municipality as defined by K.S.A. 75-6102, and amendments thereto.

(1) If a request is submitted pursuant to this subsection and if the ballot question language was derived from a petition submitted to the office of the county attorney, district attorney or county counselor pursuant to K.S.A. 25-3601, and amendments thereto, such county election officer shall, within 10 days of certification, request the office of the county attorney, district attorney or county counselor, as applicable, to prepare the ballot language statement in compliance with the requirements of paragraph (3).

(2) If a request is submitted pursuant to this subsection and if the ballot question language did not derive from a petition submitted to the office of the county attorney, district attorney or county counselor pursuant to K.S.A. 25-3601, and amendments thereto, such county election officer shall, within 10 days of publication, request the office of secretary of state to prepare the ballot language statement in compliance with the requirements of paragraph (3).

(3) A ballot language statement shall fairly and accurately explain what a vote for and what a vote against the measure represents. Such ballot language statements shall be true and impartial statements of the effect of a vote for and against the measure in language neither intentionally argumentative nor likely to create prejudice for or against the proposed measure. A ballot language statement shall be prepared and transmitted in good faith and without malice.

(b) (1) Within 15 days of a request by a county election officer to prepare a ballot language statement pursuant to subsection (a)(1), the office of the county attorney, district attorney or county counselor, as applicable, shall prepare and forward such ballot language statement to the office of secretary of state for approval by the secretary of state or the secretary of state's designee that such ballot language statement complies with the requirements of subsection (a)(3). Within five days following the receipt of the ballot language statement, the office of secretary of state shall furnish the county

election officer with the ballot language statement as approved by the office of secretary of state as in compliance with the requirements of subsection (a)(3).

(2) Within 15 days of a request by a county election officer to prepare a ballot language statement pursuant to subsection (a)(2), the secretary of state or the secretary's designee shall prepare and forward such ballot language statement to the office of the attorney general for approval by the attorney general, or any assistant attorney general, that such ballot language statement complies with the requirements of subsection (a)(3). Within five days following the receipt of the ballot language statement, the office of the attorney general shall furnish the county election officer with the ballot language statement as approved by the office of the attorney general as in compliance with the requirements of subsection (a)(3).

(c) A ballot language statement prepared under this section shall be:

(1) Posted in each polling place, but shall not be placed on the ballot;

(2) provided to registered voters voting by advance ballot. Such ballot language statement shall not be placed on the ballot when provided to a registered voter voting by advance ballot; and

(3) made available for public inspection in the office of the county election officer. A ballot language statement prepared under this section may be posted on the official website of the county.

(d) There shall be no cause of action at law or in equity challenging the validity of the form of a ballot language statement prepared under this section. There shall be no liability on the part of and no cause of action of any nature shall arise against the attorney general, any assistant attorney general, the secretary of state, the secretary of state's employees, the county election officer, the county attorney, the district attorney or the county counselor as a result of the preparation of a ballot language statement under this section. The preparation of a ballot language statement shall not form any basis for an election contest or result in the waiver of any immunity by the state or any of its subdivisions.

(e) If the ballot language statement is not available to insert with the advance ballots, no ballot language statement shall be prepared or made available at the polling place, office of the county election officer, on the official website of the county or the news media.

(f) The secretary of state may promulgate by rules and regulations the rights and responsibilities of election officials which shall be taught to all election officials to aid such officials in understanding their jobs.";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "relating to ballot language statements;";

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

MITCH HOLMES

MICHAEL O'DONNELL

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

SCOTT SCHWAB

STEVE HUEBERT

TOM SAWYER

Conferees on part of House

Senator Holmes moved the Senate adopt the Conference Committee Report on **HB 2130**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2296** submits the following report:

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

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 25-904 is hereby amended to read as follows: 25-904. (a) Every candidate for election to any city of the second and third class, unified school district, community college or township office subject to this act who intends to expend or have expended on such person's behalf an aggregate amount or value of less than ~~\$500~~ \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than ~~\$500~~ \$1,000 in each the primary and the general election shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the county election officer of the county of residence of the candidate. No report required by subsection (b) shall be required to be filed by or for such candidate.

(b) Except as provided in subsection (a), it shall be the duty of every candidate for nomination or for election to any city of the second and third class, unified school district, community college or township office subject to this act, within 30 days after each primary, general or special election, to file with the county election officer an itemized statement under oath stating the name and address of each person who has made any contribution in excess of \$50 during the election period together with the amount and date of such contributions and an itemized statement of all expenditures made by such candidate or obligations contracted or incurred by such candidate in connection with each primary, general or special election.

(c) No candidate which is subject to the provisions of the campaign finance act ~~(, K.S.A. 25-4142 et seq., and amendments thereto)~~, shall be required to file any report required by this section.

(d) Any candidate who has signed an affidavit pursuant to subsection (a) and who incurs expenses in excess of or receives contributions in excess of ~~\$500~~ \$1,000, exclusive of such candidate's filing fee for either the primary or the general election, shall file the report required by subsection (b).

Sec. 2. K.S.A. 2013 Supp. 25-4148a is hereby amended to read as follows: 25-4148a. When a report is made under this act and the amount being contributed by an individual is over \$150, the report shall list the occupation ~~and industry~~ of the individual contributor. If the individual contributor is not employed for compensation then the report shall list the occupation ~~and industry~~ of the contributor's spouse.";

Also on page 1, in line 6, by striking "2012" and inserting "2013";

On page 2, following line 42, by inserting:

"Sec. 5. K.S.A. 25-4173 is hereby amended to read as follows: 25-4173. Every candidate for state or local office who intends to expend or have expended on such person's behalf an aggregate amount or value of less than ~~\$500~~ \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than ~~\$500~~ \$1,000 in each of the primary and the general elections shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the secretary of state for state offices. In the case of a candidate for a local office, such affidavit also shall be filed with the county election officer of the county in which the name of the candidate is on the ballot. No report required by K.S.A. 25-4148, and amendments thereto, shall be required to be filed by or for such candidate.

Sec. 6. K.S.A. 46-268 is hereby amended to read as follows: 46-268. (a) Except as otherwise provided in subsection (b), every lobbyist shall file with the secretary of state a report of employment and expenditures on a form and in the manner prescribed and provided by the commission. A report shall be filed on or before the 10th day of the months of February, March, April, May, September and January. Reports shall include all expenditures which are required to be reported under K.S.A. 46-269, and amendments thereto, or a statement that no expenditures in excess of \$100 were made for such purposes, during the preceding calendar month or months since the period for which the last report was filed.

(b) For any calendar year in which a lobbyist expects to expend an aggregate amount of less than \$100 for lobbying in each reporting period, a lobbyist shall file an affidavit of such intent with the secretary of state. Such lobbyist shall not be required to file the reports required under subsection (a) for the year for which such affidavit is filed ~~but shall file a report on or before January 10, which shall include all expenditures made in the preceding calendar year which are required to be reported under K.S.A. 46-269, and amendments thereto.~~ If in any reporting period a lobbyist filing such affidavit expends in excess of \$100 in reportable expenses, a report shall be filed for such period in the manner prescribed by subsection (a).";

Also on page 2, in line 43, after the first "K.S.A." by inserting "25-904,"; also in line 43, after "25-4157" by inserting "25-4173 and 46-268"; also in line 43, by striking "2012" and inserting "2013"; also in line 43, after "25-4157a" and inserting "and 25-4148a";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "campaign finance" and inserting "candidates and lobbyists"; in line 2, after the semicolon by inserting "concerning campaign finance disclosures; relating to certain lobbyist filings"; also in line 2, after the first "K.S.A." by inserting "25-904,"; also in line 2, after "25-4157" by inserting ", 25-4173 and 46-268"; also in line 2, by striking "2012" and inserting "2013"; also in line 2, after "25-4157a" by inserting "and 25-4148a";

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

MITCH HOLMES
MICHAEL O'DONNELL
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

SCOTT SCHWAB
STEVE HUEBERT
TOM SAWYER
Conferees on part of House

Senator Holmes moved the Senate adopt the Conference Committee Report on **HB 2296**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2433** 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 21, by striking "individual"; in line 22, by striking "convicted" and inserting "defendant";

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

JEFF KING
GREG SMITH
DAVID HALEY
Conferees on part of Senate

JOHN RUBIN
RAMON GONZALEZ
JANICE PAULS
Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2433**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz,

Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2537** submits the following report:

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

On page 8, following line 34, by inserting:

"Sec. 5. K.S.A. 2-224 is hereby amended to read as follows: 2-224. (a) The state fair board is hereby authorized to purchase safe burglary and messenger robbery insurance coverage in amounts deemed appropriate by such board for the period of the annual Kansas state fair and during the remainder of the year. Such board is also authorized to purchase insurance coverage for any rented or borrowed motorized vehicles used during the state fair indemnifying the board against loss or damage to such vehicles and against liability for the operation of such vehicles. ~~The insurance shall be acquired through the committee on surety bonds and insurance as provided by law.~~

(b) The state fair board is hereby authorized to purchase event cancellation and rain insurance coverage in amounts deemed appropriate by such board for the period of the annual Kansas state fair and during the remainder of the year.

(c) Any insurance purchased pursuant to this section shall not be required to be acquired through the committee on surety bonds and insurance as required by K.S.A. 75-4101 et seq., and amendments thereto.

Sec. 6. K.S.A. 2013 Supp. 75-4105 is hereby amended to read as follows: 75-4105. Except as provided in K.S.A. 2-224 and K.S.A. 2013 Supp. 75-4125, and amendments thereto, all surety bonds and insurance contracts purchased pursuant to this act shall be purchased by the committee in the manner prescribed for the purchase of supplies, materials, equipment or contractual services under K.S.A. 75-3738 to 75-3744, inclusive, and amendments thereto. The director of accounts and reports shall not pay any premium or rate on any surety bond or insurance contract until the purchase of such surety bond or contract shall have been approved by the secretary of the committee. Surety bonds or insurance contracts having a premium or rate in excess of \$500 purchased hereunder shall be purchased on sealed bids as provided by law for the purchase of other materials, equipment or contractual services. Where more than one state agency is covered by any bond or insurance contract, the committee shall prorate the cost of premiums or rates on any and all such bonds or contracts, except as provided in K.S.A. 75-4114, and amendments thereto, purchased as charges upon the funds of the state agency wherein any covered state officers or employees are employed or covered property is located or controlled. Such prorated charges shall constitute a lawful charge by the committee upon the funds available to any such state agency and shall be paid by each such state agency to the committee, or to the surety or insurance carrier if the committee requires it, in the manner provided by law for the payment of other obligations of such state agency.

Sec. 7. K.S.A. 2013 Supp. 75-4109 is hereby amended to read as follows: 75-4109. (a) Subject to the provisions of K.S.A. 2-224, and amendments thereto, the committee, at least once every three years, shall approve the property and casualty insurance

coverages that shall be purchased by each state agency.

(b) Subject to the provisions of K.S.A. 2-224, and amendments thereto, the committee shall require that each state agency purchase the insurance coverages prescribed by K.S.A. 74-4703, 74-4705, 74-4707, 75-712e, 75-2728, 76-218, 76-391, 76-394, 76-747 and 76-491, and amendments to these sections thereto, and shall prescribe the terms, conditions and amounts of such coverage giving due regard to the operations and requirements of the agencies involved.

(c) Subject to the provisions of K.S.A. 2-224, and amendments thereto, the committee shall, in addition to the coverages specified in subsection (b), designate the insurance coverages to be purchased by each state agency that are deemed by the committee to be necessary to protect the state for property of others that may be in the possession or control of such state agencies.

(d) Such coverages as are specified in subsections (b) and (c) may also include coverages on property of the state that are deemed by the committee to be incidental to the basic coverages herein required, and the committee shall prescribe the terms, conditions and amounts of all insurance coverages purchased pursuant to this section. Property of the state board of regents of any university or college which is referred to in subsection (b) may be self-insured as provided under this act.

(e) No property insurance coverage may be purchased by the committee, except as provided herein or by K.S.A. 2013 Supp. 75-4125, and amendments thereto, or specifically required by other Kansas statutes or appropriations.";

And by renumbering sections accordingly;

Also on page 8, in line 35, before "K.S.A." by inserting "K.S.A. 2-224 and"; also in line 35, by striking "and" and inserting a comma; in line 36, by inserting after "2140", ", 75-4105 and 75-4109";

On page 1, in the title, in line 7, after "corrections;" by inserting " relating to the purchase of certain insurance by the state fair board"; also in line 7, after "amending" by inserting "K.S.A. 2-224 and"; also in line 7, by striking "and" and inserting a comma; in line 8, after "40-2140" by inserting ", 75-4105 and 75-4109";

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

ROBERT OLSON

JEFF LONGBINE

TOM HAWK

Conferees on part of Senate

SCOTT SCHWAB

MARK HUTTON

RODERICK HOUSTON

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2537**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King,

Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2568** 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 7, by striking all in lines 2 through 5;

On page 8, following line 8, by inserting:

"(d) If both parents are parties to the action, the court shall enter such orders regarding custody, residency and parenting time as the court considers to be in the best interest of the child.

If the parties have an agreed parenting plan, it shall be presumed the agreed parenting plan is in the best interest of the child. This presumption may be overcome and the court may make a different order if the court makes specific findings of fact stating why the agreed parenting plan is not in the best interest of the child. If the parties are not in agreement on a parenting plan, each party shall submit a proposed parenting plan to the court for consideration at such time before the final hearing as may be directed by the court.

(e) If during the proceedings the court determines that there is probable cause to believe that the child is a child in need of care, as defined by subsections (d)(1), (d)(2), (d)(3) or (d)(11) of K.S.A. 2013 Supp. 38-2202, and amendments thereto, or that neither parent is fit to have residency, the court may award temporary residency of the child to a grandparent, aunt, uncle or adult sibling, or another person or agency if the court finds by written order that: (1) (A) The child is likely to sustain harm if not immediately removed from the home; (B) allowing the child to remain in the home is contrary to the welfare of the child; or (C) immediate placement of the child is in the best interest of the child; and (2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety of the child. In making such a residency order, the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to awarding such residency to a relative of the child by blood, marriage or adoption and second to awarding such residency to another person with whom the child has close emotional ties. The court may make temporary orders for care, support, education and visitation that it considers appropriate. Temporary residency orders are to be entered in lieu of temporary orders provided for in K.S.A. 2013 Supp. 38-2243 and 38-2244, and amendments thereto, and shall remain in effect until there is a final determination under the revised Kansas code for care of children. An award of temporary residency under this paragraph shall not terminate parental rights nor give the court the authority to consent to the adoption of the child. When the court enters orders awarding temporary residency of the child to an agency or a person other than the parent, the court shall refer a transcript of the proceedings to the county or district attorney. The county or district attorney shall file a petition as provided in

K.S.A. 2013 Supp. 38-2234, and amendments thereto, and may request termination of parental rights pursuant to K.S.A. 2013 Supp. 38-2266, and amendments thereto. The costs of the proceedings shall be paid from the general fund of the county. If a final determination is made that the child is not a child in need of care, the county or district attorney shall notify the court in writing and the court, after a hearing, shall enter appropriate custody orders pursuant to this section. If the same judge presides over both proceedings, the notice is not required. Any order pursuant to the revised Kansas code for care of children shall take precedence over any similar order under this section.";

And by redesignating the remaining subsection accordingly;

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

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2568**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2578** 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 5, before "Section" by inserting "New";

On page 2, following line 21, by inserting:

"New Sec. 2. (a) No city or county shall expend any funds derived from the proceeds of any tax levied by such city or county or any political subdivision thereof, for the purpose of implementing, administering or otherwise operating a firearms buyback program.

(b) For purposes of this section:

(1) "Firearm" shall have the same meaning as that term is defined in K.S.A. 2013 Supp. 21-5111, and amendments thereto.

(2) "Firearms buyback program" means any program wherein individuals are offered the opportunity to gift, sell or otherwise transfer ownership of such individual's firearm to a city or county.

New Sec. 3. (a) No employee of a municipality shall be required to disclose to such person's employer the fact that such employee possesses a valid license to carry a concealed handgun. No employee shall be terminated, demoted, disciplined or otherwise discriminated against due to such employee's refusal to disclose the fact that the employee possesses a valid license to carry a concealed handgun. No municipality shall create or maintain a record of an employee's possession of a valid license to carry a concealed handgun, or that an employee has disclosed the fact that such employee possesses a valid license to carry a concealed handgun. Any such record created and maintained by a municipality on or before June 30, 2014, shall be destroyed by such municipality on or before July 31, 2014.

(b) For purposes of this section, the term "municipality" has the same meaning as that term is defined in K.S.A. 75-6102, and amendments thereto.

(c) This section shall be a part of and supplemental to the personal and family protection act.

New Sec. 4. (a) No municipality shall be liable for any wrongful act or omission relating to the actions of any person carrying a firearm, including employees of such municipality, concerning acts or omissions regarding such firearm.

(b) For purposes of this section, the term "municipality" has the same meaning as that term is defined in K.S.A. 75-6102, and amendments thereto.

New Sec. 5. (a) Provided that the building is conspicuously posted in accordance with rules and regulations adopted by the attorney general as a building where carrying an unconcealed firearm is prohibited, it shall be unlawful to carry an unconcealed firearm into such building.

(b) Nothing in this section shall be construed to prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties.

(c) It shall be a violation of this section to carry an unconcealed firearm if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (d). Any person who violates this section shall not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises.

(d) (1) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on a building where carrying an unconcealed firearm is prohibited pursuant to subsection (a). Such regulations shall prescribe, at a minimum, that:

- (A) The signs be posted at all exterior entrances to the prohibited buildings;
- (B) the signs be posted at eye level of adults using the entrance and not more than 12 inches to the right or left of such entrance;
- (C) the signs not be obstructed or altered in any way;
- (D) signs which become illegible for any reason be immediately replaced; and
- (E) except as provided in paragraph (2), signs shall include the following, which shall be printed in large, conspicuous print: "The open carrying of firearms in this building is prohibited."

(2) Such rules and regulations shall provide that the same signage used to prohibit the carrying of concealed handguns under K.S.A. 75-7c01 et seq., and amendments thereto, may be used to also prohibit the carrying of unconcealed firearms.

New Sec. 6. (a) Possession of a firearm under the influence is knowingly possessing or carrying a loaded firearm on or about such person, or within such person's immediate access and control while in a vehicle, while under the influence of alcohol or drugs, or both, to such a degree as to render such person incapable of safely operating a firearm.

(b) Possession of a firearm under the influence is a class A nonperson misdemeanor.

(c) This section shall not apply to:

(1) A person who possesses or carries a firearm while in such person's own dwelling or place of business or on land owned or possessed by such person; or

(2) the transitory possession or use of a firearm during an act committed in self-defense or in defense of another person or any other act committed if legally justified or excused, provided such possession or use lasts no longer than is immediately necessary.

(d) If probable cause exists for a law enforcement officer to believe a person is in possession of a firearm under the influence of alcohol or drugs, or both, such law enforcement officer shall request such person submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The selection of the test or tests shall be made by the officer.

(e) (1) If a law enforcement officer requests a person to submit to a test of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by:

(A) 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;

(B) a registered nurse or a licensed practical nurse;

(C) any qualified medical technician, including, but not limited to, an emergency medical technician-intermediate, mobile intensive care technician, an emergency medical technician-intermediate/defibrillator, an advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol; or

(D) a phlebotomist.

(2) A law enforcement officer may direct a medical professional described in this subsection to draw a sample of blood from a person if the person has given consent or upon meeting the requirements of subsection (d).

(3) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person's life, cause serious injury to the person or seriously impede the person's medical assessment, care or treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met for directing the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to

withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

(4) Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document provided by law enforcement.

(5) If a sample is to be taken under authority of a search warrant, and the person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person's safety or that of the medical professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.

(6) A law enforcement officer may request a urine sample upon meeting the requirements of subsection (d).

(7) If a law enforcement officer requests a person to submit to a test of urine under this section, the collection of the urine sample shall be supervised by:

(A) 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;

(B) a registered nurse or a licensed practical nurse; or

(C) a law enforcement officer of the same sex as the person being tested.

The collection of the urine sample shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in paragraphs (2) and (3) shall apply to the collection of a urine sample.

(8) The person performing or assisting in the performance of any such test and the law enforcement officer requesting any such test who is acting in accordance with this section shall not be liable in any civil and criminal proceeding involving the action.

(f) (1) The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of possession of a firearm under the influence of alcohol or drugs, or both.

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

(3) In any criminal prosecution for a violation of this section, if the court finds that a person refused to submit to testing when requested pursuant to this section, the county or district attorney, upon petition to the court, may recover on behalf of the state, in addition to the criminal penalties provided in this section, a civil penalty not exceeding \$1,000 for each violation.

(g) If a person who holds a valid license to carry a concealed handgun issued pursuant to K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto, is convicted of a violation of this section, such person's license to carry a concealed handgun shall be

revoked for a minimum of one year for a first offense and three years for a second or subsequent offense.

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

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

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

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

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

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

Sec. 7. K.S.A. 2013 Supp. 12-16,124 is hereby amended to read as follows: 12-16,124. (a) No city or county shall adopt or enforce any ordinance, resolution or regulation, and no agent of any city or county shall take any administrative action, governing the purchase, transfer, ownership, storage, carrying or transporting of firearms or ammunition, or any component or combination thereof. ~~Except as provided in subsection (b) of this section and subsection (b) of K.S.A. 2013 Supp. 75-7e10, and amendments thereto, any such ordinance, resolution or regulation adopted prior to the effective date of this 2007 act shall be null and void.~~

(b) No city or county shall adopt or enforce any ordinance, resolution or regulation relating to the sale of a firearm by an individual, who holds a federal firearms license, that is more restrictive than any ordinance, resolution or regulation relating to the sale of any other commercial good.

(c) Any ordinance, resolution or regulation prohibited by either subsection (a) or (b) that was adopted prior to July 1, 2014, shall be null and void.

(d) Nothing in this section shall:

(1) Prohibit a city or county from adopting and enforcing any ordinance, resolution or regulation relating to the personnel policies of such city or county and the carrying of firearms by employees of such city or county, except that any such ordinance, resolution or regulation shall comply with the provisions of K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto;

(2) prohibit a city or county from adopting any ordinance, resolution or regulation pursuant to K.S.A. 2013 Supp. 75-7c20, and amendments thereto; or

(3) prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties;

(2) prohibit a city or county from regulating the manner of openly carrying a loaded firearm on one's person; or in the immediate control of a person, not licensed or recognized under the personal and family protection act while on property open to the

public;

~~(3) prohibit a city or county from regulating in any manner the carrying of any firearm in any jail, juvenile detention facility, prison, courthouse, courtroom or city hall; or~~

~~(4) prohibit a city or county from adopting an ordinance, resolution or regulation requiring a firearm transported in any air, land or water vehicle to be unloaded and encased in a container which completely encloses the firearm or any less restrictive provision governing the transporting of firearms, provided such ordinance, resolution or regulation shall not apply to persons licensed or recognized under the personal and family protection act.~~

~~(e) Except as provided in subsection (b) of this section and subsection (b) of K.S.A. 2013 Supp. 75-7e10, and amendments thereto, no person shall be prosecuted or convicted of a violation of any ordinance, resolution or regulation of a city or county which regulates the storage or transportation of a firearm if such person: (1) Is storing or transporting the firearm without violating any provision of the Kansas criminal code; or (2) is otherwise transporting the firearm in a lawful manner.~~

~~(d) No person shall be prosecuted under any ordinance, resolution or regulation for transporting a firearm in any air, land or water vehicle if the firearm is unloaded and encased in a container which completely encloses the firearm.~~

Sec. 8. K.S.A. 2013 Supp. 12-16,134 is hereby amended to read as follows: 12-16,134. (a) A municipality shall not enact or enforce any ordinance, resolution, ~~rule~~ regulation or tax relating to the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration or use of a knife or knife making components.

(b) A municipality shall not enact or enforce any ordinance, resolution or ~~rule~~ regulation relating to the manufacture of a knife that is more restrictive than any such ordinance, resolution or ~~rule~~ regulation relating to the manufacture of any other commercial goods.

(c) Any ordinance, resolution or regulation prohibited by either subsection (a) or (b) that was adopted prior to July 1, 2014, shall be null and void.

(d) No action shall be commenced or prosecuted against any individual for a violation of any ordinance, resolution or regulation that is prohibited by either subsection (a) or (b) and which was adopted prior to July 1, 2014, if such violation occurred on or after July 1, 2013.

~~(e)(e)~~ As used in this section:

(1) "Knife" means a cutting instrument and includes a sharpened or pointed blade.

(2) "Municipality" has the same meaning as defined in K.S.A. 75-6102, and amendments thereto, but shall not include unified school districts, jails, as defined in K.S.A. 38-2302, and amendments thereto, ~~and or~~ juvenile correctional facilities, as defined in K.S.A. 38-2302, and amendments thereto.

Sec. 9. K.S.A. 2013 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsections (b), (c), (d) ~~and~~, (e) and (f), 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 subsections (b), (c), (d) ~~and~~, (e) ~~and~~ (f), 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) Any person convicted of a violation of any ordinance that is prohibited by either subsection (a) or (b) of K.S.A. 2013 Supp. 12-16.134, and amendments thereto, and which was adopted prior to July 1, 2014, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records.

~~(b)~~ (c) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2013 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One 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; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

~~(e)~~ (d) 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, prior to its repeal, or K.S.A. 2013 Supp. 21-5406, 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, prior to its repeal, 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, prior to its repeal.

~~(d)~~ (e) 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)~~ (f) 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. 8-2,144, and amendments thereto.

~~(f)~~ (g) (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 prosecuting attorney 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 agency or diverting authority.

(2) 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.

(3) 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 prisoner review board.

~~(g)~~ (h) 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.

~~(h)~~ (i) 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 for children and families;

(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. 2013 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.

~~(j)~~ (i) 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.

~~(j)~~ (k) Subject to the disclosures required pursuant to subsection ~~(g)~~ (i), 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.

(~~k~~) (l) 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 the department for children and families, 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 for children and families 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. 10. K.S.A. 2013 Supp. 12-4516a 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 K.S.A. 2013 Supp. 21-6107, 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;
- (4) the arrest was for a violation of any ordinance that is prohibited by either subsection (a) or (b) of K.S.A. 2013 Supp. 12-16,134, and amendments thereto, and

which was adopted prior to July 1, 2014; or

~~(4)~~ ~~(5)~~ 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 ~~(e)(4)~~ ~~(c)(5)~~, 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 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.

(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.

(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. 11. K.S.A. 2013 Supp. 21-6301 is hereby amended to read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, metal knuckles or throwing star;

(2) possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character;

(3) setting a spring gun;

(4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;

(5) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;

(6) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight;

(7) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;

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

(9) selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;

(10) ~~possession of~~ possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

(11) ~~possession of~~ possessing any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades ~~+~~ one through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;

(12) ~~refusal~~ refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in

the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;

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

(14) possessing a firearm with a barrel less than 12 inches long by any person less than 18 years of age ~~whether the person knows or has reason to know the length of the barrel.~~

(b) Criminal use of weapons as defined in:

(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a class A nonperson misdemeanor;

(2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;

(3) subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;

(4) subsection (a)(13) is a severity level 8, nonperson felony; and

(5) subsection (a)(14) is a:

(A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);

(B) severity level 8, nonperson felony upon a second or subsequent conviction.

(c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsections (a)(4) and (a)(5) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(6) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(4) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(4); and

(3) in possession of commercially manufactured devices which are:

(A) Owned by the law enforcement agency;

(B) in such officer's possession only during specific operations; and

(C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) Subsections (a)(4) and (a)(5) shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(i) Subsection (a)(11) shall not apply to:

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

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

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

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

(5) possession of a handgun by an individual who is licensed by the attorney general to carry a concealed handgun under K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto.

(j) Subsections (a)(9) and (a)(13) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 2013 Supp. 75-7c26, and amendments thereto.

(k) Subsection (a)(14) shall not apply if such person, less than 18 years of age, was:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, or at another private range with permission of such person's parent or legal guardian;

(3) engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(5) traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections (k)(1) through (k)(4), only if such firearm is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or

(7) at such person's residence and who, with the permission of such person's parent

or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 2013 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto.

(l) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 12. K.S.A. 2013 Supp. 21-6304 is hereby amended to read as follows: 21-6304. (a) Criminal possession of a ~~firearm~~ weapon by a convicted felon is possession of any ~~firearm~~ weapon by a person who:

(1) Has been convicted of a person felony or a violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, or a crime under a law of another jurisdiction which is substantially the same as such felony or violation, or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony or a violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, and was found to have been in possession of a firearm at the time of the commission of the crime;

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

(3) within the preceding 10 years, has been convicted of a:

(A) Felony under K.S.A. 2013 Supp. 21-5402, 21-5403, 21-5404, 21-5405, 21-5408, subsection (b) or (d) of 21-5412, subsection (b) or (d) of 21-5413, subsection (a) of 21-5415, subsection (b) of 21-5420, 21-5503, subsection (b) of 21-5504, subsection (b) of 21-5505, and subsection (b) of 21-5807, and amendments thereto; article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto; K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b, 65-4159 through 65-4165 or 65-7006, prior to their repeal; an attempt, conspiracy or criminal solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such felony; or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for such felony, or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of such felony, was not found to have been in possession of a firearm at the time of the commission of the crime, and has not had the conviction of such crime expunged or been pardoned for such crime. The provisions of subsection (j)(2) of K.S.A. 2013 Supp. 21-6614, and amendments thereto, shall not apply to an individual who has had a conviction under this paragraph expunged; or

(B) nonperson felony under the laws of Kansas or a crime under the laws of

another jurisdiction which is substantially the same as such nonperson felony, has been released from imprisonment for such nonperson felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a nonperson felony, and was found to have been in possession of a firearm at the time of the commission of the crime.

(b) Criminal possession of a ~~firearm~~ weapon by a convicted felon is a severity level 8, nonperson felony.

(c) As used in this section:

(1) "Knife" means a dagger, dirk, switchblade, stiletto, straight-edged razor or any other dangerous or deadly cutting instrument of like character; and

(2) "weapon" means a firearm or a knife.

Sec. 13. K.S.A. 2013 Supp. 22-2512 is hereby amended to read as follows: 22-2512. ~~(4)~~ (a) Property seized under a search warrant or validly seized without a warrant shall be safely kept by the officer seizing the same unless otherwise directed by the magistrate, and shall be so kept as long as necessary for the purpose of being produced as evidence on any trial. The property seized may not be taken from the officer having it in custody so long as it is or may be required as evidence in any trial. The officer seizing the property shall give a receipt to the person detained or arrested particularly describing each article of property being held and shall file a copy of such receipt with the magistrate before whom the person detained or arrested is taken. Where seized property is no longer required as evidence in the prosecution of any indictment or information, the court which has jurisdiction of such property may transfer the same to the jurisdiction of any other court, including courts of another state or federal courts, where it is shown to the satisfaction of the court that such property is required as evidence in any prosecution in such other court.

~~(2)~~ ~~(a)~~ (b) (1) Notwithstanding the provisions of subsection ~~(4)~~ (a) and with the approval of the affected court, any law enforcement officer who seizes hazardous materials as evidence related to a criminal investigation may collect representative samples of such hazardous materials, and lawfully destroy or dispose of, or direct another person to lawfully destroy or dispose of the remaining quantity of such hazardous materials.

~~(b)~~ (2) In any prosecution, representative samples of hazardous materials accompanied by photographs, videotapes, laboratory analysis reports or other means used to verify and document the identity and quantity of the material shall be deemed competent evidence of such hazardous materials and shall be admissible in any proceeding, hearing or trial as if such materials had been introduced as evidence.

~~(c)~~ (3) As used in this section, the term "hazardous materials" means any substance which is capable of posing an unreasonable risk to health, safety and property. It shall include any substance which by its nature is explosive, flammable, corrosive, poisonous, radioactive, a biological hazard or a material which may cause spontaneous combustion. It shall include, but not be limited to, substances listed in the table of hazardous materials contained in the code of federal regulations title 49 and national fire protection association's fire protection guide on hazardous materials.

~~(d)~~ (4) The provisions of this subsection shall not apply to ammunition and components thereof.

~~(3)~~ (c) When property seized is no longer required as evidence, it shall be disposed of as follows:

~~(a)~~ (1) Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the owner;

~~(b)~~ (2) money shall be restored to the owner unless it was contained in a slot machine or otherwise used in unlawful gambling or lotteries, in which case it shall be forfeited, and shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto;

~~(c)~~ (3) property which is unclaimed or the ownership of which is unknown shall be sold at public auction to be held by the sheriff and the proceeds, less the cost of sale and any storage charges incurred in preserving it, shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto;

~~(d)~~ (4) articles of contraband shall be destroyed, except that any such articles the disposition of which is otherwise provided by law shall be dealt with as so provided and any such articles the disposition of which is not otherwise provided by law and which may be capable of innocent use may in the discretion of the court be sold and the proceeds disposed of as provided in subsection ~~(2)(b)~~ (c)(3);

~~(e)~~ (5) ~~firearms, ammunition, explosives, bombs and like devices, which have been used in the commission of crime, may be returned to the rightful owner, or in the discretion of the court having jurisdiction of the property, destroyed or forfeited to the Kansas bureau of investigation as provided in K.S.A. 2013 Supp. 21-6307, and amendments thereto;~~

(6) (A) except as provided in subsections (c)(6)(B) and (d), any weapon or ammunition, in the discretion of the court having jurisdiction of the property, shall be:

(i) Forfeited to the law enforcement agency seizing the weapon for use within such agency, for sale to a properly licensed federal firearms dealer, for trading to a properly licensed federal firearms dealer for other new or used firearms or accessories for use within such agency or for trading to another law enforcement agency for that agency's use;

(ii) forfeited to the Kansas bureau of investigation for law enforcement, testing or comparison by the Kansas bureau of investigation forensic laboratory;

(iii) forfeited to a county regional forensic science center, or other county forensic laboratory for testing, comparison or other forensic science purposes; or

(iv) forfeited to the Kansas department of wildlife, parks and tourism for use pursuant to the conditions set forth in K.S.A. 32-1047, and amendments thereto.

(B) Except as provided in subsection (d), any weapon which cannot be forfeited pursuant to subsection (c)(6)(A) due to the condition of the weapon, and any weapon which was used in the commission of a felony as described in K.S.A. 2013 Supp. 21-5401, 21-5402, 21-5403, 21-5404 or 21-5405, and amendments thereto, shall be destroyed.

~~(f)~~ (7) controlled substances forfeited for violations of K.S.A. 2013 Supp. 21-5701 through 21-5717, and amendments thereto, shall be dealt with as provided under K.S.A. 60-4101 through 60-4126, and amendments thereto;

~~(g)~~ (8) unless otherwise provided by law, all other property shall be disposed of in such manner as the court in its sound discretion shall direct.

(d) If a weapon is seized from an individual and the individual is not convicted of or adjudicated as a juvenile offender for the violation for which the weapon was seized, then within 30 days after the declination or conclusion of prosecution of the case against the individual, including any period of appeal, the law enforcement agency that

seized the weapon shall verify that the weapon is not stolen, and upon such verification shall notify the person from whom it was seized that the weapon may be retrieved. Such notification shall include the location where such weapon may be retrieved.

(e) If weapons are sold as authorized by subsection (c)(6)(A), the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.

(f) For purposes of this section, the term "weapon" means a weapon described in K.S.A. 2013 Supp. 21-6301, and amendments thereto.

Sec. 14. K.S.A. 2013 Supp. 32-1047 is hereby amended to read as follows: 32-1047. The department is hereby empowered and directed to seize and possess any wildlife which is taken, possessed, sold or transported unlawfully, and any steel trap, snare or other device or equipment used in taking or transporting wildlife unlawfully or during closed season. The department is hereby authorized and directed to:

(a) Sell the seized item, including wildlife parts with a dollar value, and remit the proceeds to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. If the seized item is a firearm that has been forfeited pursuant to ~~K.S.A. 2013 Supp. 21-6307~~ 22-2512, and amendments thereto, then it may be sold unless: (1) The firearm is significantly altered in any manner; or (2) the sale and public possession of such firearm is otherwise prohibited by law. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wildlife fee fund; or

(b) retain the seized item for educational, scientific or department operational purposes.

Sec. 15. K.S.A. 2013 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) The attorney general shall not issue a license pursuant to this act if the applicant:

(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;

(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or subsections (a)(10) through (a)(13) of K.S.A. 2013 Supp. 21-6301 or subsections (a)(1) through (a)(3) of K.S.A. 2013 Supp. 21-6304, and amendments thereto; ~~or~~

(3) has been convicted of or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of any of the offenses described in subsections (a)(1) and (a)(3)(A) of K.S.A. 2013 Supp. 21-6304, and amendments thereto; or

(4) is less than 21 years of age.

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour handgun safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of concealed handguns and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic handgun training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A handgun course certified or sponsored by the attorney general; or (ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public

institution or organization or handgun training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:

(A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general;

(B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant; or

(C) a determination by the attorney general pursuant to subsection (d) of K.S.A. 2013 Supp. 75-7c03, and amendments thereto.

Sec. 16. K.S.A. 2013 Supp. 75-7c20 is hereby amended to read as follows: 75-7c20. (a) The carrying of a concealed handgun as authorized by the personal and family protection act shall not be prohibited in any state or municipal building unless such building has adequate security measures to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(b) Any state or municipal building which contains both public access entrances and restricted access entrances shall provide adequate security measures at the public access entrances in order to prohibit the carrying of any weapons into such building.

(c) No state agency or municipality shall prohibit an employee who is licensed to carry a concealed handgun under the provisions of the personal and family protection act from carrying such concealed handgun at the employee's work place unless the building has adequate security measures and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(d) It shall not be a violation of the personal and family protection act for a person to carry a concealed handgun into a state or municipal building so long as that person is licensed to carry a concealed handgun under the provisions of the personal and family protection act and has authority to enter through a restricted access entrance into such building which provides adequate security measures and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(e) A state agency or municipality which provides adequate security measures in a state or municipal building and which conspicuously posts signage in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto, prohibiting the carrying of a concealed handgun in such building, as authorized by the personal and family protection act, such state agency or municipality shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(f) A state agency or municipality which does not provide adequate security

measures in a state or municipal building and which allows the carrying of a concealed handgun as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(g) Nothing in this act shall limit the ability of a corrections facility, a jail facility or a law enforcement agency to prohibit the carrying of a handgun or other firearm concealed or unconcealed by any person into any secure area of a building located on such premises, except those areas of such building outside of a secure area and readily accessible to the public shall be subject to the provisions of subsection (b).

(h) Nothing in this section shall limit the ability of the chief judge of each judicial district to prohibit the carrying of a concealed handgun by any person into courtrooms or ancillary courtrooms within the district provided that other means of security are employed such as armed law enforcement or armed security officers.

(i) The governing body or the chief administrative officer, if no governing body exists, of a state or municipal building, may exempt the building from this section until January 1, 2014, by notifying the Kansas attorney general and the law enforcement agency of the local jurisdiction by letter of such exemption. Thereafter, such governing body or chief administrative officer may exempt a state or municipal building for a period of only four years by adopting a resolution, or drafting a letter, listing the legal description of such building, listing the reasons for such exemption, and including the following statement: "A security plan has been developed for the building being exempted which supplies adequate security to the occupants of the building and merits the prohibition of the carrying of a concealed handgun as authorized by the personal and family protection act." A copy of the security plan for the building shall be maintained on file and shall be made available, upon request, to the Kansas attorney general and the law enforcement agency of local jurisdiction. Notice of this exemption, together with the resolution adopted or the letter drafted, shall be sent to the Kansas attorney general and to the law enforcement agency of local jurisdiction. The security plan shall not be subject to disclosure under the Kansas open records act.

(j) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may exempt any building of such institution from this section for a period of four years only by stating the reasons for such exemption and sending notice of such exemption to the Kansas attorney general:

(1) A state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;

(2) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(3) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto;

(4) an indigent health care clinic, as defined by K.S.A. 2013 Supp. 65-7402, and amendments thereto; or

(5) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, including any buildings located on the grounds of such institution and any buildings leased by such institution.

(k) The provisions of this section shall not apply to any building located on the grounds of the Kansas state school for the deaf or the Kansas state school for the blind.

(l) For purposes of this section:

(1) "Adequate security measures" means the use of electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building by members of the public. Adequate security measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options may be provided at public entrances.

(2) The terms "municipality" and "municipal" are interchangeable and have the same meaning as the term "municipality" is defined in K.S.A. 75-6102, and amendments thereto, but does not include school districts.

(3) "Restricted access entrance" means an entrance that is restricted to the public and requires a key, keycard, code, or similar device to allow entry to authorized personnel.

(4) "State" means the same as the term is defined in K.S.A. 75-6102, and amendments thereto.

(5) (A) "State or municipal building" means a building owned or leased by such public entity. It does not include a building owned by the state or a municipality which is leased by a private entity whether for profit or not-for-profit or a building held in title by the state or a municipality solely for reasons of revenue bond financing.

(B) On and after July 1, 2014, provided that the provisions of K.S.A. 2013 Supp. 75-7c21, and amendments thereto, are in full force and effect, the term "state and municipal building" shall not include the state capitol.

(6) "Weapon" means a weapon described in K.S.A. 2013 Supp. 21-6301, and amendments thereto, except the term "weapon" shall not include any cutting instrument that has a sharpened or pointed blade.

(m) This section shall be a part of and supplemental to the personal and family protection act.

Sec. 17. K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 21-6307, 22-2512, 32-1047, 75-7c04, 75-7c12 and 75-7c20 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking by striking all after "concerning"; in line 2, by striking all before the period and inserting "weapons; relating to the regulation and possession of firearms and knives; amending K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 22-2512, 32-1047, 75-7c04, 75-7c12 and 75-7c20 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6307 and 75-7c12";

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

RALPH OSTMEYER

CLARK SHULTZ

Conferees on part of Senate

STEVEN BRUNK

TRAVIS COUTURE-LOVELADY

Conferees on part of House

Senator Shultz moved the Senate adopt the Conference Committee Report on **HB 2578**.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle.

Nays: Pettey, Wolf.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2693** 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. 2693, as follows:

On page 2, in line 1, after "subsection" by inserting "before January 1, 2015";

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

MIKE PETERSEN

KAY WOLF

PAT PETTEY

Conferees on part of Senate

SHARON SCHWARTZ

KYLE HOFFMAN

PONKA-WE VICTORS

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **S Sub HB 2693**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2114** be amended on page 1, by striking all in lines 5 through 36;

On page 2, by striking all in lines 1 through 22 and inserting:

"Section 1. K.S.A. 2013 Supp. 74-8744 is hereby amended to read as follows: 74-8744. (a) In accordance with rules and regulations adopted by the commission, the executive director shall have general responsibility for the implementation and administration of the provisions of this act relating to racetrack gaming facility operations, including the responsibility to:

(1) Certify net electronic gaming machine income by inspecting records, conducting audits, having agents of the Kansas lottery on site or by any other reasonable means; and

(2) assist the commission in the promulgation of rules and regulations concerning the operation of racetrack gaming facilities, which rules and regulations shall include, without limitation, the following:

(A) The number of electronic gaming machines allocated for placement at each racetrack gaming facility, subject to the provisions of subsection (b);

(B) standards for advertising, marketing and promotional materials used by racetrack gaming facility managers;

(C) the kind, type, number and location of electronic gaming machines at any racetrack gaming facility; and

(D) rules and regulations and procedures for the accounting and reporting of the payments required from racetrack gaming facility managers under K.S.A. 2013 Supp. 74-8766, and amendments thereto, including the calculations required for such payments.

(b) Rules and regulations establishing the minimum and maximum number of electronic gaming machines allocated for placement at each racetrack gaming facility shall be adopted and published not later than 120 days after the effective date of this act. Such rules and regulations shall be subject to the following:

(1) At least 600 but not more than 1,400 electronic gaming machines shall be allocated to and placed at each racetrack gaming facility.

(2) The total number of electronic gaming machines allocated to and placed at all racetrack gaming facilities in the state shall not exceed 2,800. ~~Until lottery gaming facility management contracts for lottery gaming facilities in all gaming zones become binding, the total number of electronic gaming machines placed at all racetrack gaming facilities shall not exceed 2,200. When lottery gaming facility management contracts for lottery gaming facilities in all gaming zones have become binding, the lottery commission shall take privilege fee bids from the lottery gaming facility manager and racetrack gaming facility manager in each gaming zone for the remaining electronic gaming machines allocated to but not yet placed at the racetrack gaming facility in such zone. The minimum bid shall be a privilege fee of \$2,500 per electronic gaming machine. If the racetrack gaming facility manager submits the highest bid, the lottery commission shall place the remaining electronic gaming machines at the racetrack gaming facility. If the lottery gaming facility manager submits the highest bid, the commission shall not place any additional electronic gaming machines at the racetrack gaming facility.~~

(3) ~~In addition to any privilege fee paid pursuant to paragraph (2),~~ Each racetrack gaming facility manager shall pay a privilege fee of \$2,500 for each electronic gaming machine placed at the racetrack gaming facility ~~for which a privilege fee is not paid pursuant to paragraph (2).~~

(4) The racetrack gaming facility manager shall pay the privilege fees provided by

this subsection to the executive director, who shall remit the entire amount to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the expanded lottery act revenues fund.

Sec. 2. K.S.A. 2013 Supp. 74-8746 is hereby amended to read as follows: 74-8746.

(a) Except as provided in subsection (b):

(1) No electronic gaming machines shall be operated at a parimutuel licensee location in Sedgwick county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 100 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 with at least 13 live races conducted each day for not less than five days per week.

(2) No electronic gaming machines shall be operated at a parimutuel licensee location in Wyandotte county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts live horse racing programs for at least 60 days, with at least 10 live races conducted each program, and must offer and make a reasonable effort to conduct a minimum number of three live races restricted for quarter horses each day and seven live thoroughbred races each day, of which not less than two races each day shall be limited to registered Kansas-bred horses apportioned in the same ratio that live races are offered, except that the licensee shall not be required to conduct the second live race restricted to Kansas-bred horses unless there are at least seven qualified entries for such race, ~~and with at least 100 live greyhound races each calendar week for at least the same number of weeks raced during calendar year 2003, with at least 13 live races conducted each day for not less than five days per week.~~

(3) No electronic gaming machines shall be operated at a parimutuel licensee location in Crawford county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 85 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 in Sedgwick county, with at least 12 live races conducted each day for not less than five days per week.

(4) If a parimutuel licensee has not held live races pursuant to a schedule approved by the Kansas racing and gaming commission in the preceding 12 months, the Kansas racing and gaming commission shall hold a hearing to determine the number of days of live racing required for the remaining days of the first calendar year of operation to qualify for operation of electronic gaming machines. At such hearing, the commission shall receive testimony and evidence from affected breed groups, the licensee and others, as the Kansas racing and gaming commission deems appropriate concerning the schedule of live race days. The operation of electronic gaming machines shall not commence more than 90 days prior to the start of live racing at such facility.

(b) The Kansas racing and gaming commission may not grant exceptions to the requirements of subsection (a) for a parimutuel licensee conducting live racing unless such exception is in the form of an agreement which: (1) Is between the parimutuel licensee and the affected recognized greyhound or recognized horsemen's group, as defined in K.S.A. 74-8802, and amendments thereto; (2) has been approved by the appropriate official breed registering agencies; and (3) has been submitted to and

approved by the commission. In the case of emergencies, weather related issues or immediate circumstances beyond the control of the licensee, the Kansas racing and gaming commission may grant an exception.

Sec. 3. K.S.A. 2013 Supp. 74-8747 is hereby amended to read as follows: 74-8747.

(a) Except as provided in section 4, and amendments thereto, net electronic gaming machine income from a racetrack gaming facility shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 25% of net electronic gaming machine income;

(2) 7% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2013 Supp. 74-8767, and amendments thereto; ~~except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;~~

(3) 7% of net electronic gaming machine income shall be credited to the live greyhound racing purse supplement fund established by K.S.A. 2013 Supp. 74-8767, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

(4) (A) ~~if the racetrack gaming facility is located in the northeast Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the racetrack gaming facility revenues to the county in which the racetrack gaming facility is located; or (B) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the racetrack gaming facility revenues to the city in which the racetrack gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;~~

(5) (A) ~~if the racetrack gaming facility is located in the southeast or south central Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the racetrack gaming facility revenues net gaming machine income to the county in which the racetrack gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the racetrack gaming facility is located in the southeast or south central Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the ~~racetrack gaming facility revenues~~ net gaming machine income to the city in which the racetrack gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;~~

(6) 2% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2013 Supp. 79-4805, and amendments thereto;

(7) 1% of net electronic gaming machine income shall be credited to the Kansas

horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto;

~~(8)(7)~~ 40% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund; and

~~(9)(8)~~ 15% of electronic gaming machine income shall be used for gaming expenses, subject to agreement between the Kansas lottery and the racetrack gaming facility manager.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate, subject to the requirements of subsection (a)(9).

New Sec. 4. (a) Net electronic gaming machine income from a racetrack gaming facility located in the northeast Kansas gaming zone shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 64.5% of net electronic gaming machine income during the first and second full years the racetrack gaming facility is in operation and 60.5% during the third full year and all subsequent years the racetrack gaming facility is in operation;

(2) 10% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2013 Supp. 74-8767, and amendments thereto, during the first and second full years the racetrack gaming facility is in operation and 14% during the third and subsequent years the racetrack gaming facility is in operation;

(3) 2% of the net electronic gaming machine income shall be credited to the county in which the racetrack gaming facility is located;

(4) 0.5% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2013 Supp. 79-4805, and amendments thereto;

(5) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto; and

(6) 22% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate.

Sec. 5. K.S.A. 2013 Supp. 74-8751 is hereby amended to read as follows: 74-8751. The Kansas racing and gaming commission, through rules and regulations, shall establish:

(a) A certification requirement, and enforcement procedure, for officers, directors, key employees and persons directly or indirectly owning a ~~0.5%~~ 5% or more interest in a lottery gaming facility manager or racetrack gaming facility manager. Such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director of the Kansas racing and gaming commission deems 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 or racetrack gaming facility. In the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, such certification

requirements shall include such security, fitness and background investigations and standards for officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and shall specify that such publicly traded company annually provide a list of all identifiable shareholders. In the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of waivers of the background investigation requirement by the executive director of the Kansas racing and gaming commission. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(b) a certification requirement, and enforcement procedure, for those persons, including electronic gaming machine manufacturers, technology providers and computer system providers, who propose to contract with a lottery gaming facility manager, a racetrack gaming facility manager or the state for the provision of goods or services related to a lottery gaming facility or racetrack gaming facility, including management services. Such certification requirements shall include compliance with such security, fitness and background investigations and standards of officers, directors, key gaming employees and persons directly or indirectly owning a ~~0.5%~~ 5% or more interest in such entity as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits and 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 or racetrack gaming facility. In the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, or equivalent foreign securities law, such certification requirements include such security, fitness and background investigations and standards for officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and shall specify that such publicly traded company annually provide a list of all identifiable shareholders. In the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of waivers of the background investigation requirement by the executive director of the Kansas racing and gaming commission. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. If the executive director of the racing and gaming commission determines the certification standards of another state are comprehensive, thorough and provide similar adequate safeguards, the executive director may certify an applicant already certified in such state without the necessity of a full application and background check. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(c) provisions for revocation of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a ~~0.5%~~ 5% or more interest therein: (1) Has knowingly provided false or misleading material information to the Kansas lottery or its

employees; or (2) has been convicted of a felony, gambling related offense or any crime of moral turpitude; and

(d) provisions for suspension, revocation or nonrenewal of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a ~~0.5%~~ 5% or more interest therein: (1) Has failed to notify the Kansas lottery about a material change in ownership of the certificate holder, or any change in the directors or officers thereof; (2) is delinquent in remitting money owed to the Kansas lottery; (3) has violated any provision of any contract between the Kansas lottery and the certificate holder; or (4) has violated any provision of the Kansas expanded lottery act or any rule and regulation adopted hereunder.

Sec. 6. K.S.A. 74-8836 is hereby amended to read as follows: 74-8836. (a) Any organization licensee that conducts at least ~~150~~ 60 days of live racing during a calendar year or is in compliance with provisions of K.S.A. 2013 Supp. 74-8746, and amendments thereto, or a fair association that conducts fewer than ~~22~~ 40 days of live racing during a calendar year may apply to the commission for a simulcasting license to display simulcast horse or greyhound races and to conduct intertrack parimutuel wagering thereon. If the organization licensee conducts races at a racetrack facility that is owned by a facility owner licensee, both licensees shall join in the application. ~~A simulcasting license granted to a fair association that conducts fewer than 22 days of live racing shall restrict the fair association's display of simulcast races to a number of days, including days on which it conducts live races, equal to not more than twice the number of days on which it conducts live races.~~

(b) (1) A simulcasting license granted to an organization licensee other than a fair association shall authorize the display of simulcast races at the racetrack facility where the live races are conducted so long as the licensee: (A) Conducts at least eight live races per day and an average of 10 live races per day per week; or (B) the licensee is in compliance with provisions of K.S.A. 2013 Supp. 74-8746, and amendments thereto. If a simulcasting licensee conducts live horse races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than an average of 10 live horse races per day per week, not less than 80% of the races on which wagers are taken by the licensee during such week shall be live races conducted by the licensee unless approved by the recognized horsemen's group or upon a finding by the commission that the organization licensee was unable to do so for reasonable cause. If a simulcast licensee conducts live greyhound races on a day when simulcast races are displayed by the licensee and the licensee schedules fewer than 13 live greyhound races during a performance on such day, not less than 80% of the races on which wagers are taken by the licensee during such performance shall be live races conducted by the licensee.

(2) A simulcasting license granted to a fair association shall authorize the display of simulcast races at the racetrack facility where the races are conducted ~~only if live races are scheduled for two or more days of the same calendar week, except that the licensee may conduct simulcast races in the week immediately before and immediately after a live meeting if the total number of days on which simulcast races are displayed does not exceed the total authorized in subsection (a). In no case shall the live meet or simulcast races allowed under this subsection exceed 10 consecutive weeks. For purposes of this subsection, a calendar week shall be measured from Monday through the following Sunday.~~

~~(3) Notwithstanding the provisions of subsection (a), (b)(1) or (b)(2), a fair association may apply to the commission for not more than five additional days of simulcasting of special events. In addition, the commission may authorize a fair association to display additional simulcast races but, if such fair association is less than 100 miles from an organization licensee that is not a fair association, it also shall secure written consent from that organization licensee.~~

~~(4)~~(3) Notwithstanding the provisions of subsection (b)(1), if an emergency causes the cancellation of all or any live races scheduled for a day or performance by a simulcasting licensee, the commission or the commission's designee may authorize the licensee to display any simulcast races previously scheduled for such day or performance.

~~(5)~~(4) Notwithstanding the provisions of subsection (b)(1), the commission may authorize the licensee to display simulcast special racing events as designated by the commission.

(c) The application for a simulcasting license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall be in a form and include such information as the commission prescribes.

(d) To qualify for a simulcasting license the applicant shall:

(1) Comply with the interstate horse racing act of 1978 (15 U.S.C. § 3001 et seq.) as in effect December 31, 1991;

(2) submit with the application a written approval of the proposed simulcasting schedule signed by: (A) The recognized horsemen's group for the track, if the applicant is licensed to conduct only horse races; (B) the recognized greyhound owners' group, if the applicant is licensed to conduct only greyhound races and only greyhound races are to be simulcast; (C) both the recognized greyhound owners' group and a recognized horsemen's group, if the applicant is licensed to conduct only greyhound races and horse races are to be simulcast; (D) the recognized greyhound owners' group, if the applicant is licensed to conduct both greyhound and horse races, only greyhound races are to be simulcast and races are to be simulcast only while the applicant is conducting live greyhound races; (E) the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound and horse races, only horse races are to be simulcast and races are to be simulcast only while the applicant is conducting live horse races; or (F) both the recognized greyhound owners' group and the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound races and horse races and horse races are to be simulcast while the applicant is conducting live greyhound races or greyhound races are to be simulcast while the applicant is conducting live horse races; and

(3) submit, in accordance with rules and regulations of the commission and before the simulcasting of a race, a written copy of each contract or agreement which the applicant proposes to enter into with regard to such race, and any proposed modification of any such contract or agreement.

(e) The term of a simulcasting license shall be one year.

(f) A simulcasting licensee may apply to the commission or its designee for changes in the licensee's approved simulcasting schedule if such changes are approved by the respective recognized greyhound owners' group or recognized horsemen's group needed throughout the term of the license. Application shall be made upon forms furnished by the commission and shall contain such information as the commission

prescribes.

(g) Except as provided by subsection (j), the takeout for simulcast horse and greyhound races shall be the same as it is for the live horse and greyhound races conducted during the current or next live race meeting at the racetrack facility where the simulcast races are displayed. For simulcast races the tax imposed on amounts wagered shall be as provided by K.S.A. 74-8823, and amendments thereto. Of the balance of the takeout remaining after deduction of taxes, an amount equal to a percentage, to be determined by the commission, of the gross sum wagered on simulcast races shall be used for purses, as follows:

(1) For greyhound races conducted by the licensee, if the simulcast race is a greyhound race and the licensee conducts only live greyhound races;

(2) for horse races conducted by the licensee, if the simulcast race is a horse race and the licensee conducts only live horse races;

(3) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast race is a greyhound race and the licensee does not conduct or is not currently conducting live greyhound races; or

(4) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast is a horse race and the licensee does not conduct or is not currently conducting live horse races. That portion of simulcast purse money determined to be used for horse purses shall be apportioned by the commission to the various horse race meetings held in any calendar year based upon the number of live horse race dates comprising such horse race meetings in the preceding calendar year.

(h) Except as provided by subsection (j):

(1) If a simulcasting licensee has a license to conduct live horse races and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall remit any such proceeds 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 Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall remit any such proceeds 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 Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(2) If a simulcasting licensee has a license to conduct live greyhound races and the licensee displays a simulcast greyhound race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live greyhound races.

(3) If a simulcasting licensee has a license to conduct live racing of only horses and the licensee displays a simulcast greyhound race, unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8822, and amendments

thereto, for unclaimed winning ticket proceeds from live greyhound races. Breakage for such races shall be distributed for use to benefit greyhound racing as determined by the commission.

(4) If a simulcasting licensee has a license to conduct live racing of only greyhounds and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall remit any such proceeds 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 Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall remit any such proceeds 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 Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(i) The commission may approve a request by two or more simulcasting licensees to combine wagering pools within the state of Kansas pursuant to rules and regulations adopted by the commission.

(j) (1) The commission may authorize any simulcasting licensee to participate in an interstate combined wagering pool with one or more other racing jurisdictions.

(2) If a licensee participates in an interstate pool, the licensee may adopt the takeout of the host jurisdiction or facility. The amount and manner of paying purses from the takeout in an interstate pool shall be as provided by subsection (g).

(3) The tax imposed on amounts wagered in an interstate pool shall be as provided by K.S.A. 74-8823, and amendments thereto. Parimutuel taxes may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(4) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes and rules and regulations of the host jurisdiction and shall be allocated among the participating jurisdictions in a manner agreed to among the jurisdictions. Breakage allocated to this jurisdiction shall be distributed as provided by subsection (h).

(5) Upon approval of the respective recognized greyhound owners' group or recognized horsemen's group, the commission may permit an organization licensee to simulcast to other racetrack facilities or off-track wagering or intertrack wagering facilities in other jurisdictions one or more races conducted by such licensee, use one or more races conducted by such licensee for an intrastate combined wagering pool or use one or more races conducted by such licensee for an interstate combined wagering pool at off-track wagering or intertrack wagering locations outside the commission's jurisdiction and may allow parimutuel pools in other jurisdictions to be combined with parimutuel pools in the commission's jurisdiction for the purpose of establishing an interstate combined wagering pool.

(6) The participation by a simulcasting licensee in a combined interstate wagering pool does not cause that licensee to be considered to be doing business in any

jurisdiction other than the jurisdiction in which the licensee is physically located.

(k) If the organization licensee, facility owner licensee if any and the recognized horsemen's group or recognized greyhound owners' group are unable to agree concerning a simulcasting application, the matter may be submitted to the commission for determination at the written request of any party in accordance with rules and regulations of the commission.

(l) This section shall be part of and supplemental to the Kansas parimutuel racing act.

Sec. 7. K.S.A. 74-8836 and K.S.A. 2013 Supp. 74-8744, 74-8746, 74-8747 and 74-8751 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the period and inserting "gaming; amending K.S.A. 74-8836 and K.S.A. 2013 Supp. 74-8744, 74-8746, 74-8747 and 74-8751 and repealing the existing sections"; and the bill be passed as amended;

Committee on **Ways and Means** recommends **SB 453** be amended on page 1, in line 20, after "education." by inserting "On and after July 1, 2016,"; also in line 20, by striking "received from" and inserting "that are to be credited to the mineral production education fund pursuant to the provisions of";

On page 2, by striking all in lines 4 through 14;

On page 5, following line 22, by inserting:

"Sec. 5. On and after July 1, 2014, K.S.A. 2013 Supp. 19-271 is hereby amended to read as follows: 19-271. (a) The board of county commissioners of each county shall establish a county oil and gas valuation depletion trust fund if the county is to receive moneys from the oil and gas valuation depletion trust fund created under the provisions of K.S.A. 2013 Supp. 79-4231, and amendments thereto. The county treasurer shall be responsible for the administration of such fund.

(b) ~~Upon receipt of an authorization for distribution of county oil and gas valuation depletion trust fund moneys pursuant to K.S.A. 2013 Supp. 79-4231, and amendments thereto, the county treasurer shall release 20% of the moneys credited to such county's trust account to the county general fund for expenditure as directed by the board~~ On and after July 1, 2014, the moneys in the county's oil and gas valuation depletion trust fund shall be expended as directed by the board.

(c) ~~Moneys credited to the county oil and gas valuation depletion trust fund shall be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.~~ In making the budgets of such county, the amounts credited to, and the amount on hand in, such fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of such county. Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.";

Also on page 5, in line 23, after "6." by inserting "On and after July 1, 2014,";

On page 6, in line 35, after "7." by inserting "On and after July 1, 2014,";

On page 8, in line 16, before "The" by inserting "Second, the state treasurer shall credit 7% of the remainder of such amounts to the special county mineral production tax fund created in subsection (c). Finally,"; by striking all in line 21; in line 22, by striking all before "12.41%"; in line 23, by striking "(3)" and inserting "(2)"; in line 29, by striking all after "(1)"; in line 30, by striking all before "20%"; in line 31, by striking

"(3)" and inserting "(2)";

On page 9, following line 21, by inserting:

"Sec. 9. On and after July 1, 2014, K.S.A. 2013 Supp. 79-4231 is hereby amended to read as follows: 79-4231. (a) There is hereby created in the state treasury the oil and gas valuation depletion trust fund. The director of taxation shall administer the oil and gas valuation depletion trust fund. All amounts credited to the oil and gas valuation depletion trust fund pursuant to the provisions of K.S.A. 79-4227, and amendments thereto, less the administration fee imposed under subsection ~~(e)~~ (b), shall be credited to a separate trust account which shall be established within such fund for each county which in any fiscal year had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas. Each county's trust account shall be credited in the proportion that the amount of oil and gas valuation depletion trust fund receipts collected from that county bears to the total amount of moneys credited to the oil and gas valuation depletion trust fund pursuant to K.S.A. 79-4227, and amendments thereto. Commencing July 1, 2012, and thereafter on an annual basis, the director of taxation shall certify to the director of accounts and reports the amount due the county from the county's oil and gas depletion trust account on October 1 based on all amounts credited thereto, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of each such county for the amount credited to such county's trust account. Upon receipt of such warrant, the treasurer of the county shall credit the same to the oil and gas valuation depletion trust fund of the county established in K.S.A. 2013 Supp. 19-271, and amendments thereto. Except that the director of taxation shall transfer all of the moneys credited to the Wilson county trust account to the Wilson county capital improvement fund in any such tax year until the payment of all costs of financing projects authorized pursuant to K.S.A. 2013 Supp. 74-8961, and amendments thereto, has been completed, and at that time the provisions of this subsection related to distributions to the Wilson county treasurer shall be applicable as provided in this subsection.

~~(b) For any tax year that the oil and gas leasehold ad valorem valuation of any county, which has a trust account established and maintained in a county oil and gas valuation depletion trust fund as provided by K.S.A. 2013 Supp. 19-271, and amendments thereto, is less than 50% of the oil and gas leasehold ad valorem valuation of such county for the second succeeding tax year which commences January 1 following the end of the fiscal year in which the county had \$100,000 or more in receipts of the excise tax upon the production of oil and gas, as certified by the property valuation division, on or before January 15 of the year following such tax year, the director of taxation shall certify the oil and gas leasehold ad valorem valuation amounts for each county and shall authorize the county treasurer to release 20% of the moneys credited to such county's oil and gas valuation depletion trust fund to the county general fund of such county. In any year in which a county's oil and gas leasehold valuation is 50% or more of the oil and gas leasehold valuation of such county for tax year as described in this subsection, such county shall not receive an authorization for distribution of trust fund moneys pursuant to this section for such tax year.~~

~~(e)—~~The director of taxation shall impose and collect an administration fee for the administration of the oil and gas valuation depletion trust fund, this section and the provisions of K.S.A. 2013 Supp. 79-4227, and amendments thereto, equal to 2% of the amount credited to the oil and gas valuation depletion trust fund. The administration fee

shall be imposed and collected prior to crediting any amount to any trust account established and maintained for a county in the oil and gas valuation depletion trust fund. All amounts collected for the administration fee shall be transferred from the oil and gas valuation depletion trust fund to the state general fund.

~~(d)~~ (c) All moneys credited to the oil and gas valuation depletion trust fund upon the effective date of this act shall be distributed to each county not later than 30 days following the effective date of this act for deposit in the county's oil and gas valuation depletion trust fund established pursuant to the provisions of K.S.A. 2013 Supp. 19-271, and amendments thereto.

Sec. 10. K.S.A. 2013 Supp. 79-4227 is hereby repealed.;

Also on page 9, in line 22, before "K.S.A." by inserting "On and after July 1, 2014,"; also in line 22, after "Supp." by inserting "19-271,"; also in line 22, by striking "79-4227" and inserting "79-4231"; in line 25, after "271" by inserting ", as amended by section 5 of this act,"; also in line 25, after "79-4231" by inserting ", as amended by section 9 of this act,"; in line 27, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after "19-101a," by inserting "19-271,"; also in line 5, by striking the first "and " and inserting a comma; also in line 5, after "79-4227" by inserting "and 79-4231"; in line 6, after "19-271" by inserting ", as amended by section 5 of this act,"; in line 7, after "4231" by inserting ", as amended by section 9 of this act"; and the bill be passed as amended.

MESSAGE FROM THE GOVERNOR

SB 267, SB 268, SB 272, SB 308, SB 321, SB 351 approved on April 4, 2014.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 265**.

The House adopts the Conference Committee report on **SB 271**.

The House adopts the Conference Committee report on **S Sub HB 2338**.

The House accedes to the request of the Senate for a conference on **H Sub SB 218** and has appointed Representatives Suellentrop, Kleeb and Henry as conferees on the part of the House.

REPORT ON ENROLLED BILLS

SB 99, SB 254, SB 306, SB 309, SB 310, SB 359, SB 402, SB 424 reported correctly enrolled, properly signed and presented to the Governor on April 4, 2014.

SCR 1618, SCR 1622 reported correctly enrolled, properly signed and presented to the Secretary of State on April 4, 2014.

SR 1810, SR 1812, SR 1813, SR 1814, SR 1815, SR 1816, SR 1817, SR 1818, SR 1819 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 4, 2014.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of March 31-April 4, 2014:

Senator Bowers: congratulating LandMark Implement on receiving the 2013 John Deere Managers Club Award; congratulating Jadon Adams on receiving the 2014 KSHSAA Spirit of Sport Award;

Senator Faust-Goudeau: recognizing Dr. Steve Perry of the Capital Preparatory Magnet School; recognizing St. Paul's A.M.E. Church on its 139th Anniversary; congratulating Azileen "Tish" Holieworth on her 70th Birthday;

Senator Olson: congratulating Ed Redinger on his 90th Birthday; and

Senator Petersen: congratulating Reese Voth on achieving the rank of Eagle Scout.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Saturday, April 5, 2014.

Journal of the Senate

FIFTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Saturday, April 5, 2014, 10:00 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Almighty God, who after the creation of the world rested from all your works and sanctified a day of rest for all your creatures: Grant that we, putting away all earthly anxieties, and at the recess, may be duly prepared for your service, reconnecting with our families, and safe travel to our homes, and with your blessing a nap. In your holy name we pray. Amen.

The Pledge of Allegiance was led by Vice President Jeff King.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 265**.

The House adopts the Conference Committee report on **SB 271**.

The House adopts the Conference Committee report on **S Sub HB 2338**.

The House accedes to the request of the Senate for a conference on **H Sub SB 218** and has appointed Representatives Suellentrop, Kleeb and Henry as conferees on the part of the House.

Announcing passage of **Sub HB 2503; HB 2689, HB 2732**.

Announcing adoption of **SCR 1620**.

Announcing passage of **SB 423**, as amended.

The House nonconcurrs in Senate amendments to **HB 2643**, requests a conference and has appointed Representatives Carlson, Edmonds and Sawyer as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2588**, and has appointed Representatives Rubin, Gonzalez and Pauls as Second conferees on the part of the House.

The House not adopts the Conference Committee report to agree to disagree on **S Sub HB 2389**. The bill remains in conference.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2503; HB 2689, HB 2732 were thereupon read and introduced by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1821—

A RESOLUTION recognizing the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide and designating April 26, 2014, as Kansas Drug Take-Back Day.

WHEREAS, Drug abuse in the United States increasingly means the misuse and abuse of prescription drug medications. Drug overdose is now the second most common cause of accidental death in the nation, killing more than gunshot wounds and behind only traffic accidents; and

WHEREAS, Prescription drugs are a substantial factor in a growing number of American deaths considered to be drug induced. Emergency room visits and unintentional overdose deaths involving prescription drugs have increased sharply; and

WHEREAS, National data show that as many as 16 million Americans age 12 or older have abused controlled prescription medications, including pain relievers, tranquilizers, sedatives and stimulants; and

WHEREAS, Barry R. Grissom, United States Attorney, District of Kansas, has declared that "prescription drugs are being used, misused, and abused at an alarming rate" and that he is "seeing more cases of accidental poisoning, addiction and overdose deaths. It is not an overstatement to call this an epidemic in the truest sense of the word. It has become a major threat to public health and public safety."; and

WHEREAS, Unused prescription narcotics at home contribute to drug abuse and risks of accidental deaths of children and the elderly. The second leading source of abused prescription drugs is in the home medicine cabinet. The number one source is friends and relatives, who often get the prescription drugs from other people's medicine cabinets. This demonstrates the importance of disposing unused prescription medications rather than leaving them in a medicine cabinet at home; and

WHEREAS, Americans that participated in the U.S. Department of Justice Drug Enforcement Administration's third National Prescription Drug Take-Back Day in 2012 turned in more than 552,161 pounds, or 276 tons, of prescription drugs at over 5,600 sites operated by the DEA and nearly 4,300 state and local law enforcement partners. Last year, more than 5,300 pounds of unused prescription drugs were collected during Kansas' Drug Take-Back Day. On April 27, 2013, Kansans set a new record during the National Drug Take-Back Day event, collecting more than 10,000 pounds, or 5 tons, of unused medications from 101 locations across the State. Since 2010, the initiative has collected a combined total of 3.4 million pounds of unneeded medications. On April 26, 2014, the DEA expects record-breaking numbers at thousands of collection sites across the country; and

WHEREAS, It must be recognized that a drug cabinet full of old or unused prescription medicine is a health hazard, increasing the risk of poison and abuse among adults, teenagers and children across the State and across the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Haley.

On emergency motion of Senator Haley **SR 1821** was adopted by voice vote.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1822—

A RESOLUTION congratulating the Santa Fe Trail High School girls' basketball team for winning the 2014 Class 4A State Basketball Championship.

WHEREAS, The Santa Fe Trail High School girls' basketball team won the 2014 Kansas State High School Activities Association Class 4A State Basketball Championship with a 58-54 overtime victory against Frontenac High School, strengthening the team's rich tradition of excellence in girls' basketball; and

WHEREAS, The 2014 Santa Fe Trail girls' basketball team finished the season with a record of 22-3. This season, the Santa Fe Trail girls' basketball team defeated the Holton High School girls' basketball team, ending Holton's 114 consecutive league game winning streak. This year, the Santa Fe Trail girls' basketball team was named Big 7 league champion; and

WHEREAS, The members of the championship team are: Seniors Bri Beckman, Ashtyn Mentzer, Megan Zaldivar, Amber Moore, Jaeden Romine and Shelby Dahl; Juniors Devin Deshazer, Mandy Watson, Lauren Hobart and Danielle Phipps; Sophomores Skye Dunnaway, Keelie Johnson, Carley Stone and Peyton Workman; and Freshman Grace Herren, Amber Moore and Shelby Dahl were named all-league players. The head coach is Jayson Duncan and the assistant coaches are Keith Johnson and Dana Workman; and

WHEREAS, Shelby Dahl has been named to the Class 4A girls first team all-state and Bri Beckman and Amber Moore were named honorable mentions; and

WHEREAS, The accomplishments of the Santa Fe Trail High School girls' basketball team continue to inspire and amaze basketball fans across the state of Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Santa Fe Trail High School girls' basketball team and Coach Jayson Duncan be congratulated for winning the 2014 Kansas State High School Activities Association Class 4A State Basketball Championship. Their hard work and athletic ability are points of pride for their families, school and the communities of Carbondale, Overbrook and Scranton. We extend our best wishes for their continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1822** was adopted by voice vote.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 54, SB 265, SB 271, SB 349, SB 423; S Sub HB 2446; HB 2490, HB 2596.**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 54** 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 12 through 31.

By striking all on pages 2 through 54 and inserting:

"Section 1. K.S.A. 2013 Supp. 65-4a01 is hereby amended to read as follows: 65-4a01. As used in K.S.A. 2013 Supp 65-4a01 through 65-4a12, and amendments thereto:

(a) "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.

(b) "Ambulatory surgical center" means an ambulatory surgical center as defined in K.S.A. 65-425, and amendments thereto.

(c) "Bodily function" means physical functions only. The term "bodily function" does not include mental or emotional functions.

~~(d)~~ (d) "Clinic" means any facility, other than a hospital or ambulatory surgical center, in which any second or third trimester, or five or more first trimester abortions are performed in a month.

~~(e)~~ (e) "Department" means the department of health and environment.

~~(f)~~ (f) "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.

~~(g)~~ (g) "Facility" 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.

~~(h)~~ (h) "Gestational age" has the same meaning ascribed thereto in K.S.A. 65-6701, and amendments thereto, and shall be determined pursuant to K.S.A. 65-6703, and amendments thereto.

~~(i)~~ (i) "Hospital" means a hospital as defined in subsection (a) or (b) of K.S.A. 65-425, and amendments thereto.

~~(j)~~ (j) "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~~ comply with the applicable statutory requirements 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.

~~(j)~~ (k) "Physician" has the same meaning ascribed thereto in K.S.A. 65-6701, and amendments thereto.

~~(k)~~ (l) "Secretary" means the secretary of the department of health and environment.

Sec. 2. K.S.A. 2013 Supp. 65-4a07 is hereby amended to read as follows: 65-4a07. 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.

Sec. 3. K.S.A. 2013 Supp. 65-6701 is hereby amended to read as follows: 65-6701. As used in K.S.A. 65-6701 through 65-6721, and amendments thereto:

(a) "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.

(b) "Bodily function" means physical functions only. The term "bodily function" does not include mental or emotional functions.

(c) "Counselor" means a person who is: (1) Licensed to practice medicine and surgery; (2) licensed to practice professional or practical nursing; (3) the following persons licensed to practice behavioral sciences: Licensed psychologists, licensed master's level psychologists, licensed clinical psychotherapists, licensed social workers, licensed specialist clinical social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors; (4) a licensed physician assistant; or (5) a currently ordained member of the clergy or religious authority of any religious denomination or society. Counselor does not include the physician who performs or induces the abortion or a physician or other person who assists in performing or inducing the abortion.

(d) "Department" means the department of health and environment.

(e) "Fertilization" means the fusion of a human spermatozoon with a human ovum.

(f) "Gestational age" means the time that has elapsed since the first day of the woman's last menstrual period.

(g) "Medical emergency" means a condition that, in 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~~ to avert the death of the woman or for which a delay necessary to ~~determine gestational age~~ comply with the applicable statutory requirements 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.

(h) "Minor" means a person less than 18 years of age.

(i) "Physician" means a person licensed to practice medicine and surgery in this state.

(j) "Pregnant" or "pregnancy" means that female reproductive condition of having an unborn child in the mother's body.

(k) "Qualified person" means an agent of the physician who is a psychologist, licensed social worker, licensed professional counselor, licensed marriage and family therapist, licensed master's level psychologist, licensed clinical psychotherapist, registered nurse or physician.

(l) "Unemancipated minor" means any minor who has never been: (1) Married; or (2) freed, by court order or otherwise, from the care, custody and control of the minor's parents.

(m) "Viable" means that stage of fetal development when it is the physician's judgment according to accepted obstetrical or neonatal standards of care and practice applied by physicians in the same or similar circumstances that there is a reasonable probability that the life of the child can be continued indefinitely outside the mother's womb with natural or artificial life-supportive measures.

Sec. 4. K.S.A. 65-6704 is hereby amended to read as follows: 65-6704. (a) Before the performance of an abortion upon a minor, a counselor shall provide pregnancy information and counseling in a manner that can be understood by the minor and allows opportunity for the minor's questions to be addressed. A parent or guardian, or a person 21 or more years of age who is not associated with the abortion provider and who has a personal interest in the minor's well-being, shall accompany the minor and be involved in the minor's decision-making process regarding whether to have an abortion. Such information and counseling shall include:

(1) The alternatives available to the minor, including abortion, adoption and other alternatives to abortion;

(2) an explanation that the minor may change a decision to have an abortion at any time before the abortion is performed or may decide to have an abortion at any time while an abortion may be legally performed;

(3) make available to the minor information on agencies available to assist the minor and agencies from which birth control information is available;

(4) discussion of the possibility of involving the minor's parent or parents, other adult family members or guardian in the minor's decision-making; and

(5) information regarding the provisions of K.S.A. 65-6705, and amendments thereto, and the minor's rights under such provisions.

(b) After the performance of an abortion on a minor, a counselor shall provide counseling to assist the minor in adjusting to any post-abortion problems that the minor may have.

(c) After the counselor provides information and counseling to a minor as required by this section, the counselor shall have the minor sign and date a statement setting forth the requirements of subsections (a) and (b) and declaring that the minor has received information and counseling in accordance with those requirements.

(d) The counselor shall also sign and date the statement and shall include the counselor's business address and business telephone number. The counselor shall keep a copy for the minor's medical record and shall give the form to the minor or, if the minor

requests and if the counselor is not the attending physician, transmit the statement to the minor's attending physician. Such medical record shall be maintained as otherwise provided by law.

(e) The provision by a counselor of written materials which contain information and counseling meeting the requirements of subsections (a) and (b) and which is signed by the minor shall be presumed to be evidence of compliance with the requirements of this section.

(f) The requirements of subsection (a) shall not apply when, ~~in the best medical judgment of the attending physician based on the facts of the case, an emergency exists that threatens the health, safety or well-being of the minor as to require an abortion~~ a medical emergency exists. A physician who does not comply with the requirements of this section by reason of this exception shall state in the medical record of the abortion the medical indications on which the physician's judgment was based.

Sec. 5. K.S.A. 2013 Supp. 65-6705 is hereby amended to read as follows: 65-6705.

(a) Except in the case of a medical emergency ~~or as otherwise provided in this section~~, no person shall perform an abortion upon an unemancipated minor, unless the person first obtains the notarized written consent of the minor and both parents or the legal guardian of the minor.

(1) If the minor's parents are divorced or otherwise unmarried and living separate and apart, then the written consent of the parent with primary custody, care and control of such minor shall be sufficient.

(2) If the minor's parents are married and one parent is not available to the person performing the abortion in a reasonable time and manner, then the written consent of the parent who is available shall be sufficient.

(3) If the minor's pregnancy was caused by sexual intercourse with the minor's natural father, adoptive father, stepfather or legal guardian, then the written consent of the minor's mother shall be sufficient. Notice of such circumstances shall be reported to the proper authorities as provided in K.S.A. 2013 Supp. 38-2223, and amendments thereto.

(b) After receiving counseling as provided by subsection (a) of K.S.A. 65-6704, and amendments thereto, the minor may object to the written consent requirement set forth in subsection (a). If the minor so objects, the minor may petition, on her own behalf or by an adult of her choice, the district court of any county of this state for a waiver of the written consent requirement. If the minor so desires, the counselor who counseled the minor as required by K.S.A. 65-6704, and amendments thereto, shall notify the court and the court shall ensure that the minor or the adult petitioning on the minor's behalf is given assistance in preparing and filing the petition. The minor may participate in proceedings in the court on the minor's own behalf or through the adult petitioning on the minor's behalf. The court shall provide a court-appointed counsel to represent the minor at no cost to the minor.

(c) Court proceedings under this section shall be anonymous and the court shall ensure that the minor's identity is kept confidential. The court shall order that a confidential record of the evidence in the proceeding be maintained. All persons shall be excluded from hearings under this section except the minor, her attorney and such other persons whose presence is specifically requested by the applicant or her attorney.

(d) Consent shall be waived if the court finds by clear and convincing evidence that either: (1) The minor is mature and well-informed enough to make the abortion

decision on her own; or (2) the consent of the individuals specified in subsection (a) would not be in the best interest of the minor.

(e) A court that conducts proceedings under this section shall issue written and specific factual findings and legal conclusions supporting its decision as follows:

(1) Granting the minor's application for waiver of consent pursuant to this section, if the court finds that the minor is mature and well-enough informed to make the abortion decision without the consent of the individuals specified in subsection (a);

(2) granting the minor's application for waiver of consent if the court finds that the minor is immature but that consent of the individuals specified in subsection (a) would not be in the minor's best interest; or

(3) denying the application if the court finds that the minor is immature and that waiver of the consent of the individuals specified in subsection (a) would not be in the minor's best interest.

(f) The court shall give proceedings under this section such precedence over other pending matters as necessary to ensure that the court may reach a decision promptly. The court shall issue a written order which shall be issued immediately to the minor, or her attorney or other individual designated by the minor to receive the order. If the court fails to rule within 48 hours, excluding Saturdays and Sundays, of the time of the filing of the minor's application, the application shall be deemed granted.

(g) An expedited anonymous appeal shall be available to any minor. The record on appeal shall be completed and the appeal shall be perfected within five days from the filing of the notice to appeal.

(h) The supreme court shall promulgate any rules it finds are necessary to ensure that proceedings under this act are handled in an expeditious and anonymous manner.

(i) No fees shall be required of any minor who avails herself of the procedures provided by this section.

(j) ~~(1) No consent shall be required under this section if in the best medical judgment of the attending physician based on the facts of the case, an emergency exists that threatens the health, safety or well-being of the minor as to require an abortion when a medical emergency exists.~~

(2) A physician acting pursuant to this subsection shall state in the medical record of the abortion the medical indications on which the physician's judgment was based. The medical basis for the determination shall also be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.

(k) Any person who intentionally performs an abortion with knowledge that, or with reckless disregard as to whether, the person upon whom the abortion is to be performed is an unemancipated minor, and who intentionally and knowingly fails to conform to any requirement of this section, is guilty of a class A person misdemeanor.

(l) Except as necessary for the conduct of a proceeding pursuant to this section, it is a class B person misdemeanor for any individual or entity to willfully or knowingly: (1) Disclose the identity of a minor petitioning the court pursuant to this section or to disclose any court record relating to such proceeding; or (2) permit or encourage disclosure of such minor's identity or such record.

(m) Prior to conducting proceedings under this section, the court may require the minor to participate in an evaluation session with a psychiatrist, licensed psychologist or licensed clinical social worker. Such evaluation session shall be for the purpose of

developing trustworthy and reliable expert opinion concerning the minor's sufficiency of knowledge, insight, judgment and maturity with regard to her abortion decision in order to aid the court in its decision and to make the state's resources available to the court for this purpose. Persons conducting such sessions may employ the information and materials referred to in K.S.A. 65-6708 et seq., and amendments thereto, in examining how well the minor is informed about pregnancy, fetal development, abortion risks and consequences and abortion alternatives, and should also endeavor to verify that the minor is seeking an abortion of her own free will and is not acting under intimidation, threats, abuse, undue pressure or extortion by any other persons. The results of such evaluation shall be reported to the court by the most expeditious means, commensurate with security and confidentiality, to assure receipt by the court prior to or at the proceedings initiated pursuant to this section.

(n) In determining if a minor is mature and well-enough informed to make the abortion decision without parental consent, the court shall take into account the minor's experience level, perspective and judgment. In assessing the minor's experience level, the court shall consider, along with any other relevant factors, the minor's age, experience working outside the home, living away from home, traveling on her own, handling personal finances and making other significant decisions. In assessing the minor's perspective, the court shall consider, along with any other relevant factors, what steps the minor has taken to explore her options and the extent to which she considered and weighed the potential consequences of each option. In assessing the minor's judgment, the court shall consider, along with any other relevant factors, her conduct since learning of her pregnancy and her intellectual ability to understand her options and to make informed decisions.

(o) The judicial record of any court proceedings initiated pursuant to this section shall upon final determination by the court be compiled by the court. One copy of the judicial record shall be given to the minor or an adult chosen by the minor to bring the initial petition under this section. A second copy of the judicial record shall be sent by the court to the abortion provider who performed or will perform the abortion for inclusion in the minor's medical records and shall be maintained by the abortion provider for at least 10 years.

(p) The chief judge of each judicial district shall send annual reports to the department of health and environment disclosing in a nonidentifying manner:

(1) The number of minors seeking a bypass of the parental consent requirements through court proceedings under this section;

(2) the number of petitions granted;

(3) the reasons for granting such petitions;

(4) any subsequent actions taken to protect the minor from domestic or predator abuse;

(5) each minor's state of residence, age and disability status; and

(6) the gestational age of the unborn child if the petition is granted.

(q) (1) A custodial parent or legal guardian of the minor may pursue civil remedies against individuals, including the physician and abortion clinic staff, who violate the rights of parents, legal guardian or the minor as set forth in this section.

(2) Such relief shall include:

(A) Money damages for all injuries, psychological and physical, occasioned by the violation of this section;

(B) the cost of any subsequent medical treatment such minor might require because of the abortion performed without parental consent or knowledge, or without a court order, in violation of this section;

(C) statutory damages equal to three times the cost of the abortion; and

(D) reasonable attorney fees.

(r) In the course of a judicial hearing to waive parental consent, if the court has reason to suspect that a minor has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the court shall report the matter promptly as provided in subsection (c) of K.S.A. 2013 Supp. 38-2223, and amendments thereto. In the course of reporting suspected child abuse or neglect to the appropriate state authorities, nothing in this section shall abridge or otherwise modify the anonymity or confidentiality provisions of the judicial waiver proceeding as specified in this section.

(s) Nothing in this section shall be construed to create a right to an abortion. Notwithstanding any provision of this section, a person shall not perform an abortion that is prohibited by law.

Sec. 6. K.S.A. 2013 Supp. 65-6709 is hereby amended to read as follows: 65-6709. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(a) At least 24 hours before the abortion the physician who is to perform the abortion or the referring physician has informed the woman in writing of:

(1) The name of the physician who will perform the abortion;

(2) a description of the proposed abortion method;

(3) a description of risks related to the proposed abortion method, including risk of premature birth in future pregnancies, risk of breast cancer and risks to the woman's reproductive health and alternatives to the abortion that a reasonable patient would consider material to the decision of whether or not to undergo the abortion;

(4) the probable gestational age of the unborn child at the time the abortion is to be performed and that Kansas law requires the following: "No person shall perform or induce an abortion when the unborn child is viable unless such person is a physician and has a documented referral from another physician not financially associated with the physician performing or inducing the abortion and both physicians determine that: (1) The abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible physical impairment of a major bodily function of the pregnant woman." If the child is born alive, the attending physician has the legal obligation to take all reasonable steps necessary to maintain the life and health of the child;

(5) the probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed;

(6) the contact information for counseling assistance for medically challenging pregnancies, the contact information for perinatal hospice services and a listing of websites for national perinatal assistance, including information regarding which entities provide such services free of charge;

(7) the medical risks associated with carrying an unborn child to term; and

(8) any need for anti-Rh immune globulin therapy, if she is Rh negative, the likely consequences of refusing such therapy and the cost of the therapy.

(b) At least 24 hours before the abortion, the physician who is to perform the

abortion, the referring physician or a qualified person has informed the woman in writing that:

(1) Medical assistance benefits may be available for prenatal care, childbirth and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials given to her and described in K.S.A. 65-6710, and amendments thereto;

(2) the informational materials in K.S.A. 65-6710, and amendments thereto, are available in printed form and online, and describe the unborn child, list agencies which offer alternatives to abortion with a special section listing adoption services and list providers of free ultrasound services;

(3) the father of the unborn child is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion except that in the case of rape this information may be omitted;

(4) the woman is free to withhold or withdraw her consent to the abortion at any time prior to invasion of the uterus without affecting her right to future care or treatment and without the loss of any state or federally-funded benefits to which she might otherwise be entitled;

(5) the abortion will terminate the life of a whole, separate, unique, living human being; and

(6) by no later than 20 weeks from fertilization, the unborn child has the physical structures necessary to experience pain. There is evidence that by 20 weeks from fertilization unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted to be a response to pain. Anesthesia is routinely administered to unborn children who are 20 weeks from fertilization or older who undergo prenatal surgery.

(c) At least 30 minutes prior to the abortion procedure, prior to physical preparation for the abortion and prior to the administration of medication for the abortion, the woman shall meet privately with the physician who is to perform the abortion and such person's staff to ensure that she has an adequate opportunity to ask questions of and obtain information from the physician concerning the abortion.

(d) At least 24 hours before the abortion, the woman is given a copy of the informational materials described in K.S.A. 65-6710, and amendments thereto. If the woman asks questions concerning any of the information or materials, answers shall be provided to her in her own language.

(e) The woman certifies in writing on a form provided by the department, prior to the abortion, that the information required to be provided under subsections (a), (b) and (d) has been provided and that she has met with the physician who is to perform the abortion on an individual basis as provided under subsection (c). All physicians who perform abortions shall report the total number of certifications received monthly to the department. The total number of certifications shall be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto. The department shall make the number of certifications received available on an annual basis.

(f) Prior to the performance of the abortion, the physician who is to perform the abortion or the physician's agent receives a copy of the written certification prescribed by subsection (e) of this section.

(g) The woman is not required to pay any amount for the abortion procedure until

the 24-hour waiting period has expired.

(h) A physician who will use ultrasound equipment preparatory to or in the performance of the abortion, at least 30 minutes prior to the performance of the abortion:

(1) Informs the woman that she has the right to view the ultrasound image of her unborn child, at no additional expense to her;

(2) informs the woman that she has the right to receive a physical picture of the ultrasound image, at no additional expense to her;

(3) offers the woman the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image;

(4) certifies in writing that the woman was offered the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image at least 30 minutes prior to the performance of the abortion; and

(5) obtains the woman's signed acceptance or rejection of the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image.

If the woman accepts the offer and requests to view the ultrasound image, receive a physical picture of the ultrasound image or both, her request shall be granted by the physician at no additional expense to the woman. The physician's certification shall be time-stamped at the time the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image was offered.

(i) A physician who will use heart monitor equipment preparatory to or in the performance of the abortion, at least 30 minutes prior to the performance of the abortion:

(1) Informs the woman that she has the right to listen to the heartbeat of her unborn child, at no additional expense to her;

(2) offers the woman the opportunity to listen to the heartbeat of her unborn child;

(3) certifies in writing that the woman was offered the opportunity to listen to the heartbeat of her unborn child at least 30 minutes prior to the performance of the abortion; and

(4) obtains the woman's signed acceptance or rejection of the opportunity to listen to the heartbeat of her unborn child.

If the woman accepts the offer and requests to listen to the heartbeat of her unborn child, her request shall be granted by the physician at no additional expense to the woman. The physician's certification shall be time-stamped at the time the opportunity to listen to the heartbeat of her unborn child was offered.

(j) The physician's certification required by subsections (h) and (i) together with the pregnant woman's signed acceptance or rejection of such offer shall be placed in the woman's medical file in the physician's office and kept for 10 years. However, in the case of a minor, the physician shall keep a copy of the certification and the signed acceptance or rejection in the minor's medical file for five years past the minor's majority, but in no event less than 10 years.

(k) Any private office, freestanding surgical outpatient clinic or other facility or clinic in which abortions are performed shall conspicuously post a sign in a location so as to be clearly visible to patients. The sign required pursuant to this subsection shall be printed with lettering that is legible and shall be at least three quarters of an inch boldfaced type. The sign shall include the address for the pregnancy resources website published and maintained by the department of health and environment, and the

following text:

Notice: It is against the law for anyone, regardless of their relationship to you, to force you to have an abortion. By law, we cannot perform an abortion on you unless we have your freely given and voluntary consent. It is against the law to perform an abortion on you against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened physical abuse or violence. You have the right to change your mind at any time prior to the actual abortion and request that the abortion procedure cease. It is unlawful for anyone to make you have an abortion against your will, even if you are a minor. The father of your child must provide support for the child, even if he has offered to pay for an abortion. If you decide not to have an abortion, you may qualify for financial help for pregnancy, childbirth and newborn care. If you qualify, medicaid will pay or help pay the cost of doctor, clinic, hospital and other related medical expenses, including childbirth delivery services and care for your newborn baby. Many agencies are willing to provide assistance so that you may carry your child to term, and to assist you after your child's birth.

The provisions of this subsection shall not apply to any private office, freestanding surgical outpatient clinic or other facility or clinic which performs abortions only when necessary to prevent the death of the pregnant woman.

(l) Any private office, freestanding surgical outpatient clinic or other facility or clinic in which abortions are performed that has a website shall publish an easily identifiable link on the homepage of such website that directly links to the department of health and environment's website that provides informed consent materials under the woman's-right-to-know act. Such link shall read: "The Kansas Department of Health and Environment maintains a website containing—~~objective, nonjudgmental, scientifically accurate~~ information about the development of the unborn child, as well as video of sonogram images of the unborn child at various stages of development. The Kansas Department of Health and Environment's website can be reached by clicking here."

(m) For purposes of this section:

(1) The term "human being" means an individual living member of the species of homo sapiens, including the unborn human being during the entire embryonic and fetal ages from fertilization to full gestation.

(2) The term "medically challenging pregnancy" means a pregnancy where the unborn child is diagnosed as having: (A) A severe anomaly; or (B) an illness, disease or defect which is invariably fatal.

Sec. 7. K.S.A. 2013 Supp. 65-6723 is hereby amended to read as follows: 65-6723. As used in K.S.A. 2013 Supp. 65-6722 through 65-6724, and amendments thereto:

(a) "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.

(b) "Bodily function" means physical function. The term "bodily function" does not include mental or emotional functions.

- (c) "Department" means the department of health and environment.
- (d) "Gestational age" means the time that has elapsed since the first day of the woman's last menstrual period.
- (e) "Medical emergency" means a condition that, in 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~~ to avert her death or for which a delay necessary to ~~determine gestational age~~ comply with the applicable statutory requirements 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.
- (f) "Pain-capable unborn child" means an unborn child having reached the gestational age of 22 weeks or more.
- (g) "Physician" means a person licensed to practice medicine and surgery in this state.
- (h) "Pregnant" or "pregnancy" means that female reproductive condition of having an unborn child in the mother's body.
- Sec. 8. K.S.A. 2013 Supp. 76-3308 is hereby amended to read as follows: 76-3308.
- (a) The authority shall have all the powers necessary to carry out the purposes and provisions of this act, including, without limitation, the following powers to:
- (1) Have the duties, privileges, immunities, rights, liabilities and disabilities of a body corporate and a political instrumentality of the state;
 - (2) have perpetual existence and succession;
 - (3) adopt, have and use a seal and to alter the same at its pleasure;
 - (4) sue and be sued in its own name;
 - (5) make and execute contracts, guarantees or any other instruments and agreements necessary or convenient for the exercise of its powers and functions including, without limitation, to make and execute contracts with hospitals or other health care businesses to operate and manage any or all of the hospital facilities or operations and to incur liabilities and secure the obligations of any entity or individual;
 - (6) borrow money and to issue bonds evidencing the same and pledge all or any part of the authority's assets therefor;
 - (7) purchase, lease, trade, exchange or otherwise acquire, maintain, hold, improve, mortgage, sell, lease and dispose of personal property, whether tangible or intangible, and any interest therein; and to purchase, lease, trade, exchange or otherwise acquire real property or any interest therein, and to maintain, hold, improve, mortgage, lease and otherwise transfer such real property, so long as such transactions do not conflict with the mission of the authority as specified in this act;
 - (8) incur or assume indebtedness to, and enter into contracts with the Kansas development finance authority, which is authorized to borrow money and provide financing for the authority;
 - (9) develop policies and procedures generally applicable to the procurement of goods, services and construction, based upon sound business practices;
 - (10) contract for and to accept any gifts, grants and loans of funds, property, or any other aid in any form from the federal government, the state, any state agency, or any other source, or any combination thereof, and to comply with the provisions of the

terms and conditions thereof;

(11) acquire space, equipment, services, supplies and insurance necessary to carry out the purposes of this act;

(12) deposit any moneys of the authority in any banking institution within or without the state or in any depository authorized to receive such deposits, one or more persons to act as custodians of the moneys of the authority, to give surety bonds in such amounts in form and for such purposes as the board requires;

(13) procure such insurance, participate in such insurance plans or provide such self insurance or both as it deems necessary or convenient to carry out the purposes and provisions of this act; the purchase of insurance, participation in an insurance plan or creation of a self-insurance fund by the authority shall not be deemed as a waiver or relinquishment of any sovereign immunity to which the authority or its officers, directors, employees or agents are otherwise entitled;

(14) appoint, supervise and set the salary and compensation of a president of the authority who shall be appointed by and serve at the pleasure of the board;

(15) fix, revise, charge and collect rates, rentals, fees and other charges for the services or facilities furnished by or on behalf of the authority, and to establish policies and procedures regarding any such service rendered for the use, occupancy or operation of any such facility; such charges and policies and procedures not to be subject to supervision or regulation by any commission, board, bureau or agency of the state; and

(16) do any and all things necessary or convenient to carry out the authority's purposes and exercise the powers given in this act.

(b) The authority may create, own in whole or in part, or otherwise acquire or dispose of any entity organized for a purpose related to or in support of the mission of the authority.

(c) The authority may participate in joint ventures with individuals, corporations, governmental bodies or agencies, partnerships, associations, insurers or other entities to facilitate any activities or programs consistent with the public purpose and intent of this act.

(d) The authority may create a nonprofit entity or entities for the purpose of soliciting, accepting and administering grants, outright gifts and bequests, endowment gifts and bequests and gifts and bequests in trust which entity or entities shall not engage in trust business.

(e) In carrying out any activities authorized by this act, the authority may provide appropriate assistance, including the making of loans and providing time of employees, to corporations, partnerships, associations, joint ventures or other entities, whether or not such corporations, partnerships, associations, joint ventures or other entities are owned or controlled in whole or in part, directly or indirectly, by the authority.

(f) Effective with the transfer date, all moneys of the authority shall be deposited in one or more banks or trust companies in one or more special accounts. All banks and trust companies are authorized to give security for such deposits if required by the authority. The moneys in such accounts shall be paid out on a warrant or other orders of the treasurer of the authority or any such other person or persons as the authority may authorize to execute such warrants or orders.

(g) Notwithstanding any provision of law to the contrary, the authority, effective with the transfer date, may invest the authority's operating funds in any obligations or securities as authorized by the board. The board shall adopt written investment

guidelines.

(h) The authority is authorized to negotiate contracts with one or more qualified parties to provide collection services. The selection of a collection services provider shall be based on responses to a request for proposals from qualified professional firms and shall be administered in accordance with policies adopted by the board.

(i) Notwithstanding any provision of law to the contrary, no abortion shall be performed, except in the event of a medical emergency, in any medical facility, hospital or clinic owned, leased or operated by the authority. The provisions of this subsection are not applicable to any member of the physician faculty of the university of Kansas school of medicine when such abortion is performed outside the scope of such member's employment on property not owned, leased or operated by the authority. As used in this subsection, "medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the woman or for which a delay necessary to comply with the applicable statutory requirements 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.

Sec. 9. K.S.A. 65-6704 and K.S.A. 2013 Supp. 65-4a01, 65-4a07, 65-6701, 65-6705, 65-6709, 65-6723 and 76-3308 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.";

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 8; in line 9, by striking all before the period and inserting "abortion; relating to medical emergencies; relating to the woman's-right-to-know act; amending K.S.A. 65-6704 and K.S.A. 2013 Supp. 65-4a01, 65-4a07, 65-6701, 65-6705, 65-6709, 65-6723 and 76-3308 and repealing the existing sections";

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

STEVEN BRUNK
TRAVIS COUTURE-LOVELADY
LOUIS RUIZ
Conferees on part of House

RALPH OSTMEYER
CLARK SHULTZ
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

Senator Shultz moved the Senate adopt the Conference Committee Report on **SB 54**.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Hawk, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Haley, Hensley, Holland, Kelly, Pettey.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 265** 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 Amended by House Committee of the Whole, (Corrected) as follows:

On page 12, following line 19, by inserting:

"(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For all taxable years beginning after December 31, 2012, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of paragraph (xix) of subsection (b) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.";

On page 13, following line 20, by inserting:

"New Sec. 5. (a) Any resident individual taxpayer who makes expenditures for the purpose of making all or any portion of an existing facility accessible to individuals with a disability, which facility is used as, or in connection with, such taxpayer's principal dwelling or the principal dwelling of a lineal ascendant or descendant, including construction of a small barrier-free living unit attached to such principal dwelling, shall be entitled to claim a tax credit in an amount equal to the applicable percentage of such expenditures or \$9,000, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be deemed to prevent any such taxpayer from claiming such credit: (1) For each principal dwelling in which the taxpayer or lineal ascendant or descendant may reside, or facility used in connection therewith; or (2) more than once, but not more often than once every four-year period of time. The applicable percentage of such expenditures eligible for credit shall be as set forth in the following schedule:

Taxpayers Federal Adjusted Gross Income	% of expenditures eligible for credit
\$0 to \$25,000.....	100%
Over \$25,000 but not over \$30,000.....	90%
Over \$30,000 but not over \$35,000.....	80%
Over \$35,000 but not over \$40,000.....	70%
Over \$40,000 but not over \$45,000.....	60%
Over \$45,000 but not over \$55,000.....	50%
Over \$55,000.....	0%

Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

(b) Notwithstanding the provisions of subsection (a), if the amount of the taxpayer's tax liability is less than \$2,250 in the first year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{4}$ of the credit allowable under this section exceeds such tax liability shall be refunded to the taxpayer and the amount by which such credit exceeds such tax liability less the amount of such refund may be carried over for the next three succeeding taxable years. If the amount of the taxpayer's tax liability is less than \$2,250 in the second year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{3}$ of the amount of the credit carried over from the first taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the first taxable year exceeds such tax liability less the amount of such refund may be carried over for the next two succeeding taxable years. If the amount of the taxpayer's tax liability is less than \$2,250 in the third year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{2}$ of the amount carried over from the second taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the second taxable year exceeds such tax liability less the amount of such refund may be carried over to the next succeeding taxable year. If the amount of the credit carried over from the third taxable year exceeds the taxpayer's income tax liability for such year, the amount thereof which exceeds such tax liability shall be refunded to the taxpayer.

(c) The provisions of this section are applicable to tax year 2013, and all tax years thereafter.

Sec. 6. K.S.A. 2013 Supp. 74-72,122 is hereby amended to read as follows: 74-72,122. K.S.A. 2013 Supp. 74-72,122 through ~~74-72,126~~ 74-72,125, and amendments thereto, shall be known and may be cited as the Kansas taxpayer transparency act.

Sec. 7. K.S.A. 2013 Supp. 79-32,177 is hereby amended to read as follows: 79-32,177. ~~(a)~~ Any taxpayer who makes expenditures for the purpose of making all or any

portion of an existing facility accessible to individuals with a disability, or who makes expenditures for the purpose of making all or any portion of a facility or of equipment usable for the employment of individuals with a disability, which facility or equipment is on real property located in this state and used in a trade or business or held for the production of income, shall be entitled to claim an income tax credit in an amount equal to 50% of such expenditures or, the amount of \$10,000, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

~~(b) For tax year 2013 and all tax years thereafter, the income tax credit provided by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability.~~

Sec. 8. K.S.A. 2013 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as defined by K.S.A. 79-3301, and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution

and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary

establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of subsection (o) of K.S.A. 79-3603, and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(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. 2013 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 prior to January 1, 2012, except as otherwise provided, 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, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business which meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such 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. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier.

Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(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 facility for people with intellectual disability 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 facility for people with intellectual disability 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 off-site, 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~~ purposes 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, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(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, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(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 Ill, Inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas Mental Illness Awareness Council for the purposes of advocacy for persons who are mentally ill and ~~to~~ for for 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 parent-teacher 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, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. 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;

(lll) 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 psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the West Sedgwick County-Sunrise Rotary Club and Sunrise Charitable Fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) 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;

(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;

(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 intellectual disability, 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
(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such 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 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 of the contractor, who

shall use or otherwise dispose of any materials, machinery and 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.";

And by renumbering sections accordingly;

Also on page 13, in line 21, after "Supp." by inserting "74-72,122, 74-72,126,"; also in line 21, after "79-32,117," by inserting "79-32,177,"; also in line 21, after "79-32,263" by inserting ", 79-3606";

On page 1, in the title, in line 1, by striking "income tax" and inserting "taxation"; in line 2, after "taxes" by inserting ", expenses related to organ donations and net gain on sale of certain livestock"; in line 4, after "expenses" by inserting "and expenditures to make dwelling or facility accessible for persons with a disability"; also in line 4, after the semicolon by inserting "Kansas taxpayer transparency act, sunset; sales tax exemptions"; also in line 4, after "Supp." by inserting "74-72,122,"; also in line 4, after "79-32,117," by inserting "79-32,177,"; also in line 4, after "79-32,263" by inserting ", 79-3606"; in line 6, after "Supp." by inserting "74-72,126 and";

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

RICHARD CARLSON

JOHN EDMONDS

TOM SAWYER

Conferees on part of House

LES DONOVAN

CARYN TYSON

TOM HOLLAND

Conferees on part of Senate

Senator Donovan moved the Senate adopt the Conference Committee Report on **SB 265**.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 271** submits the following report:

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

On page 4, in line 39, by striking "\$100,000 or more, medicaid fraud is a severity level 5,"; in line 40, by striking "nonperson felony" and inserting "\$250,000 or more,

medicaid fraud is a severity level 3, nonperson felony;

(B) at least \$100,000 but less than \$250,000, medicaid fraud is a severity level 5, nonperson felony";

And by redesignating subparagraphs accordingly;

On page 5, in line 4, by striking "For each individual count of medicaid fraud as defined in"; by striking all in lines 5 through 22; in line 23, by striking "nonperson felony" and inserting "For each individual count of medicaid fraud as defined in subsection (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(1)(F), (a)(1)(G) or (a)(2):

(A) When great bodily harm results from such act, regardless of the aggregate amount of payments illegally claimed, medicaid fraud is a severity level 4, person felony, except as provided in subsection (b)(2)(B); and

(B) when death results from such act, regardless of the aggregate amount of payments illegally claimed, medicaid fraud is a severity level 1, person felony";

Also on page 5, following line 30, by inserting:

"(d) In sentencing for medicaid fraud, subsection (c)(3) of K.S.A. 2013 Supp. 21-6815, and amendments thereto, shall not apply and an act or omission by the defendant that resulted in any medicaid recipient receiving any service that was of lesser quality or amount than the service to which such recipient was entitled may be considered an aggravating factor in determining whether substantial and compelling reasons for departure exist pursuant to K.S.A. 2013 Supp. 21-6801 through 21-6824, and amendments thereto.";

And by redesignating subsections accordingly;

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

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

Senator King moved the Senate adopt the Conference Committee Report on **SB 271**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 349** submits the following report:

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

On page 2, following line 22, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 19-216c is hereby amended to read as follows: 19-216c. (a) "Alternative project delivery" means an integrated comprehensive building design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general contractor or building design-build team is selected based on a qualifications and best value approach.

(b) "Ancillary technical services" include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing air conditioning, ventilating, heating and other mechanical building systems and testing and consultant services that are determined by the agency to be required for the project.

(c) "Architectural services" means those services described ~~by subsection (c) of as the "practice of architecture," as defined in K.S.A. 74-7003, and amendments thereto.~~

(d) "Best value selection" means a selection based upon objective criteria related to price, features, functions, life-cycle costs and other factors.

(e) "Board" means the board of county commissioners or its designees and the board as defined in K.S.A. 80-2501, and amendments thereto.

(f) "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. Building construction does not include highways, roads, bridges, dams, turnpikes or related structures, or stand-alone parking lots.

(g) "Building design-build" means a project for which the design and construction services are furnished under one contract.

(h) "Building design-build contract" means a contract between the board and a design-builder to furnish the architecture or engineering and related design services required for a given public facilities construction project and to furnish the labor, materials and other construction services for such public project.

(i) "Construction services" means the process of planning, acquiring, building, equipping, altering, repairing, improving, or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding highways, roads, bridges, dams or related structures, or stand-alone parking lots.

(j) "Construction management at-risk services" means the services provided by a firm which has entered into a contract with the board to be the construction manager or general contractor for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor, and which is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefor. Construction management at-risk services may include, but are not limited to, scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and

prequalification, subcontractor bonding policy, budgeting and price guarantees and construction coordination.

(k) "Construction management at-risk contract" means the contract whereby the board acquires from a construction manager or general contractor a series of preconstruction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

(l) "Construction manager or general contractor" means any individual, partnership, joint venture, corporation or other legal entity who is a member of the integrated project team with the board, design professional and other consultants that may be required for the project, who utilizes skill and knowledge of general contracting to perform preconstruction services and competitively procures and contracts with specialty contractors assuming the responsibility and the risk for construction delivery within a specified cost and schedule terms including a guaranteed maximum price.

(m) "Design-builder" means any individual, partnership, joint venture, corporation or other legal entity that furnishes the architectural or engineering services and construction services, whether by itself or through subcontracts.

(n) "Design criteria consultant" means a person, corporation, partnership or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to K.S.A. 74-7003, and amendments thereto, and who is employed by contract with the board to provide professional design and administrative services in connection with the preparation of the design criteria package.

(o) "Design criteria package" means performance-oriented specifications for the public construction project sufficient to permit a design-builder to prepare a response to the board's request for proposals for a building design-build project.

(p) "Engineering services" means those services described by ~~subsection (i) of as~~ the "practice of engineering," as defined in K.S.A. 74-7003, and amendments thereto.

(q) "Firm" means any individual, partnership, joint venture, corporation or other legal entity which is engaged in the business of providing construction management or general construction contracting services.

(r) "Guaranteed maximum price" means the cost of the work as defined in the contract.

(s) "Parking lot" means a designated area or parking structure for parking motor vehicles. A parking lot included as part of a building construction project shall be subject to the provisions of this act. A parking lot designed and constructed as a stand-alone project shall not be subject to the provisions of this act.

(t) "Preconstruction services" means a series of services that can include, but are not necessarily limited to: Design review, scheduling, cost control, value engineering, constructability evaluation and preparation and coordination of bid packages.

(u) "Project services" means architectural, engineering services, land surveying, construction management at-risk services, ancillary technical services or other construction-related services determined by the board to be required by the project.

(v) "Public construction project" means the process of designing, constructing, reconstructing, altering or renovating a public building or other structure. Public construction project does not include the process of designing, constructing, altering or repairing a public highway, road, bridge, dam, turnpike or related structure.

(w) "Stipend" means an amount paid to the unsuccessful and responsive firms to

defray the cost of submission of phase II of the building design-build proposal.

Sec. 3. K.S.A. 2013 Supp. 19-1401a is hereby amended to read as follows: 19-1401a. (a) The board of county commissioners of each county may appoint a land surveyor, whose official title shall be county surveyor. The county surveyor may appoint deputy county surveyors, and each deputy may perform the duties devolved upon the county surveyor by law. The county surveyor shall be a land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto. The county surveyor may be a full-time or part-time county employee, or a contract employee, as determined appropriate by the board of county commissioners. A land surveyor may be a county surveyor in more than one county.

(b) For purposes of this section and article 14 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto, the term "land surveyor" shall have the same meaning ~~ascribed thereto~~ as the term "professional surveyor," as defined in K.S.A. 74-7003, and amendments thereto.

Sec. 4. K.S.A. 2013 Supp. 72-6760d is hereby amended to read as follows: 72-6760d. As used in the Kansas unified school district alternative project delivery construction procurement act, unless the context expressly provides otherwise:

(a) "Act" means the Kansas unified school district alternative project delivery building construction procurement act.

(b) "Board" means board of education of every unified school district in Kansas, as defined in K.S.A. 72-8201, and amendments thereto, with the authority to award public contracts for building design and construction.

(c) "Alternative project delivery" means an integrated comprehensive building design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general contractor is selected based on a qualifications and best value approach.

(d) "Ancillary technical services" include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing air conditioning, ventilating, heating and other mechanical building systems and testing and consultant services that are determined by the board to be required for the project.

(e) "Architectural services" means those services described ~~by subsection (e) of~~ as the "practice of architecture," as defined in K.S.A. 74-7003, and amendments thereto.

(f) "Best value selection" means a selection based upon project cost, qualifications and other factors.

(g) "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. Building construction does not include highways, roads, bridges, dams, turnpikes or related structures or stand-alone parking lots.

(h) "Construction services" means the process of planning, acquiring, building, equipping, altering, repairing, improving or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding stand-alone parking lots.

(i) "Construction management at-risk services" means the services provided by a

firm which has entered into a contract with the board to be the construction manager or general contractor for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor, and which is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefor. Construction management at-risk services may include, but are not limited to, scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees and construction coordination.

(j) "Construction management at-risk contract" means the contract whereby the board acquires from a construction manager or general contractor a series of preconstruction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

(k) "Construction manager or general contractor" means any individual, partnership, joint venture, corporation, or other legal entity who is a member of the integrated project team with the board, design professional and other consultants that may be required for the project, who utilizes skill and knowledge of general contracting to perform preconstruction services and competitively procures and contracts with specialty contractors assuming the responsibility and the risk for construction delivery within a specified cost and schedule terms including a guaranteed maximum price.

(l) "Cost plus guaranteed maximum price contract" means a cost-plus-a-fee contract with a guaranteed maximum price. This includes the sum of the construction manager's fee, the construction manager's contingency, the construction manager's general conditions, all the subcontracts, plus an estimate for unbid subcontracts. The construction manager agrees to pay for costs that exceed the guaranteed maximum price and are not a result of changes in the contract documents.

(m) "Engineering services" means those services described ~~by subsection (i) of as~~ the "practice of engineering," as defined in K.S.A. 74-7003, and amendments thereto.

(n) "Firm" means any individual, partnership, joint venture, corporation or other legal entity which is engaged in the business of providing construction management or general construction contracting services.

(o) "Guaranteed maximum price" means the cost of the work as defined in the contract.

(p) "Selection recommendation committee" means school board or a committee appointed by the school board.

(q) "Parking lot" means a designated area constructed on the ground surface for parking motor vehicles. A parking lot included as part of a building construction project shall be subject to the provisions of this act. A parking lot designed and constructed as a stand-alone project shall not be subject to the provisions of this act.

(r) "Preconstruction services" means a series of services that can include, but are not necessarily limited to: Design review, scheduling, cost control, value engineering, constructability evaluation and preparation and coordination of bid packages.

(s) "Project services" means architectural, engineering services, land surveying, construction management at-risk services, ancillary technical services or other construction-related services determined by the board to be required by the project.

(t) "Public construction project" means the process of designing, constructing, reconstructing, altering or renovating a unified school district building or other structure. Public construction project does not include the process of designing, constructing, altering or repairing a public highway, road, bridge, dam, turnpike or related structure.

Sec. 5. K.S.A. 74-7001 is hereby amended to read as follows: 74-7001. (a) Except as otherwise provided in ~~this act K.S.A. 74-7001 et seq., and amendments thereto,~~ it shall be unlawful for any person to practice or to offer to practice in the state of Kansas, any profession included within the term technical professions, as such term is defined in ~~the provisions of this act K.S.A. 74-7003, and amendments thereto,~~ unless such person has been duly licensed to practice such profession under ~~this act K.S.A. 74-7001 et seq., and amendments thereto,~~ or holds a certificate of authorization issued under K.S.A. 74-7036, ~~and amendments thereto.~~

(b) Any person practicing any technical profession in this state, or calling or representing such person as a licensed practitioner of such technical profession, or using the title of a licensed practitioner of such technical profession shall be required to submit evidence that such person is ~~qualified to practice such technical profession and is duly licensed under this act K.S.A. 74-7001 et seq., and amendments thereto,~~ or holds a certificate of authorization issued under K.S.A. 74-7036, ~~and amendments thereto.~~

Sec. 6. K.S.A. 2013 Supp. 74-7003 is hereby amended to read as follows: 74-7003. As used in K.S.A. 74-7001 et seq., and amendments thereto:

(a) ~~"Technical professions" includes the professions of engineering, land surveying, architecture, landscape architecture and geology as the practice of such professions are defined in K.S.A. 74-7001 et seq., and amendments thereto. "Agricultural building" means any structure designed and constructed to house hay, grain, poultry, livestock or other horticultural products, or for farm storage of farming implements. Such structure shall not be a place for human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a building or structure for use by the public.~~

(b) ~~"Architect" means a person who is qualified to engage in the practice of architecture and who is licensed by the board to practice architecture as provided in K.S.A. 74-7001 et seq., and amendments thereto.~~

(c) (1) ~~"Architecture" or "practice of architecture" means providing, offering to provide or holding oneself out as able to provide professional architectural services or performing creative work which requires architectural education, training and experience as may be required in connection with the design and construction, restoration, enlargement or alteration of non-exempt public or private buildings intended for human habitation, occupancy or use, and the spaces within and the site surrounding such buildings.~~

(2) ~~Professional architectural services include the following: Common technical services, as defined in subsection (g); pre-design and schematic design; programming; planning; preparing or providing designs, drawings, specifications and other technical submissions; the design of items relating to building code requirements, as such items pertain to architecture; and the preparation of any architectural design features that are required on legal documents and those other professional architectural services as may be necessary for the rendering of services which have the purpose of protecting the health, safety, property and welfare of the public.~~

(3) The term "architecture" or "practice of architecture" shall not include those services specifically identified in the definition of "landscape architecture," "professional engineering," "professional geology" and "professional surveying" except for those services which are included in the term "common technical services," as defined in subsection (g).

(b)-(d) "Board" means the state board of technical professions.

(e) "Building" means any permanent structure which is enclosed or partially enclosed that provides shelter for human habitation.

(f) "Business entity" means a general corporation, professional corporation, limited liability company, limited liability partnership, corporate partnership or other legal entity created by law.

(g) "Common technical services" means those services which may be offered or performed by any licensee, are performed within the licensee's defined scope of practice and are further described as follows:

(1) Representation of clients in connection with contracts entered into between clients and others;

(2) coordination of elements of technical submissions prepared by the licensee's consultants;

(3) administration of contracts for construction;

(4) observation of construction for general conformance with requirements of approved construction documents or technical submissions prepared by a licensee;

(5) performing acts of consultation and technical investigation;

(6) providing expert technical testimony or testimony evaluation;

(7) performing technical evaluations and research;

(8) teaching in a college or university offering an accredited technical professional curriculum recognized by the board; and

(9) providing responsible supervision of these services, insofar as such services involve safeguarding the health, safety, property and welfare of the public.

(h) "Construction administration" means the provision of technical professional services during construction by licensees, or persons under the licensee's responsible supervision, which act to confirm substantial compliance with the requirements and provisions of applicable technical documents prepared by the licensee or under the licensee's responsible supervision. Such technical professional services include, but are not limited to: Assisting with bidding or negotiation processes; reviewing and acting upon shop drawings and other submittals; providing clarification or interpretation of the licensee's technical documents; evaluating general progress of construction; observing or evaluating completed construction; and assisting the client in matters related to the licensee's technical professional expertise. Construction administration services do not include management of, or responsibility for, the contractor's construction activities, means or methods.

(i) "Government client" means any state, county or municipal governmental entity including, but not limited to, any department, agency, authority, planning district, board, commission, office or institution thereof, and any school district, college, university and any individual acting under authority to represent any such governmental entity.

(j) "Landscape architect" means a person who is qualified to engage in the practice of landscape architecture and who is licensed by the board to practice landscape architecture as provided in K.S.A. 74-7001 et seq., and amendments thereto.

(k) (1) "Landscape architecture" or "practice of landscape architecture" means performing professional landscape architectural services including the following: Common technical services, as defined in subsection (g); consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement; the development of sustainable designs and technology; preparation, review and analysis of master plans for land use and development; production of overall site development and land enhancement plans, grading and drainage plans, irrigation plans, planting plans and construction details; specifications, cost analysis and reports for land development; and the designing of land forms and non-habitable structures for aesthetic and functional purposes, such as pools, walls and structures for outdoor living spaces, for public and private use. The practice of landscape architecture also encompasses the determination of proper land use as it pertains to: Natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; soil conservation; erosion control; and the development of outdoor space in accordance with ideals of human use and enjoyment.

(2) The term "landscape architecture" or "practice of landscape architecture" shall not include those services specifically identified in the definition of "architecture," "professional engineering," "professional geology" and "professional surveying" except for those services which are included in the term "common technical services," as defined in subsection (g).

~~(e)-(l) "License" means a license to practice the technical professions granted under K.S.A. 74-7001 et seq., and amendments thereto.~~

~~(d) "Architect" means a person whose practice consists of:~~

~~(1) Rendering services or performing creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, providing preliminary studies and designs, overall interior and exterior building design, the preparation of drawings, specifications and related documents, all in connection with the construction or erection of any private or public building, building project or integral part or parts of buildings or of any additions or alterations thereto, or other services and instruments of services related to architecture;~~

~~(2) representation in connection with contracts entered into between clients and others; and~~

~~(3) observing the construction, alteration and erection of buildings.~~

~~(e) "Practice of architecture" means the rendering of or offering to render certain services, as described in subsection (d), in connection with the design and construction or alterations and additions of a building or buildings; the design and construction of items relating to building code requirements, as they pertain to architecture, and other building related features affecting the public's health, safety and welfare; the preparation and certification of any architectural design features that are required on plats; and the teaching of architecture by a licensed architect in a college or university offering an approved architecture curriculum of four years or more.~~

~~(f) "Landscape architect" means a person who is professionally qualified as provided in K.S.A. 74-7001 et seq., and amendments thereto, to engage in the practice of landscape architecture, who practices landscape architecture and who is licensed by the board.~~

(g) "Practice of landscape architecture" means the performing of professional services such as consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation and enhancement; the designing of land forms and nonhabitable structures for aesthetic and functional purposes such as pools, walls and structures for outdoor living spaces for public and private use; the preparation and certification of any landscape architectural design features that are required on plats; and the teaching of landscape architecture by a licensed landscape architect in a college or university offering an approved landscape architecture curriculum of four years or more. It encompasses the determination of proper land use as it pertains to: Natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; soil conservation erosion control; drainage and grading; and the development of outdoor space in accordance with ideals of human use and enjoyment.

(m) "Person" means a natural person or business entity.

(n) "Principal" means a person who serves in a business entity as an officer, member of a board of directors, member of a limited liability company or partner.

(h)-(o) "Professional engineer" means a person who is qualified to practice engineering by reason of special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, who is qualified as provided in engage in the practice of engineering and who is licensed by the board to practice engineering as provided in K.S.A. 74-7001 et seq., and amendments thereto, to engage in the practice of engineering and who is licensed by the board.

(i)-(p) (1) "Professional engineering" or "practice of engineering" means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, the teaching of engineering by a licensed professional engineer in a college or university offering an approved engineering curriculum of four years or more, engineering surveys and studies, the observation of construction for the purpose of assuring compliance with drawings and specifications, representation in connection with contracts entered into between clients and others and the preparation and certification of any engineering design features that are required on plats; any of which embraces such service or work, either public or private, for any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property. As used in this subsection, "engineering surveys" includes all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system. providing, offering to provide, or holding oneself out as able to provide professional engineering services, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering

sciences, including the following: Common technical services, as defined in subsection (g); consulting, investigating, evaluating, planning and designing of engineering works and systems; producing engineering surveys and studies; and preparing any engineering design features which embrace such service or work, either public or private, for any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding the health, safety, property or welfare of the public.

(2) As used in this subsection, the term "engineering surveys" includes all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system.

(3) The term "professional engineering" or "practice of professional engineering" shall not include those services specifically identified in the definition of "architecture," "landscape architecture," "professional geology" and "professional surveying" except for those services which are included in the term "common technical services," as defined in subsection (g).

(q) "Professional geologist" means a person who is qualified to engage in the practice of geology and who is licensed by the board to practice geology as provided in K.S.A. 74-7001 et seq., and amendments thereto.

(r) (1) "Professional geology" or "practice of professional geology" means the performing of professional geology services including the following: Common technical services, as defined in subsection (g); planning or mapping, providing observation, or the responsible supervision thereof, in connection with the treatment of the earth and its origin and history, in general; the investigation of the earth's constituent rocks, minerals, solids, fluids, including surface and underground waters, gases and other materials; and the study of the natural agents, forces and processes which cause changes in the earth.

(2) The term "professional geology" or "practice of professional geology" shall not include those services specifically identified in the definition of "architecture," "landscape architecture," "professional engineering" and "professional surveying" except for those services which are included in the term "common technical services," as defined in subsection (g).

~~(j)-(s)~~ "Land Professional surveyor" means any person who is engaged in the practice of land surveying and who is licensed by the board to practice surveying as provided in K.S.A. 74-7001 et seq., and amendments thereto, and who is licensed by the board.

~~(k)-(t)~~ (1) "Professional surveying" or "practice of land professional surveying" includes:

(1) The performance of any professional service, the adequate performance of which involves the application of special knowledge and experience in the principles of mathematics, the related physical and applied sciences, the relevant requirements of law and the methods of surveying measurements in measuring and locating of lines, angles, elevation of natural and man-made features in the air, on the surface of the earth, within underground workings and on the bed of bodies of water for the purpose of determining areas, volumes and monumentation of property boundaries;

~~(2) the planning, mapping and preparation of plats of land and subdivisions thereof, including the topography, rights-of-way, easements and any other boundaries that affect rights to or interests in land, but excluding features requiring engineering or architectural design;~~

~~(3) the preparation of the original descriptions of real property for the conveyance of or recording thereof and the preparation of maps, plats and field note records that represent these surveys;~~

~~(4) the reestablishing of missing government section corners in accordance with government surveys;~~

~~(5) the teaching of land surveying by a licensed land surveyor in a college or university offering an approved land surveying curriculum of four years or more; and~~

~~(6) the locating or laying out of alignments, positions or elevations where such work is part of the construction of engineering or architectural works; means providing, or offering to provide, professional surveying services including the following: Common technical services, as defined in subsection (g); using such sciences as mathematics, geodesy and photogrammetry; and involving the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvements on the earth, the space above, on or below the earth and providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional surveying services also include planning, mapping, assembling and interpreting gathered measurements and information related to any one or more of the following:~~

~~(A) Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects thereon;~~

~~(B) determining by performing geodetic surveys the size and shape of the earth or the position of any point on the earth;~~

~~(C) locating, relocating, establishing, re-establishing or retracing property lines or boundaries of any tract of land, road, right-of-way or easement;~~

~~(D) preparing the original descriptions of real property for the conveyance of or recording thereof and the preparation of graphics, data, maps, plans, reports, land subdivision plats, descriptions and projects that represent these surveys;~~

~~(E) determining, by the use of principles of surveying, the position for any survey monument, whether boundary or non-boundary, or reference point and establishing or replacing any such monument or reference point;~~

~~(F) making any survey for the division, subdivision or consolidation of any tract of land;~~

~~(G) locating or laying out alignments, positions or elevations where such work is part of the construction of engineering or architectural works; and~~

~~(H) creating, preparing or modifying electronic, computerized or other data relative to performance of the activities set forth in subparagraphs (A) through (G).~~

~~(2) The term "professional surveying" or "practice of professional surveying" shall not include those services specifically identified in the definition of "architecture," "landscape architecture," "professional engineering" and "professional geology" except for those services which are included in the term "common technical services," as defined in subsection (g).~~

~~(f) "Person" means a natural person or business entity.~~

(m) "Plat" means a diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey or protraction. A plat should show all data required for a complete and accurate description of the land which it delineates, including the bearings (or azimuths) and lengths of the boundaries of each subdivision.

(n) "Geologist" means a person who is qualified to engage in the practice of geology by reason of knowledge of geology, mathematics and the supporting physical and life sciences, acquired by education and practical experience, who is qualified as provided in K.S.A. 74-7001 et seq., and amendments thereto, to engage in the practice of geology and who is licensed by the board.

(o) "Practice of geology" means:

(1) The performing of professional services such as consultation, investigation, evaluation, planning or mapping, or inspection, or the responsible supervision thereof, in connection with the treatment of the earth and its origin and history, in general; the investigation of the earth's constituent rocks, minerals, solids, fluids including surface and underground waters, gases and other materials; and the study of the natural agents, forces and processes which cause changes in the earth;

(2) the teaching of geology by a licensed professional geologist in a college or university offering an approved geology curriculum of four years or more by a person who meets the qualifications for education and experience prescribed by K.S.A. 74-7041, and amendments thereto; or

(3) representation in connection with contracts entered into between clients and others and the preparation and certification of geological information in reports and on maps insofar as it involves safeguarding life, health or property.

(p) "Business entity" means a general corporation, professional corporation, limited liability company, limited liability partnership, corporate partnership or other legal entity created by law.

(q) "Principal" means a person who serves in a business entity as an officer, member of a board of directors, member of a limited liability company or partner.

(u) "Responsible charge" means the application of personal supervision and professional judgment, and the incorporation of detailed knowledge with respect to the content of a technical submission by a licensee when applying the normal standard of care for the work that such licensee is licensed to perform.

(v) "Standard of care" means the duty to exercise the degree of learning and skill ordinarily possessed by a reputable licensee practicing in Kansas in the same or similar locality and under similar circumstances.

(w) "Technical professions" includes the professions of architecture, landscape architecture, professional engineering, professional geology and professional surveying as the practice of such professions are defined in K.S.A. 74-7001 et seq., and amendments thereto.

Sec. 7. K.S.A. 74-7004 is hereby amended to read as follows: 74-7004. For the purpose of administering the provisions of this act and in order to establish and maintain a high standard of integrity, skills and practice in the technical professions and to safeguard the life, health, safety, property and welfare of the public, the governor shall appoint a state board of technical professions consisting of 13 members. At least 30 days prior to the expiration of any term other than that of ~~the~~ a member appointed from the general public, professional societies and associations which are respectively

representative of each branch of the technical professions may submit to the governor a list of three or more names of persons of recognized ability who have the qualifications prescribed for board members for appointment from that branch of the technical professions. The governor shall consider the list of persons in making the appointment to the board. In case of a vacancy in the membership of the board, other than that of ~~the~~ a member appointed from the general public, for any reason other than the expiration of a term of office, the governor shall appoint a qualified successor to fill the unexpired term. In making the appointment the governor shall give consideration to the list of persons last submitted.

Sec. 8. K.S.A. 74-7005 is hereby amended to read as follows: 74-7005. (a) Membership of the board shall be as follows:

(1) Four members shall have been engaged in the practice of engineering for at least eight years, which practice shall include responsible charge of engineering work, and shall be Kansas licensed professional engineers. At least one of such members shall be engaged in private practice as an engineer. At least one of such members ~~shall~~ may also be licensed as a ~~land-Kansas professional~~ surveyor, as well as a Kansas licensed professional engineer.

(2) Two members shall have been engaged in the practice of ~~land~~-surveying for at least eight years, which practice shall include responsible charge of surveying work, and shall be Kansas licensed land professional surveyors.

(3) Three members shall have been engaged in the practice of architecture for at least eight years, which practice shall include responsible charge of architectural work, and shall be Kansas licensed architects of recognized standing and shall have been engaged in the practice of the profession of architecture for at least eight years, which practice shall include responsible charge of architectural work as principal.

(4) One member shall have been engaged in the practice of landscape architecture for at least eight years, which practice shall include responsible charge of landscape architectural work, and shall be a Kansas licensed landscape architect ~~and shall have been engaged in the practice of landscape architecture for at least eight years, which practice shall include responsible charge of landscape architectural work as principal~~.

(5) One member shall ~~be engaged in the practice of geology, shall have been engaged in the practice of geology for at least eight years and, on and after July 1, 2000, which practice shall include responsible charge of geology work~~, and shall be a Kansas licensed professional geologist.

(6) Two members shall be from the general public of this state.

(b) Each member of the board shall be a citizen of the United States and a resident of this state.

(c) ~~The~~ Any amendments to this section shall not be applicable to any member of the board who was appointed to the board and qualified for such appointment under this section prior to the effective date of ~~this act~~ such enactment.

Sec. 9. K.S.A. 74-7007 is hereby amended to read as follows: 74-7007. The board shall organize annually at its first meeting subsequent to July 1, and shall select a chairperson, vice-chairperson, and secretary from its own membership. The secretary shall be the custodian of the common seal, the books and records of the board, and shall ~~keep minutes~~ be responsible for the recordation, publication and archiving of all board proceedings. The chairperson and secretary shall have the power to administer oaths pertaining to the business of the board. The board shall have a common seal and shall

formulate rules to govern its actions. Each member of the board shall take and subscribe the oaths prescribed by law for state officers. The oaths provided for herein shall be filed in the office of the secretary of state. The board shall hold an annual meeting and such additional meetings as the board may designate. Seven members of the board shall constitute a quorum for the transaction of business.

Sec. 10. K.S.A. 2013 Supp. 74-7009 is hereby amended to read as follows: 74-7009. (a) The following nonrefundable fees shall be collected by the board:

(1) For an original license, issued upon the basis of an examination given by the board, an application fee in the sum of not more than \$200 plus an amount, ~~to be determined by the board,~~ equal to the cost of any examination required directly administered by the board ~~in each~~ for any branch of the technical professions;

(2) for a license by reciprocity under K.S.A. 74-7024, and amendments thereto, an application fee of not more than \$500;

(3) for a certificate of authorization for a business entity, the sum of not more than \$300;

(4) for the biennial renewal of ~~a~~ an active license, the sum of not more than \$200;

(5) for the biennial renewal of a certificate of authorization for a business entity, the sum of not more than \$300; ~~and~~

(6) ~~for the renewal of a certificate of authorization pursuant to subsection (e) of K.S.A. 74-7036, and amendments thereto, 1/2 of the renewal fee required by paragraph (5) of this subsection for the untimely renewal of a license or certificate of authorization pursuant to K.S.A. 74-7025, and amendments thereto, a late fee of not more than \$200; and~~

(7) for the return of an inactive license to active practice, or for the reinstatement of a cancelled license, the sum of not more than \$200.

(b) On or before November 15, ~~of~~ each year, the board shall determine the amount necessary to administer the provisions of K.S.A. 74-7001 et seq., and amendments thereto, for the ensuing calendar year and shall fix the fees for such year at the sum deemed necessary for such purposes.

(c) The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the technical professions fee fund, which fund 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 chairperson of the board or by a person or persons designated by the chairperson.

Sec. 11. K.S.A. 74-7010 is hereby amended to read as follows: 74-7010. A roster showing the names and places of business of all persons licensed under ~~this act~~ K.S.A. 74-7001 et seq., and amendments thereto, or issued a certificate of authorization under K.S.A. 74-7036, and amendments thereto, shall be maintained by the executive director. The roster shall also specify the branch of the technical professions in which each such person is licensed or authorized to practice. Copies of the roster ~~may be placed, at the discretion of the board, on file with the secretary of state and with the clerk of each county in this state and shall be furnished to such other persons as determined by the board. Copies shall be furnished to members of the public upon request. The board may~~

~~charge and collect a fee for copies furnished to members of the public in an amount to be fixed by the board and approved by the director of accounts and reports under K.S.A. 45-219, and amendments thereto, in order to recover the actual costs incurred. All fees collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the technical professions fee fund shall be provided in accordance with the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.~~

Sec. 12. K.S.A. 2013 Supp. 74-7013 is hereby amended to read as follows: 74-7013. (a) The board may adopt all rules and regulations, including rules of professional conduct, which are necessary for performance of its powers, duties and functions in the administration of the provisions of K.S.A. 74-7001 et seq., and amendments thereto.

(b) The board, through rules and regulations, may require continuing education as a condition for license renewal or reinstatement and may exempt persons from such continuing education requirements.

(c) The board may adopt rules and regulations concerning cancelled, inactive and emeritus licensure status.

(d) The board shall adopt rules and regulations prescribing minimum standards for boundary surveys, mortgage title inspection, American land title association surveys, and such other surveys as necessary to control the quality of surveying in the state of Kansas.

Sec. 13. K.S.A. 74-7019 is hereby amended to read as follows: 74-7019. Minimum qualifications of applicants seeking licensure as architects are the following:

(a) Graduation from a college or university program that is adequate in its preparation of students for the practice of architecture, as determined by the board in accordance with applicable rules and regulations; ~~and~~

(b) proof of architectural experience of a character satisfactory to the board, as defined by rules and regulations of the board; and

(c) the satisfactory passage of an examination utilized by the board.

Sec. 14. K.S.A. 2013 Supp. 74-7021 is hereby amended to read as follows: 74-7021. (a) Minimum qualifications of applicants seeking licensure as professional engineers are the following:

(1) Graduation from a college or university program that is adequate in its preparation of students for the practice of engineering, as determined by the board in accordance with applicable rules and regulations; ~~and~~

(2) the satisfactory passage of ~~such written an~~ an examination in the fundamentals of engineering as utilized by the board; ~~and~~

(3) proof of four years of engineering experience of a character satisfactory to the board, as defined by rules and regulations of the board; and

(4) the satisfactory passage of ~~such an~~ an examination in professional practice as utilized by the board.

(b) The board may issue an intern engineer certificate to a person who meets the education and examination qualifications prescribed by the board.

Sec. 15. K.S.A. 2013 Supp. 74-7022 is hereby amended to read as follows: 74-7022. (a) Minimum qualifications of applicants seeking licensure as ~~and~~ professional surveyors are the following:

(1) Proof of ~~land~~ surveying experience and education in accordance with rules and regulations of the board; and

(2) the satisfactory passage of examinations utilized by the board.

(b) The board may issue an intern ~~land~~ surveyor certificate to a person who meets the education, experience and examination qualifications prescribed by the board.

New Sec. 16. (a) Minimum qualifications of applicants seeking licensure as professional geologists are the following:

(1) Graduation from a course of study in geology, or from a program which is of four or more years' duration and which includes at least 30 semester or 45 quarter hours of credit with a major in geology or a geology specialty, that is adequate in its preparation of students for the practice of geology;

(2) proof of at least four years of experience in geology of a character satisfactory to the board, as defined by rules and regulations of the board; and

(3) the satisfactory passage of such examinations in the fundamentals of geology and in geologic practice as utilized by the board.

(b) The board may issue an intern geologist certificate to a person who meets the education and examination qualifications prescribed by the board.

Sec. 17. K.S.A. 2013 Supp. 74-7023 is hereby amended to read as follows: 74-7023. (a) All examinations required by K.S.A. 74-7001 et seq., and amendments thereto, shall be held at such time and place as the board determines. The scope of the examinations, methods of procedure and eligibility to take examinations, including reexaminations, shall be prescribed by the board.

(b) The board, after receiving satisfactory evidence of the qualifications of an applicant and after satisfactory examination of the applicant, shall issue a license authorizing the applicant to practice the technical profession for which the applicant is qualified and to use the title appropriate to such technical profession.

(c) Each license shall show the full name of the licensee, shall have a serial number and shall be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named on the license is legally licensed and is entitled to all the rights and privileges of a licensed practitioner of the technical profession for which the licensee is licensed while the license remains unrevoked and unexpired.

(d) Each licensee shall ~~purchase~~ obtain a seal of a distinctive design authorized by the board, bearing the licensee's name and number and a uniform inscription formulated by the board. Documents, ~~reports, legal descriptions, records and papers~~ signed by the licensee in the licensee's professional capacity shall be stamped with the seal during the duration of the license, but it shall be unlawful for anyone to stamp any document with the seal after the license has expired or has been revoked, unless the license has been renewed or reissued. No person shall tamper with or revise the seal without express written approval by the board.

~~(e) Any person licensed hereunder may stamp any documents submitted to such licensee by any practitioner of a technical profession licensed in another state upon assuming full responsibility for furnishing complete and adequate observation of the work covered by the documents to which the licensee has affixed the seal.~~

Sec. 18. K.S.A. 74-7024 is hereby amended to read as follows: 74-7024. Any person who holds a current license ~~or certificate of qualification or registration~~ to practice any branch of the technical professions issued by the proper authority in any

other state or political subdivision of the United States ~~or in any other country~~ may be exempted from examination for licensure in this state if the requirements under which such license ~~or certificate~~ was issued are of a standard accepted by the board and if the person's record fully meets the requirements of this state in all respects other than examination. Upon determination that the person meets the requirements of this section and all other requirements for licensure under K.S.A. 74-7001 et seq., and amendments thereto, the board may issue, upon application therefor and receipt of payment of the application fee prescribed under K.S.A. 74-7009, and amendments thereto, a license to practice the appropriate technical profession ~~if the proper authority of the state, political subdivision or country from which the applicant holds a license or certificate agrees to accept on an equal basis persons who hold licenses issued by the authority of this state.~~

Sec. 19. K.S.A. 2013 Supp. 74-7025 is hereby amended to read as follows: 74-7025. (a) At least 30 days prior to the date of expiration of a license or certificate of authorization, the executive director shall notify every person licensed under K.S.A. 74-7001 et seq., and amendments thereto, or business entity issued a certificate of authorization under K.S.A. 74-7036, and amendments thereto, of the date of the expiration of the license or certificate of authorization and the amount of the fee that is required for its renewal for two years. The licensee shall notify the board in writing of any change of address within 30 days after the date of such change. ~~Renewal may be effected without penalty any time during a period of 60 days following the date of the expiration of the license or certificate of authorization by the payment of a renewal fee established by the board pursuant to the provisions of K.S.A. 74-7009, and amendments thereto.~~ A licensee shall not practice any technical profession after the expiration date until the license or certificate of authorization has been renewed or reinstated. Any license or certificate of authorization not renewed by the expiration date may be renewed within 60 days after such expiration date by payment of the renewal fee plus a late fee as set forth in K.S.A. 74-7009, and amendments thereto. Any license or certificate of authorization not renewed within 60 days after the expiration date shall be cancelled.

(b) As a condition for obtaining license renewal, the board may require proof of compliance with continuing education requirements established by rules and regulations.

(c) ~~The failure on the part of any licensee or holder of a certificate of authorization to effect renewal or reinstatement of a license or certificate of authorization as required above shall result in the cancellation of the license or certificate of authorization by the board.~~

~~(d) Any person whose license or certificate of authorization has been cancelled pursuant to subsection (e) (a) may have the license or certificate of authorization reinstated by the board for good cause shown and upon payment of a penalty determined by the board in an amount of not more than \$100 by filing an application for such license or certificate of authorization and such other documents as required by the board, and payment of the reinstatement fee as set forth in K.S.A. 74-7009, and amendments thereto.~~

(d) Any licensee who voluntarily decides to no longer practice a technical profession shall have such licensee's status changed from active to inactive, provided, such licensee meets the requirements for use of the inactive licensure status established in the rules and regulations adopted by the board. A person whose license is inactive

may return to active practice of a technical profession by applying for a return to active practice, paying the appropriate fee as set forth in K.S.A. 74-7009, and amendments thereto, and complying with all applicable rules and regulations adopted by the board.

(e) Any licensee who voluntarily decides to no longer practice a technical profession and who is at least 60 years of age shall have such licensee's status changed from active to emeritus, provided, such licensee meets the requirements for use of the emeritus title established in the rules and regulations adopted by the board.

~~(e)~~ (f) A new license or certificate of authorization, to replace any lost, destroyed or mutilated license, may be issued, subject to rules and regulations of the board, and a charge of \$20 shall be made for such issuance.

Sec. 20. K.S.A. 2013 Supp. 74-7026 is hereby amended to read as follows: 74-7026. (a) The board shall have the power to limit, condition, reprimand or otherwise discipline, suspend or revoke the license of any person who has engaged in any of the following conduct:

(1) The practice of any fraud or deceit in obtaining a license or certificate of authorization issued under K.S.A. 74-7036, and amendments thereto;

(2) any gross negligence, incompetency, misconduct or wanton disregard for the rights of others in the practice of any technical profession;

(3) a conviction of a felony as set forth in the criminal statutes of the state of Kansas, of any other state or of the United States;

(4) violation of any rules of professional conduct adopted and promulgated by the board or violation of rules and regulations adopted by the board for the purpose of carrying out the provisions of K.S.A. 74-7001 et seq., and amendments thereto; or

(5) affixing or permitting to be affixed such licensee's seal or name to any documents, ~~reports, records or papers~~ which were not prepared by such licensee or prepared under the ~~direct supervision and control of such licensee, except as provided in K.S.A. 74-7023, and amendments thereto~~ responsible charge of such licensee.

(b) The board shall have the power to limit, condition, reprimand or otherwise discipline, suspend or revoke the certificate of authorization of any business entity which has engaged in any conduct which would authorize the board to limit, condition, reprimand or otherwise discipline, suspend or revoke the license of a person under this section.

(c) The board, for reasons it may deem sufficient, may reissue a license or certificate of authorization that has been revoked and may remove the suspension of the license or certificate of authorization ~~providing, provided,~~ seven or more members of the board vote in favor of such reissuance or removal of suspension. A new license or certificate of authorization, to replace any revoked or suspended license or certificate of authorization, may be issued, subject to rules and regulations of the board, and a charge of \$100 shall be made for the issuance of such license or \$150 for the issuance of a certificate of authorization.

(d) Any action of the board pursuant to this section shall be subject to the provisions of the Kansas administrative procedure act.

Sec. 21. K.S.A. 2013 Supp. 74-7029 is hereby amended to read as follows: 74-7029. (a) It shall be a class A misdemeanor for any person to:

(1) Practice or offer to practice or hold one's self out as entitled to practice any technical profession unless the person is licensed as provided in K.S.A. 74-7001 et seq., and amendments thereto, or holds a certificate of authorization issued under K.S.A. 74-

7036, and amendments thereto;

(2) present or attempt to use, as such person's own, the license, certificate of authorization or seal of another;

(3) falsely impersonate any other practitioner of like or different name;

(4) give false or forged evidence to the board, or any member thereof, in obtaining a license or certificate of authorization;

(5) use or attempt to use a license or certificate of authorization that has expired or been suspended or revoked;

(6) falsely advertise as a licensed practitioner or as the holder of a certificate of authorization;

(7) use in connection with such person's name, or otherwise assume, or advertise any title or description intended to convey the impression that such person is a licensed practitioner or holds a certificate of authorization; or

(8) otherwise violate any of the provisions of K.S.A. 74-7001 et seq., and amendments thereto, or any rule and regulation promulgated by the board.

(b) For the purposes of subsection (a)(1), a person shall be construed to practice or offer to practice or hold one's self out as entitled to practice a technical profession if such person:

(1) Practices any branch of the technical professions;

(2) by verbal claim, sign, advertisement, letterhead, card or in any other way represents the person to be an architect, landscape architect, professional engineer, professional geologist or ~~land~~ professional surveyor;

(3) through the use of some other title implies that such person is an architect, landscape architect, professional engineer, professional geologist or ~~land~~ professional surveyor, or that such person is licensed to practice a technical profession; or

(4) holds one's self out as able to perform, or does perform, any service or work or any other service designated by the practitioner which is recognized as within the scope of the practice of a technical profession.

(c) The attorney general of the state or the district or county attorney of any county, at the request of the board, shall render such legal assistance as may be necessary in carrying out the provisions of K.S.A. 74-7001 et seq., and amendments thereto. Upon the request of the board, the attorney general or district or county attorney of the proper county shall institute in the name of the state or board the proper proceedings against any person regarding whom a complaint has been made charging such person with the violation of any of the provisions of K.S.A. 74-7001 et seq., and amendments thereto. The attorney general, and such district or county attorney, at the request of the attorney general or of the board, shall appear and prosecute any and all such actions.

Sec. 22. K.S.A. 2013 Supp. 74-7031 is hereby amended to read as follows: 74-7031. The provisions of K.S.A. 74-7001 et seq., and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of architecture shall not be construed to prevent or to affect:

(a) The practice of any person engaging in the publication of books or pamphlets illustrating architectural designs.

(b) Persons preparing plans, drawings or specifications for ~~one and two family dwellings buildings housing no more than two dwelling units in one contiguous structure~~ or for agricultural buildings.

(c) Persons furnishing, individually or with subcontractors, labor and materials, with or without plans, drawings, specifications, instruments of service, or other data concerning the labor and materials to be used for any of the following ~~as long as the utilization of the uniform building code or life safety code, as currently adopted by the division of architectural services of the state of Kansas, provided, compliance with the most recent edition of the international building code adopted by the international code conference and rules and regulations adopted by the state fire marshal,~~ is not required:

(1) Store fronts or facades, interior alterations or additions, fixtures, cabinet work, furniture, appliances or other equipment;

(2) work necessary to provide for installation of any item designated in subsection (c)(1);

(3) alterations or additions to a building necessary to, or attendant upon, installation of any item designated in subsection (c)(1), if the alteration or addition does not change or affect:

(A) The structural system of the building, which structural system includes, but is not limited to, foundations, walls, floors, roofs, footings, bearing partitions, beams, columns or joists and does not exceed the structural capacity of the system;

(B) the required exit capacities or exiting travel distances; or

(C) the required fire ratings of assemblies, fire separation walls or fire ratings required by building type.

(d) Work involving matters of rates, rating and loss prevention by employees of insurance rating organizations and insurance service organizations and insurance companies and agencies.

(e) The performance of services by a licensed landscape architect or business entity issued a certificate of authorization to provide services in landscape architecture under K.S.A. 74-7036, and amendments thereto, in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

(f) ~~For the purposes of this section:~~

(1) ~~"Building" means any structure consisting of foundation, floors, walls, columns, girders, beams and roof, or a combination of any number of these parts, with or without other parts and appurtenances thereto, including the structural, mechanical and electrical systems utility services, and other facilities as may be required for the structure.~~

(2) ~~"Agricultural building" means any structure designed and constructed to house hay, grain, poultry, livestock or other horticultural products and for farm storage of farming implements. Such structure shall not be a place for human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a building or structure for use by the public.~~

Sec. 23. K.S.A. 74-7032 is hereby amended to read as follows: 74-7032. The provisions of ~~this act K.S.A. 74-7001 et seq., and amendments thereto,~~ requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of landscape architecture shall not be construed to prevent or to affect:

(a) The right of any individual to engage in the occupation of growing and marketing nursery stock ~~or,~~ to use the title nurseryman, landscape nurseryman or gardener, or to prohibit any individual to plan or plant such individual's own property.

(b) The right of nurserymen to engage in preparing and executing planting plans.

(c) The practice of site development planning, in accordance with the practice of architecture, ~~or the practice of engineering.~~

(d) The performance of those services described in subsection (k)(1) of K.S.A. 74-7003, and amendments thereto, by a licensed professional engineer, except that no licensed professional engineer shall perform the following services: (1) Planting plans; or (2) the determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate.

Sec. 24. K.S.A. 74-7033 is hereby amended to read as follows: 74-7033. The provisions of ~~this act K.S.A. 74-7001 et seq., and amendments thereto,~~ requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of engineering shall not be construed to prevent or to affect:

(a) Except as provided by subsection (b), the design or erection of any structure or work by a person who owns the structure or work, upon such person's own premises for such person's own use if the structure or work is not to be used for human habitation, is not to serve as a place of employment, and is not to be open to the public for any purpose whatsoever.

(b) Persons designing or erecting or preparing plans, drawings or specifications for ~~one or two family dwellings buildings housing no more than two dwelling units in one contiguous structure~~ or for agricultural buildings, ~~as defined by K.S.A. 74-7031 and amendments thereto.~~

(c) Persons engaged in planning, drafting and designing of products manufactured for resale to the public.

(d) The performance of services by a licensed landscape architect in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

Sec. 25. K.S.A. 2013 Supp. 74-7034 is hereby amended to read as follows: 74-7034. The provisions of K.S.A. 74-7001 et seq., and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of ~~land~~ surveying shall not be construed to prevent or to affect:

~~(a) The~~ Those surveying activities, which include locating or laying out of alignments, positions or elevations where such work is part of the construction of engineering or architectural works, when such activities are for purposes other than the conveyance of an interest in real property.

(b) The practice of ~~land~~ surveying by an individual of such individual's own real property or that of such individual's employer for purposes other than the conveyance of an interest in such real property.

(c) The surveying on farms for agricultural purposes other than the conveyance of an interest in such farm property.

(d) The performance of services by a licensed landscape architect or by a business entity issued a certificate of authorization to provide services in landscape architecture under K.S.A. 74-7036, and amendments thereto, in connection with landscape and site planning for the sites, approaches or environment for buildings, structures or facilities.

(e) Mapping by governmental agencies when such activity does not involve the locating, relocating, or physical establishment of land boundaries and related

monuments or the preparation of original or field retracement of existing descriptions of real property.

New Sec. 26. The provisions of K.S.A. 74-7001 et seq., and amendments thereto, requiring licensure or the issuance of a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to engage in the practice of geology shall not be construed to prevent or to affect:

- (a) The practice of geology by any person before July 1, 2000.
- (b) The practice of geology which is exclusively in the exploration for and development of energy resources and economic minerals, and which does not affect the health, safety, property and welfare of the public, as determined by the board.
- (c) The acquisition of engineering data, geologic data for engineering purposes and the utilization of such data by licensed professional engineers.
- (d) The performance of work customarily performed by graduate physical or natural scientists.
- (e) The teaching of geology in a college or university offering an approved geology curriculum.

Sec. 27. K.S.A. 74-7035 is hereby amended to read as follows: 74-7035. The provisions of ~~this act~~ K.S.A. 74-7001 et seq., and amendments thereto, shall not apply to:

(a) The work of an employee, consultant or a subordinate of a person holding a license under ~~this act~~ K.S.A. 74-7001 et seq., and amendments thereto, if such work does not include final designs or decisions, responsible charge of design ~~or supervision~~ and is done under the direct responsibility and supervision of a person practicing lawfully a technical profession;

~~(b) the practice of persons who are not residents of and have not established a place of business in this state, who are acting as consulting associates of persons licensed under the provisions of this act and who are legally qualified for such professional service in such persons' own state or country;~~

~~(c) the practice work of any person who is exclusively and regularly employed by one a single employer only, the provided, such employer is not being an engineering, architectural or land, surveying, landscape architectural or geology firm, and the employer is not being primarily engaged in the business of conveying an interest in real property, in and also provided, such work is performed under an employer-employee relationship, in and making surveys of land and determinations of physical property rights is performed solely in connection only with the affairs of such employer or its subsidiaries and affiliates and solely for the uses, purposes and benefit of such employer, subsidiaries and affiliates, only;~~

~~(d) (c)~~ a plumbing contractor, master plumber or journeyman plumber licensed under the provisions of K.S.A. 12-1508 et seq., and amendments thereto, while performing the work such plumber is authorized to perform pursuant to such license; or

~~(e) (d)~~ an electrical contractor, master electrician, journeyman electrician or residential electrician licensed under the provisions of K.S.A. 12-1525 et seq., and amendments thereto, while performing the work such electrician is authorized to perform pursuant to such license.

~~(f) (e)~~ For purposes of this act, public officers and employees who, within the scope of their employment and in the discharge of their public duties, provide information pertinent to or review the sufficiency of technical submissions, or who inspect property

or buildings for compliance with requirements safeguarding life, health or property, are not engaged in the practice of the technical professions.

Sec. 28. K.S.A. 2013 Supp. 74-7036 is hereby amended to read as follows: 74-7036. (a) Notwithstanding any other provision of law, a business entity ~~may be~~ organized for the practice of one or more of the technical professions ~~if shall obtain a certificate of authorization pursuant to this section prior to doing business in this state.~~ To obtain a certificate of authorization a business entity must meet the following:

(1) One or more principals is designated as being in responsible charge for the activities and decisions relating to the practice of such profession and is licensed to practice such profession by the board and is a regular employee of and active participant in the business entity;

(2) each person engaged in the practice of the technical profession is licensed to practice such profession by the board, or is exempt from licensure under K.S.A. 74-7031 through 74-7035, and amendments thereto, or is exempt from examination for licensure in this state under K.S.A. 74-7024, and amendments thereto; and

(3) ~~such business entity has been issued a certificate of authorization by the board~~ each separate office or place of business established in this state by the business entity has a licensed professional who is regularly supervising the work of an office or place of business and has responsible charge of each respective technical professional practicing in the office. This requirement shall not apply to offices or places of business established to provide construction administration services only.

(b) A business entity ~~may shall~~ apply to the board for a certificate of authorization, upon a form prescribed by the board, listing the names and addresses of all principals licensed to practice the technical profession and such other information as may be required by the board. The application for a certificate of authorization shall be accompanied by an application fee fixed by the board under K.S.A. 74-7009, and amendments thereto. ~~Except as provided in subsection (e);~~ The certificate of authorization shall be renewed biennially. The biennial renewal fee fixed by the board under K.S.A. 74-7009, and amendments thereto, shall be accompanied by a form prescribed by the board providing current information. In the event of a change of any principal, such change shall be provided to the board within 30 days after the effective date of such change.

(c) If the board finds that such business entity is in compliance with all of the requirements of this section, the board shall issue a certificate of authorization to such business entity designating the technical profession for which such business entity is authorized to provide services.

(d) No business entity issued a certificate of authorization under this section shall be relieved of responsibility for the conduct or acts of its agents, employees or principals by reason of its compliance with the provisions of this section, nor shall any individual practicing a technical profession be relieved of responsibility and liability for services performed by reason of employment or relationship with such business entity. The requirements of this section shall not affect a business entity and its employees in performing services included within the term "technical professions" solely for the benefit of such business entity or subsidiary or affiliated business entities. Nothing in this section shall exempt any business entity from the provisions of any other law applicable thereto.

~~(e)(1) The board is hereby authorized to issue a one-time renewal of the certificate~~

of authorization for a business entity for a one-year period under the following conditions:

(A) ~~The certificate of authorization is scheduled for renewal on or after December 31, 2010;~~

(B) ~~the name of the business entity begins with a letter in the last half of the alphabet;~~

(C) ~~the board notifies the business entity that its certificate of authorization will be renewed for one year; and~~

(D) ~~the fee for renewal under this subsection shall be one-half of the biennial renewal fee set forth in K.S.A. 74-7009, and amendments thereto.~~

~~(2) Any certificate of authorization which has been renewed for a period of one year in accordance with this subsection shall be subsequently renewed on a biennial basis as prescribed by K.S.A. 74-7001 et seq., and amendments thereto.~~

~~(3) No certificate of authorization shall be renewed for a period of one year on or after January 1, 2012.~~

Sec. 29. K.S.A. 74-7038 is hereby amended to read as follows: 74-7038. A public official charged with the enforcement of any state, county or municipal building code shall not accept or approve any technical submissions involving the practice of the technical professions unless the technical submissions have been stamped with the technical professional's seal, signed and dated as required by this act K.S.A. 74-7001 et seq., and amendments thereto, or unless the applicant has certified on the technical submission to the applicability of a specific exception provided for in K.S.A. 74-7035, and amendments thereto, permitting the preparation of the technical submissions by a person not licensed under this act K.S.A. 74-7001 et seq., and amendments thereto. A building permit issued with respect to technical submissions which does not conform to the requirements of this act K.S.A. 74-7001 et seq., and amendments thereto, is invalid. The acceptance or approval of technical submissions or the issuance of a building permit by a public official engaged in building inspection responsibilities, contrary to the provisions of this act K.S.A. 74-7001 et seq., and amendments thereto, shall not create liability upon the public official or the official's governmental agency.

Sec. 30. K.S.A. 74-7039 is hereby amended to read as follows: 74-7039. (a) ~~The state board of technical professions, in addition to any other penalty prescribed under the act governing the technical professions K.S.A. 74-7001 et seq., and amendments thereto, may assess civil fines and costs, including attorney fees, after proper notice and an opportunity to be heard, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the board in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All civil fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. All costs assessed under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the technical professions fee fund.~~

(b) The board may also assess costs, including attorney fees, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the

board in addition to any fine imposed. All costs assessed under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the technical professions fee fund.

(c) In determining the amount of penalty to be assessed pursuant to this section, the board may consider the following factors among others:

- (1) Willfulness of the violation;
- (2) repetitions of the violation; and
- (3) magnitude of the risk of harm to the health, safety, property and welfare of the public caused by the violation.

Sec. 31. K.S.A. 74-7040 is hereby amended to read as follows: 74-7040. Any person licensed to practice the technical professions in the state of Kansas at the time this act takes effect shall thereafter continue to possess the same rights and privileges with respect to the practice of the technical profession for which such person is licensed, in accordance with the current definition of the practice of such technical profession, without being required to obtain a new license under the provisions of this act, subject to the power of the board as provided in this act to suspend or revoke the license of any such person for any of the causes set forth in K.S.A. 74-7026, and amendments thereto, and subject to the power of the board to require any such person to renew such license as provided in K.S.A. 74-7025, and amendments thereto.

Sec. 32. K.S.A. 2013 Supp. 74-7046 is hereby amended to read as follows: 74-7046. (a) A ~~land~~ professional surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such professional surveyor's authorized agents and employees may enter upon lands, waters and premises of a party who has not requested the survey when it is necessary for the purpose of making a survey. If the licensed professional surveyor has made a reasonable attempt to notify the person in possession, such entry shall not be deemed a trespass. Upon notice, such person in possession has the right to modify the time and other provisions of the professional surveyor's access upon notification to the surveyor, as long as such modifications do not unreasonably restrict completion of the survey. Nothing herein shall change the status of the licensed professional surveyor as an occupier of land.

(b) While conducting surveys, the licensed professional surveyor and such professional surveyor's authorized agents and employees shall carry proper identification as to such professional surveyor's licensure or employment and shall display such identification to anyone upon request.

(c) Neither the landowner nor the person in possession shall be liable for any injury or damage sustained by a licensed professional surveyor or such professional surveyor's authorized agents and employees entering upon such land, water or premises under the provisions of this section, except when such damages and injury were willfully or deliberately caused by the landowner or person in possession.

(d) Nothing in this section shall be construed to:

- (1) Remove civil liability for actual damage to such lands, waters, premises, crops or personal property;
- (2) give the licensed professional surveyor or such professional surveyor's authorized agents and employees the authority to enter any building or structure used as a residence or for storage; and

(3) remove civil or criminal liability for intentional acts of injury or for damages to the professional surveyor or authorized agents and employees.

Sec. 33. K.S.A. 2013 Supp. 74-99b16 is hereby amended to read as follows: 74-99b16. (a) As used in this section, unless the context expressly provides otherwise:

(1) "Ancillary technical services" include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing of air conditioning, ventilating, heating and other mechanical building systems, testing and consultant services that are determined by the bioscience authority to be required for a project;

(2) "architectural services" means those services described ~~by subsection (c) of as~~ the "practice of architecture," as defined in K.S.A. 74-7003, and amendments thereto;

(3) "construction services" means the work performed by a construction contractor to commence and complete a project;

(4) "construction management at-risk services" means the services provided by a firm which has entered into a contract with the bioscience authority to be the construction manager at risk for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor and which is required to solicit competitive bids for the trade packages developed for a project and to enter into the trade contracts for a project with the lowest responsible bidder therefor, and may include, but are not limited to, such services as scheduling, value analysis, systems analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees, and construction coordination;

(5) "division of facilities management" means the division of facilities management of the department of administration;

(6) "engineering services" means those services described ~~by subsection (i) of as~~ the "practice of engineering," as defined in K.S.A. 74-7003, and amendments thereto;

(7) "firm" means: (A) With respect to architectural services, an individual, firm, partnership, corporation, association or other legal entity which is: (i) Permitted by law to practice the profession of architecture; and (ii) maintaining an office in Kansas staffed by one or more architects who are licensed by the board of technical professions; or (iii) not maintaining an office in Kansas, but which is qualified to perform special architectural services that are required in special cases where in the judgment of the bioscience authority it is necessary to go outside the state to obtain such services; (B) with respect to engineering services or land surveying, an individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of engineering and provide engineering services or practice the profession of land surveying and provide land surveying services, respectively; (C) with respect to construction management at-risk services, a qualified individual, firm, partnership, corporation, association or other legal entity permitted by law to perform construction management at-risk services; (D) with respect to ancillary technical services or other services that are determined by the bioscience authority to be required for a project, a qualified individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the required profession or perform the other required services, as determined by the bioscience authority; and (E) with respect to construction services, a qualified individual, firm, partnership, corporation, association, or other

legal entity permitted by law to perform construction services for a project;

(8) "land surveying" means those services described ~~in subsection (j) of~~ as "professional surveying," as defined in K.S.A. 74-7003, and amendments thereto;

(9) "negotiating committee" means the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, except that for the period of May 1, 2008, through May 1, 2009, the term shall have the meaning set forth in subsection (b) of K.S.A. 75-1251, and amendments thereto;

(10) "project" means a project undertaken by the Kansas bioscience authority;

(11) "project services" means architectural services, engineering services, land surveying, construction management at-risk services, construction services, ancillary technical services or other construction-related services determined by the bioscience authority to be required for a project; and

(12) "state building advisory commission" means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto.

(b) The bioscience authority, when acting under authority of this act, and each project authorized by the bioscience authority under this act are exempt from the provisions of K.S.A. 75-1269, 75-3738 through 75-3741b, 75-3742 through 75-3744, and 75-3783, and amendments thereto, except as otherwise specifically provided by this act.

(c) Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, or the provisions of any other statute to the contrary, all contracts for any supplies, materials or equipment for a project authorized by the bioscience authority under this act, shall be entered into in accordance with procurement procedures determined by the bioscience authority, subject to the provisions of this section, except that, in the discretion of the bioscience authority, any such contract may be entered into in the manner provided in and subject to the provisions of any such statute otherwise applicable thereto. Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, if the bioscience authority does not obtain construction management at-risk services for a project, the construction services for such project shall be obtained pursuant to competitive bids and all contracts for construction services for such project shall be awarded to the lowest responsible bidder in accordance with procurement procedures determined and administered by the bioscience authority which shall be consistent with the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

(d) When it is necessary in the judgment of the bioscience authority to obtain project services for a particular project by conducting negotiations therefor, the bioscience authority shall publish a notice of the commencement of negotiations for the required project services at least 15 days prior to the commencement of such negotiations in the Kansas register in accordance with K.S.A. 75-430a, and amendments thereto, and in such other appropriate manner as may be determined by the bioscience authority.

(e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-1251, and amendments thereto, or the provisions of any other statute to the contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments thereto, with respect to the procurement of architectural services for a project authorized by the bioscience authority under this act, "negotiating committee" shall mean the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments

thereto, and such board of directors shall negotiate a contract with a firm to provide any required architectural services for the project in accordance with the provisions of K.S.A. 75-1250 through 75-1270, and amendments thereto, except that no limitation on the fees for architectural services for the project shall apply to the fees negotiated by the board of directors for such architectural services, except that for the period of May 1, 2008, through May 1, 2009, the "negotiating committee" shall have the meaning set forth in subsection (b) of K.S.A. 75-1251, and amendments thereto, and the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, shall have no role in the procurement of architectural services for a project.

(2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-5802, and amendments thereto, or the provisions of any other statute to the contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments thereto, with respect to the procurement of engineering services or land surveying services for a project authorized by the bioscience authority under this act, "negotiating committee" shall mean the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, and such board of directors shall negotiate a contract with a firm to provide any required engineering services or land surveying services for the project in accordance with the provisions of K.S.A. 75-5801 through 75-5807, and amendments thereto, except that for the period of May 1, 2008, through May 1, 2009, the "negotiating committee" shall have the meaning set forth in subsection (b) of K.S.A. 75-1251, and amendments thereto, and the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, shall have no role in the procurement of engineering services or land surveying services for a project.

(3) In any case of a conflict between the provisions of this section and the provisions of K.S.A. 75-1250 through 75-1270, or 75-5801 through 75-5807, and amendments thereto, with respect to a project authorized by the bioscience authority under this act, the provisions of this section shall govern.

(f) (1) For the procurement of construction management at-risk services for projects under this act, the secretary of administration shall encourage firms engaged in the performance of construction management at-risk services to submit annually to the secretary of administration and to the state building advisory commission a statement of qualifications and performance data. Each statement shall include data relating to: (A) The firm's capacity and experience, including experience on similar or related projects; (B) the capabilities and other qualifications of the firm's personnel; and (C) performance data of all consultants the firm proposes to use.

(2) Whenever the bioscience authority determines that a construction manager at risk is required for a project under this act, the bioscience authority shall notify the state building advisory commission and the state building advisory commission shall prepare a list of at least three and not more than five firms which are, in the opinion of the state building advisory commission, qualified to serve as construction manager at risk for the project. Such list shall be submitted to the negotiating committee, without any recommendation of preference or other recommendation. The negotiating committee shall have access to statements of qualifications of and performance data on the firms listed by the state building advisory commission and all information and evaluations regarding such firms gathered and developed by the secretary of administration under

K.S.A. 75-3783, and amendments thereto.

(3) The negotiating committee shall conduct discussions with each of the firms so listed regarding the project. The negotiating committee shall determine which construction management at-risk services are desired and then shall proceed to negotiate with and attempt to enter into a contract with the firm considered to be most qualified to serve as construction manager at risk for the project. The negotiating committee shall proceed in accordance with the same process with which negotiations are undertaken to contract with a firm to be a project architect under K.S.A. 75-1257, and amendments thereto, to the extent that such provisions can be made to apply. Should the negotiating committee be unable to negotiate a satisfactory contract with the firm considered to be most qualified, negotiations with that firm shall be terminated and shall undertake negotiations with the second most qualified firm, and so forth, in accordance with that statute.

(4) The contract to perform construction management at-risk services for a project shall be prepared by the division of facilities management and entered into by the bioscience authority with the firm contracting to perform such construction management at-risk services.

(g) (1) To assist in the procurement of construction services for projects under this act, the secretary of administration shall encourage firms engaged in the performance of construction services to submit annually to the secretary of administration and to the state building advisory commission a statement of qualifications and performance data. Each statement shall include data relating to: (A) The firm's capacity and experience, including experience on similar or related projects; (B) the capabilities and other qualifications of the firm's personnel; (C) performance data of all subcontractors the firm proposes to use; and (D) such other information related to the qualifications and capability of the firm to perform construction services for projects as may be prescribed by the secretary of administration.

(2) The construction manager at risk shall publish a construction services bid notice in the Kansas register and in such other appropriate manner as may be determined by the bioscience authority. Each construction services bid notice shall include the request for bids and other bidding information prepared by the construction manager at risk and the state bioscience authority with the assistance of the division of facilities management. The current statements of qualifications of and performance data on the firms submitting bid proposals shall be made available to the construction manager at risk and the bioscience authority by the state building advisory commission along with all information and evaluations developed regarding such firms by the secretary of administration under K.S.A. 75-3783, and amendments thereto. Each firm submitting a bid proposal shall be bonded in accordance with K.S.A. 60-1111, and amendments thereto, and shall present evidence of such bond to the construction manager at risk prior to submitting a bid proposal. If a firm submitting a bid proposal fails to present such evidence, such firm shall be deemed unqualified for selection under this subsection. At the time for opening the bids, the construction manager at risk shall evaluate the bids and shall determine the lowest responsible bidder. The construction manager at risk shall enter into contracts with each firm performing the construction services for the project and make a public announcement of each firm selected in accordance with this subsection.

(h) The division of facilities management shall provide such information and

assistance as may be requested by the bioscience authority or the negotiating committee for a project, including all or part of any project services as requested by the bioscience authority, and: (1) Shall prepare the request for proposals and publication information for each publication of notice under this section, subject to the provisions of this section; (2) shall prepare each contract for project services for a project, including each contract for construction services for a project; (3) shall conduct design development reviews for each project; (4) shall review and approve all construction documents for a project prior to soliciting bids or otherwise soliciting proposals from construction contractors or construction service providers for a project; (5) shall obtain and maintain copies of construction documents for each project; and (6) shall conduct periodic inspections of each project, including jointly conducting the final inspection of each project.

(i) Notwithstanding the provisions of any other statute, the bioscience authority shall enter into one or more contracts with the division of facilities management for each project for the services performed by the division of facilities management for the project as required by this section or at the request of the bioscience authority. The division of facilities management shall receive fees from the bioscience authority to recover the costs incurred to provide such services pursuant to such contracts.

(j) Design development reviews and construction document reviews conducted by the division of facilities management shall be limited to ensuring only that the construction documents do not change the project description and that the construction documents comply with the standards established under K.S.A. 75-3783, and amendments thereto, by the secretary of administration for the planning, design and construction of buildings and major repairs and improvements to buildings for state agencies, including applicable building and life safety codes and appropriate and practical energy conservation and efficiency standards.

(k) Each project for a bioscience research institution shall receive a final joint inspection by the division of facilities management and the bioscience authority. Each such project shall be officially accepted by the bioscience authority before such project is occupied or utilized by the bioscience research institution, unless otherwise agreed to in writing by the contractor and the bioscience authority as to the satisfactory completion of the work on part of the project that is to be occupied and utilized, including any corrections of the work thereon.

(l) (1) The bioscience authority shall issue monthly reports of progress on each project and shall advise and consult with the joint committee on state building construction regarding each project. Change orders and changes of plans for a project shall be authorized or approved by the bioscience authority.

(2) No change order or change of plans for a project involving either cost increases of \$75,000 or more or involving a change in the proposed use of a project shall be authorized or approved by the bioscience authority without having first advised and consulted with the joint committee on state building construction.

(3) Change orders or changes in plans for a project involving a cost increase of less than \$75,000 and any change order involving a cost reduction, other than a change in the proposed use of the project, may be authorized or approved by the bioscience authority without prior consultation with the joint committee on state building construction. The bioscience authority shall report to the joint committee on state building construction all action relating to such change orders or changes in plans.

(4) If the bioscience authority determines that it is in the best interest of the state to authorize or approve a change order, a change in plans or a change in the proposed use of any project that the bioscience authority is required to first advise and consult with the joint committee on state building construction prior to issuing such approval and if no meeting of the joint committee is scheduled to take place within the next 10 business days, then the bioscience authority may use the procedure authorized by subsection (d) of K.S.A. 75-1264, and amendments thereto, in lieu of advising and consulting with the joint committee at a meeting. In any such case, the bioscience authority shall mail a summary description of the proposed change order, change in plans or change in the proposed use of any project to each member of the joint committee on state building construction and to the director of the legislative research department. If the bioscience authority provides notice and information to the members of the joint committee and to such director in the manner required and subject to the same provisions and conditions that apply to the secretary of administration under such statute, and if less than two members of the joint committee contact the director of the legislative research department within seven business days of the date the summary description was mailed and request a presentation and review of any such proposed change order, change in plans or change in use at a meeting of the joint committee, then the bioscience authority shall be deemed to have advised and consulted with the joint committee about such proposed change order, change in plans or change in proposed use and may authorize or approve such proposed change order, change in plans or change in proposed use.

(m) The provisions of this section shall apply to each project authorized by the bioscience authority under this act and shall not apply to any other capital improvement project of the bioscience authority or bioscience research institution that is specifically authorized by any other statute.

Sec. 34. K.S.A. 2013 Supp. 75-1251 is hereby amended to read as follows: 75-1251. As used in K.S.A. 75-1250 through 75-1267, and amendments thereto, unless the context otherwise requires, the following terms shall be defined as follows:

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity that is permitted by law to practice the profession of architecture, engineering or land surveying.

(b) "Negotiating committee" means a committee to negotiate as provided in this act, and consisting of the following members: (1) The head of the state agency for which the proposed project is planned or of the state agency that controls and supervises the operation and management of the institution for which the proposed project is planned, if such is the case, or a person designated by the head of the agency; (2) the head of the institution for which the proposed project is planned, or a person designated by the head of the institution. When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution; and (3) the secretary of administration, or a person designated by the secretary, who shall act as chairperson of the committee.

(c) "Architectural services" means any of the following: (1) The practice of architecture, as defined in ~~subsection (c) of~~ K.S.A. 74-7003, and amendments thereto;

(2) the practice of landscape architecture, as defined in ~~subsection (g) of~~ K.S.A. 74-7003, and amendments thereto; and

(3) interior design services.

(d) "Project architect, engineer or land surveyor" means a firm employed under

K.S.A. 75-1250 through 75-1267, and amendments thereto, for a particular project.

(e) "State building advisory commission" means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto, or any duly authorized officer or employee of such commission.

(f) "State agency" includes any state institution.

(g) "Engineering services" means those services ~~prescribed in subsection (i) of~~ described as the "practice of engineering," as defined in K.S.A. 74-7003, and amendments thereto, as related to building construction defined in this section.

(h) "Land surveying" means those services ~~prescribed in subsection (k) of~~ described as "professional surveying," as defined in K.S.A. 74-7003, and amendments thereto, as related to building construction defined in this section.

(i) "Agency head" means the chief administrative officer of a state agency, as the term is defined in subsection (3) of K.S.A. 75-3701, and amendments thereto, but shall not include the chief administrative officer of any state institution.

(j) "Building construction" means furnishing and utilizing labor, equipment, materials or supplies used or consumed for the construction, alteration, renovation, repair or maintenance of a building or structure. Building construction does not include highways, roads, bridges, dams, turnpikes or related structures, including, but not limited to, rest areas and visitor centers or stand-alone parking lots.

Sec. 35. K.S.A. 2013 Supp. 75-37,142 is hereby amended to read as follows: 75-37,142. As used in the Kansas alternative project delivery construction procurement act, unless the context expressly provides otherwise:

(a) "Act" means the Kansas alternative project delivery building construction procurement act.

(b) "Agency" means the agency or state educational institution, as defined in K.S.A. 76-756, and amendments thereto, with the authority to award public contracts for building design and construction.

(c) "Alternative project delivery" means an integrated comprehensive building design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general contractor or building design-build team is selected based on a qualifications and best value approach.

(d) "Ancillary technical services" include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing air conditioning, ventilating, heating and other mechanical building systems and testing and consultant services that are determined by the agency to be required for the project.

(e) "Architectural services" means those services ~~described by subsection (e) of~~ as the "practice of architecture," as defined in K.S.A. 74-7003, and amendments thereto.

(f) "Best value selection" means a selection based upon project cost, qualifications and other factors.

(g) "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. Building construction does not include highways, roads, bridges, dams, turnpikes or related structures, or stand-alone parking lots.

(h) "Building design-build" means a project for which the design and construction services are furnished under one contract.

(i) "Building design-build contract" means a contract between the agency and a design-builder to furnish the architecture or engineering and related design services required for a given public facilities construction project and to furnish the labor, materials and other construction services for such public project.

(j) "Construction services" means the process of planning, acquiring, building, equipping, altering, repairing, improving, or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding highways, roads, bridges, dams, turnpikes or related structures, or stand-alone parking lots.

(k) "Construction management at-risk services" means the services provided by a firm which has entered into a contract with the agency to be the construction manager or general contractor for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor, and which is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefor. Construction management at-risk services may include, but are not limited to scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees, and construction coordination.

(l) "Construction management at-risk contract" means the contract whereby the state agency acquires from a construction manager or general contractor a series of preconstruction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

(m) "Construction manager or general contractor" means any individual, partnership, joint venture, corporation, or other legal entity who is a member of the integrated project team with the state agency, design professional and other consultants that may be required for the project, who utilizes skill and knowledge of general contracting to perform preconstruction services and competitively procures and contracts with specialty contractors assuming the responsibility and the risk for construction delivery within a specified cost and schedule terms including a guaranteed maximum price.

(n) "Design-builder" means any individual, partnership, joint venture, corporation or other legal entity that furnishes the architectural or engineering services and construction services, whether by itself or through subcontracts.

(o) "Design criteria consultant" means a person, corporation, partnership, or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to K.S.A. 74-7003, and amendments thereto, and who is employed by contract to the agency to provide professional design and administrative services in connection with the preparation of the design criteria package.

(p) "Design criteria package" means performance-oriented specifications for the public construction project sufficient to permit a design-builder to prepare a response to the division's request for proposals for a building design-build project.

(q) "Director" means the director of the division of facilities management.

(r) "Division of facilities management" means the division of facilities management

of the department of administration.

(s) "Engineering services" means those services described ~~by subsection (i) of as~~ the "practice of engineering," as defined in K.S.A. 74-7003, and amendments thereto.

(t) "Guaranteed maximum price" means the cost of the work as defined in the contract.

(u) "Negotiating committee" means a group of individuals as defined by K.S.A. 75-1251 and 75-5802, and amendments thereto.

(v) "Parking lot" means a designated area constructed on the ground surface for parking motor vehicles. A parking lot included as part of a building construction project shall be subject to the provisions of this act. A parking lot designed and constructed as a stand-alone project shall not be subject to the provisions of this act.

(w) "Preconstruction services" means a series of services that can include, but are not necessarily limited to: Design review, scheduling, cost control, value engineering, constructability evaluation, and preparation and coordination of bid packages.

(x) "Project services" means architectural, engineering services, land surveying, construction management at-risk services, ancillary technical services or other construction-related services determined by the agency to be required by the project.

(y) "Public construction project" means the process of designing, constructing, reconstructing, altering or renovating a public building or other structure. Public construction project does not include the process of designing, constructing, altering or repairing a public highway, road, bridge, dam, turnpike or related structure.

(z) "State building advisory commission" means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto.

(aa) "Stipend" means an amount paid to the unsuccessful proposers to defray the cost of submission of phase II of the building design-build proposal.

Sec. 36. K.S.A. 75-5802 is hereby amended to read as follows: 75-5802. As used in this act unless the context specifically requires otherwise:

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of engineering and provide engineering services or practice the profession of land surveying and provide land surveying services.

(b) "Engineering services" means those services described ~~in subsection (i) of as~~ the "practice of engineering," as defined in K.S.A. 74-7003, and amendments thereto.

(c) "Land surveying" means those services described ~~in subsection (j) of as~~ "professional surveying," as defined in K.S.A. 74-7003, and amendments thereto.

(d) "Agency head" means the chief administrative officer of a state agency, as that term is defined in subsection (3) of K.S.A. 75-3701, and amendments thereto, but shall not include the chief administrative officer of any state institution.

(e) "Negotiating committee" means a committee designated to negotiate as provided in this act, and consisting of: (1) The agency head of the state agency for which the proposed project is planned, or a person designated by such agency head; (2) the secretary of administration, or a person designated by ~~said such~~ secretary; and (3) the chief administrative officer of the state institution for which the proposed project is planned, or when the proposed project is not planned for a state institution, the agency head shall designate a second person in lieu of the chief administrative officer of a state institution.

(f) "Project" means any capital improvement project or any study, plan, survey or

program activity of a state agency, including development of new or existing programs and preparation of federal grant applications.

(g) "State building advisory commission" means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto, or any duly authorized officer or employee of such commission.

Sec. 37. K.S.A. 2013 Supp. 76-786 is hereby amended to read as follows: 76-786.

(a) As used in this section, unless the context expressly provides otherwise:

(1) "Ancillary technical services" include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing of air conditioning, ventilating, heating and other mechanical building systems, testing and consultant services that are determined by the board of regents to be required for a project;

(2) "architectural services" means those services described ~~by subsection (e) of as the "practice of architecture," as defined in~~ K.S.A. 74-7003, and amendments thereto;

(3) "construction services" means the work performed by a construction contractor to commence and complete a project;

(4) "construction management at-risk services" means the services provided by a firm which has entered into a contract with the board of regents to be the construction manager at risk for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor and which is required to solicit competitive bids for the trade packages developed for a project and to enter into the trade contracts for a project with the lowest responsible bidder therefor, and may include, but are not limited to, such services as scheduling, value analysis, systems analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees, and construction coordination;

(5) "division of facilities management" means the division of facilities management of the department of administration;

(6) "engineering services" means those services described ~~by subsection (i) of as the "practice of engineering," as defined in~~ K.S.A. 74-7003, and amendments thereto;

(7) "firm" means: (A) With respect to architectural services, an individual, firm, partnership, corporation, association or other legal entity which is: (i) Permitted by law to practice the profession of architecture; and (ii) maintaining an office in Kansas staffed by one or more architects who are licensed by the board of technical professions; or (iii) not maintaining an office in Kansas, but which is qualified to perform special architectural services that are required in special cases where in the judgment of the board of regents it is necessary to go outside the state to obtain such services; (B) with respect to engineering services or land surveying, an individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of engineering and provide engineering services or practice the profession of land surveying and provide land surveying services, respectively; (C) with respect to construction management at-risk services, a qualified individual, firm, partnership, corporation, association or other legal entity permitted by law to perform construction management at-risk services; (D) with respect to ancillary technical services or other services that are determined by the board of regents to be required for a project, a qualified individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the required profession or perform the other required

services, as determined by the board of regents; and (E) with respect to construction services, a qualified individual, firm, partnership, corporation, association, or other legal entity permitted by law to perform construction services for a project;

(8) "land surveying" means those services described ~~in subsection (j) of as~~ "professional surveying," as defined in K.S.A. 74-7003, and amendments thereto;

(9) "negotiating committee" means the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto;

(10) "project" means: (A) The project for the KSU food safety and security research facility; (B) the project for the KUMC biomedical research facility; (C) the project for the WSU engineering complex expansion and research laboratory; or (D) the project for the acquisition and installation of equipment for the KU biosciences research building, which are funded from the proceeds of the bonds authorized to be issued under K.S.A. 2013 Supp. 76-783, and amendments thereto, within the limitation of \$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, and from any moneys received as gifts, grants or otherwise from any public or private nonstate source;

(11) "project services" means architectural services, engineering services, land surveying, construction management at-risk services, construction services, ancillary technical services or other construction-related services determined by the board of regents to be required for a project; and

(12) "state building advisory commission" means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto.

(b) The board of regents, when acting under authority of this act, and each project authorized by the board of regents under this act are exempt from the provisions of K.S.A. 75-1269, 75-3738 through 75-3741b, 75-3742 through 75-3744, and 75-3783, and amendments thereto, except as otherwise specifically provided by this act.

(c) Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, or the provisions of any other statute to the contrary, all contracts for any supplies, materials or equipment for a project authorized by the board of regents under this act, shall be entered into in accordance with procurement procedures determined by the board of regents, subject to the provisions of this section, except that, in the discretion of the board of regents, any such contract may be entered into in the manner provided in and subject to the provisions of any such statute otherwise applicable thereto. Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, if the board of regents does not obtain construction management at-risk services for a project, the construction services for such project shall be obtained pursuant to competitive bids and all contracts for construction services for such project shall be awarded to the lowest responsible bidder in accordance with procurement procedures determined and administered by the board of regents which shall be consistent with the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

(d) When it is necessary in the judgment of the board of regents to obtain project services for a particular project by conducting negotiations therefor, the board of regents shall publish a notice of the commencement of negotiations for the required project services at least 15 days prior to the commencement of such negotiations in the

Kansas register in accordance with K.S.A. 75-430a, and amendments thereto, and in such other appropriate manner as may be determined by the board of regents.

(e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-1251, and amendments thereto, or the provisions of any other statute to the contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments thereto, with respect to the procurement of architectural services for a project authorized by the board of regents under this act, "negotiating committee" shall mean the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, and such board of directors shall negotiate a contract with a firm to provide any required architectural services for the project in accordance with the provisions of K.S.A. 75-1250 through 75-1270, and amendments thereto, except that no limitation on the fees for architectural services for the project shall apply to the fees negotiated by the board of directors for such architectural services.

(2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-5802, and amendments thereto, or the provisions of any other statute to the contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments thereto, with respect to the procurement of engineering services or land surveying services for a project authorized by the board of regents under this act, "negotiating committee" shall mean the board of directors of the subsidiary corporation formed under K.S.A. 2013 Supp. 76-781, and amendments thereto, and such board of directors shall negotiate a contract with a firm to provide any required engineering services or land surveying services for the project in accordance with the provisions of K.S.A. 75-5801 through 75-5807, and amendments thereto.

(3) In any case of a conflict between the provisions of this section and the provisions of K.S.A. 75-1250 through 75-1270, or 75-5801 through 75-5807, and amendments thereto, with respect to a project authorized by the board of regents under this act, the provisions of this section shall govern.

(f) (1) For the procurement of construction management at-risk services for projects under this act, the secretary of administration shall encourage firms engaged in the performance of construction management at-risk services to submit annually to the secretary of administration and to the state building advisory commission a statement of qualifications and performance data. Each statement shall include data relating to: (A) The firm's capacity and experience, including experience on similar or related projects; (B) the capabilities and other qualifications of the firm's personnel; and (C) performance data of all consultants the firm proposes to use.

(2) Whenever the board of regents determines that a construction manager at risk is required for a project under this act, the board of regents shall notify the state building advisory commission and the state building advisory commission shall prepare a list of at least three and not more than five firms which are, in the opinion of the state building advisory commission, qualified to serve as construction manager at risk for the project. Such list shall be submitted to the negotiating committee, without any recommendation of preference or other recommendation. The negotiating committee shall have access to statements of qualifications of and performance data on the firms listed by the state building advisory commission and all information and evaluations regarding such firms gathered and developed by the secretary of administration under K.S.A. 75-3783, and amendments thereto.

(3) The negotiating committee shall conduct discussions with each of the firms so

listed regarding the project. The negotiating committee shall determine which construction management at-risk services are desired and then shall proceed to negotiate with and attempt to enter into a contract with the firm considered to be most qualified to serve as construction manager at risk for the project. The negotiating committee shall proceed in accordance with the same process with which negotiations are undertaken to contract with a firm to be a project architect under K.S.A. 75-1257, and amendments thereto, to the extent that such provisions can be made to apply. Should the negotiating committee be unable to negotiate a satisfactory contract with the firm considered to be most qualified, negotiations with that firm shall be terminated and shall undertake negotiations with the second most qualified firm, and so forth, in accordance with that statute.

(4) The contract to perform construction management at-risk services for a project shall be prepared by the division of facilities management and entered into by the board of regents with the firm contracting to perform such construction management at-risk services.

(g) (1) To assist in the procurement of construction services for projects under this act, the secretary of administration shall encourage firms engaged in the performance of construction services to submit annually to the secretary of administration and to the state building advisory commission a statement of qualifications and performance data. Each statement shall include data relating to: (A) The firm's capacity and experience, including experience on similar or related projects; (B) the capabilities and other qualifications of the firm's personnel; (C) performance data of all subcontractors the firm proposes to use; and (D) such other information related to the qualifications and capability of the firm to perform construction services for projects as may be prescribed by the secretary of administration.

(2) The construction manager at risk shall publish a construction services bid notice in the Kansas register and in such other appropriate manner as may be determined by the board of regents. Each construction services bid notice shall include the request for bids and other bidding information prepared by the construction manager at risk and the state board of regents with the assistance of the division of facilities management. The current statements of qualifications of and performance data on the firms submitting bid proposals shall be made available to the construction manager at risk and the board of regents by the state building advisory commission along with all information and evaluations developed regarding such firms by the secretary of administration under K.S.A. 75-3783, and amendments thereto. Each firm submitting a bid proposal shall be bonded in accordance with K.S.A. 60-1111, and amendments thereto, and shall present evidence of such bond to the construction manager at risk prior to submitting a bid proposal. If a firm submitting a bid proposal fails to present such evidence, such firm shall be deemed unqualified for selection under this subsection. At the time for opening the bids, the construction manager at risk shall evaluate the bids and shall determine the lowest responsible bidder. The construction manager at risk shall enter into contracts with each firm performing the construction services for the project and make a public announcement of each firm selected in accordance with this subsection.

(h) The division of facilities management shall provide such information and assistance as may be requested by the board of regents or the negotiating committee for a project, including all or part of any project services as requested by the board of regents, and: (1) Shall prepare the request for proposals and publication information for

each publication of notice under this section, subject to the provisions of this section; (2) shall prepare each contract for project services for a project, including each contract for construction services for a project; (3) shall conduct design development reviews for each project; (4) shall review and approve all construction documents for a project prior to soliciting bids or otherwise soliciting proposals from construction contractors or construction service providers for a project; (5) shall obtain and maintain copies of construction documents for each project; and (6) shall conduct periodic inspections of each project, including jointly conducting the final inspection of each project.

(i) Notwithstanding the provisions of any other statute, the board of regents shall enter into one or more contracts with the division of facilities management for each project for the services performed by the division of facilities management for the project as required by this section or at the request of the board of regents. The division of facilities management shall receive fees from the board of regents to recover the costs incurred to provide such services pursuant to such contracts.

(j) Design development reviews and construction document reviews conducted by the division of facilities management shall be limited to ensuring only that the construction documents do not change the project description and that the construction documents comply with the standards established under K.S.A. 75-3783, and amendments thereto, by the secretary of administration for the planning, design and construction of buildings and major repairs and improvements to buildings for state agencies, including applicable building and life safety codes and appropriate and practical energy conservation and efficiency standards.

(k) Each project for a state educational institution shall receive a final joint inspection by the division of facilities management and the board of regents. Each such project shall be officially accepted by the board of regents before such project is occupied or utilized by the state educational institution, unless otherwise agreed to in writing by the contractor and the board of regents as to the satisfactory completion of the work on part of the project that is to be occupied and utilized, including any corrections of the work thereon.

(l) (1) The board of regents shall issue monthly reports of progress on each project and shall advise and consult with the joint committee on state building construction regarding each project. Change orders and changes of plans for a project shall be authorized or approved by the board of regents.

(2) No change order or change of plans for a project involving either cost increases of \$75,000 or more or involving a change in the proposed use of a project shall be authorized or approved by the board of regents without having first advised and consulted with the joint committee on state building construction.

(3) Change orders or changes in plans for a project involving a cost increase of less than \$75,000 and any change order involving a cost reduction, other than a change in the proposed use of the project, may be authorized or approved by the board of regents without prior consultation with the joint committee on state building construction. The board of regents shall report to the joint committee on state building construction all action relating to such change orders or changes in plans.

(4) If the board of regents determines that it is in the best interest of the state to authorize or approve a change order, a change in plans or a change in the proposed use of any project that the board of regents is required to first advise and consult with the joint committee on state building construction prior to issuing such approval and if no

meeting of the joint committee is scheduled to take place within the next 10 business days, then the board of regents may use the procedure authorized by subsection (d) of K.S.A. 75-1264, and amendments thereto, in lieu of advising and consulting with the joint committee at a meeting. In any such case, the board of regents shall mail a summary description of the proposed change order, change in plans or change in the proposed use of any project to each member of the joint committee on state building construction and to the director of the legislative research department. If the board of regents provides notice and information to the members of the joint committee and to such director in the manner required and subject to the same provisions and conditions that apply to the secretary of administration under such statute, and if less than two members of the joint committee contact the director of the legislative research department within seven business days of the date the summary description was mailed and request a presentation and review of any such proposed change order, change in plans or change in use at a meeting of the joint committee, then the board of regents shall be deemed to have advised and consulted with the joint committee about such proposed change order, change in plans or change in proposed use and may authorize or approve such proposed change order, change in plans or change in proposed use.

(m) The provisions of this section shall apply to each project authorized by the board of regents under this act and shall not apply to any other capital improvement project of the board of regents or of any state educational institution that is specifically authorized by any other statute.

Sec. 38. K.S.A. 2013 Supp. 76-7,126 is hereby amended to read as follows: 76-7,126. As used in this act, unless the context expressly provides otherwise:

(a) "State educational institution" or "institution" means Fort Hays state university, Kansas state university of agriculture and applied science, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university and Kansas state university, college of technology at Salina.

(b) "Alternative project delivery" means an integrated comprehensive building design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general contractor team is selected based on a qualifications and best value approach.

(c) "Ancillary technical services" include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing air conditioning, ventilating, heating and other mechanical building systems and testing and consultant services that are determined by the institution to be required for the project.

(d) "Architectural services" means those services described ~~by subsection (c) of as~~ the "practice of architecture," as defined in K.S.A. 74-7003, and amendments thereto.

(e) "Best value selection" means a selection based upon project cost, qualifications and other factors.

(f) (1) "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.

(2) "Building construction" does not include highways, roads, bridges, dams,

turnpikes or related structures or stand-alone parking lots.

(g) "Construction project services" means the process of planning, acquiring, building, equipping, altering, repairing, improving, or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding highways, roads, bridges, dams, turnpikes or related structures or stand-alone parking lots.

(h) "Construction management at-risk services" means the services provided by a firm which has entered into a contract with the institution to be the construction manager or general contractor for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor, and which is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefor. Construction management at-risk services may include, but are not limited to scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees and construction coordination.

(i) "Construction management at-risk contract" means a contract under which an institution acquires from a construction manager or general contractor a series of preconstruction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

(j) "Construction manager or general contractor" means any individual, partnership, joint venture, corporation, or other legal entity who is a member of the integrated project team with the institution, design professional and other consultants that may be required for the project, who utilizes skill and knowledge of general contracting to perform preconstruction services and competitively procures and contracts with specialty contractors assuming the responsibility and the risk for construction delivery within a specified cost and schedule terms including a guaranteed maximum price.

(k) "Design criteria consultant" means a person, corporation, partnership, or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to K.S.A. 74-7003, and amendments thereto, and who is employed by contract to the institution to provide professional design and administrative services in connection with the preparation of the design criteria package.

(l) "Engineering services" means those services described ~~by subsection (i) of as~~ the "practice of engineering," as defined in K.S.A. 74-7003, and amendments thereto.

(m) "Guaranteed maximum price" means the cost of the work as defined in the contract.

(n) "Non-state moneys" means any funds received by a state educational institution from any source other than the state of Kansas or any agency thereof.

(o) "Parking lot" means a designated area constructed on the ground surface for parking motor vehicles. A parking lot included as part of a building construction project shall be subject to the provisions of this act. A parking lot designed and constructed as a stand-alone project shall not be subject to the provisions of this act.

(p) "Preconstruction services" means a series of services including, but not limited to: Design review, scheduling, cost control, value engineering, constructability evaluation and preparation and coordination of bid packages.

(q) (1) "Construction project" or "project" means the process of designing, constructing, reconstructing, altering or renovating a building or other structure.

(2) "Construction project" or "project" does not mean the process of designing, constructing, altering or repairing a public highway, road, bridge, dam, turnpike or related structure.

(r) "Procurement committee" means the state educational institution procurement committee established by K.S.A. 2012 Supp. 76-7,131, and amendments thereto.

(s) "State board" means the state board of regents.";

Also on page 2, by striking all in line 23; following line 23, by inserting "Sec. 39. K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7037, 74-7038, 74-7039, 74-7040, 74-7042 and 75-5802 and K.S.A. 2013 Supp. 19-216c, 19-1401a, 44-918, 44-919, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7041, 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-7,126";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3 and inserting "professions of a technical nature; amending K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7038, 74-7039, 74-7040 and 75-5802 and K.S.A. 2013 Supp. 19-216c, 19-1401a, 44-918, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 and repealing the existing sections; also repealing K.S.A. 74-7037 and 74-7042 and K.S.A. 2013 Supp 44-919 and 74-7041.";

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

STEVEN BRUNK

TRAVIS COUTURE-LOVELADY

LOUIS RUIZ

Conferees on part of House

RALPH OSTMEYER

CLARK SHULTZ

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **SB 349**.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Pyle.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2446** 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. 2446, as follows:

On page 5, following line 11, by inserting:

"New Sec. 4. (a) (1) A district court shall enter and file its decision on motions and non-jury trials within 120 days after the matter is submitted for decision.

(2) If the district court does not enter and file its decision on a submitted matter within 120 days of submission, all counsel shall, within 130 days after the matter is submitted for decision, file with the court a joint request that such decision be entered without further delay. A copy of such request shall be sent to the chief judge of the judicial district and made available to the public.

(3) Within 30 days after the filing of a joint request, the district court shall enter its decision or advise the parties in writing of the date by which the decision will be entered. A copy of such written advice shall be filed in the case, sent to the chief judge of the judicial district and made available to the public.

(4) In the event the district court fails to enter its decision or to advise the parties of an intended decision date as required by subsection (a)(3), all counsel shall then file a joint request with the chief judge of the judicial district to establish an intended decision date. A copy of such request shall be filed in the case and made available to the public.

(5) Upon receipt of a request under subsection (a)(4), the chief judge of the judicial district shall, after consultation with the judge to whom the matter is assigned, establish a firm intended decision date by which the district court's decision shall be made. Such setting of a final intended decision date shall be in writing, filed in the case, served on the parties and made available to the public.

(b) (1) The court of appeals shall render and file its decision on motions and appeals within 180 days after the matter is submitted for decision.

(2) If the court of appeals does not enter and file its decision on a submitted matter within 180 days of submission, all counsel shall, within 190 days after the matter is submitted for decision, file with the court a joint request that such decision be entered without further delay. A copy of such request shall be sent to the chief judge of the court of appeals and made available to the public.

(3) Within 30 days after the filing of a joint request, the court of appeals shall enter its decision or advise the parties in writing of the date by which the decision will be entered. A copy of such written advice shall be filed in the case, sent to the chief judge of the court of appeals and made available to the public.

(4) In the event the court of appeals fails to enter its decision or to advise the parties of an intended decision date as required by subsection (b)(3), all counsel shall then file a joint request with the chief judge of the court of appeals to establish an intended decision date. A copy of such request shall be filed in the case and made available to the public.

(5) Upon receipt of a request under subsection (b)(4), the chief judge of the court of appeals shall, after consultation with the judge or judges to whom the matter is assigned, establish a firm intended decision date by which the court's decision shall be made. Such setting of a final intended decision date shall be in writing, filed in the case,

served on the parties and made available to the public.

(c) (1) The supreme court shall render and file its decision on motions and appeals within 180 days after the matter is submitted for decision.

(2) If the supreme court does not enter and file its decision on a submitted matter within 180 days of submission, all counsel shall, within 190 days after the matter is submitted for decision, file with the court a joint request that such decision be entered without further delay. A copy of such request shall be sent to the chief justice and made available to the public.

(3) Within 30 days after the filing of a joint request, the supreme court shall enter its decision or advise the parties in writing of the date by which the decision will be entered. A copy of such written advice shall be filed in the case, sent to the chief justice and made available to the public.

(4) In the event the supreme court fails to enter its decision or to advise the parties of an intended decision date as required by subsection (c)(3), all counsel shall then file a joint request with the chief justice to establish an intended decision date. A copy of such request shall be filed in the case and made available to the public.

(5) Upon receipt of a request under subsection (c)(4), the chief justice shall, after consultation with the justice or justices to whom the matter is assigned, establish a firm intended decision date by which the court's decision shall be made. Such setting of a final intended decision date shall be in writing, filed in the case, served on the parties and made available to the public.

(d) For the purposes of this section:

(1) A motion shall be deemed submitted for decision on the date the: (A) Court announces on the record in open court, at the conclusion of the hearing thereon, that the matter is submitted for decision; or (B) last memorandum or other document is permitted to be filed. If no oral argument is conducted on the motion, a motion shall be deemed submitted for decision as of the date the last memorandum or other document is permitted to be filed.

(2) A non-jury trial shall be deemed submitted for decision on the date the: (A) District court announces on the record in open court, at the conclusion of the trial, that the matter is submitted for decision; or (B) last memorandum or other document is permitted to be filed.

(3) An appeal shall be deemed submitted for decision on the date the: (A) Court announces on the record in open court, at the conclusion of oral argument, that the matter is submitted for decision; or (B) last memorandum or other document is permitted to be filed. If no oral argument is conducted, an appeal shall be deemed submitted for decision as of the date the case is considered on a non-argued calendar.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "fund;" by inserting "time limits for decisions;"

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

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER
 ROB BRUCHMAN
 JANICE PAULS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **S Sub for HB 2446**.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Haley.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: I VOTE "No" the Conference Committee Report on **S Sub HB 2446**. As recommended by the Kansas Supreme Court's Blue Ribbon Commission, more timely releases of decisions by the Court of Appeals and the Supreme Court is a laudable goal and should be implemented. In this bill though, that would time the release as being within 180 days after the matter is submitted to a Court. (Formerly, HB 2070) The Chair of that same Blue Ribbon Commission, Hon. Judge Patrick McAnany, testified in OPPOSITION to this bill on behalf of the Commission and on the Kansas Supreme Court stating the Judicial Branch is already undertaking internal efforts to provide more timely release of decisions. I vote "No", Madame President, that we, the Legislature, might respect the insights of implementation the Judiciary might soon set for themselves and the time constraints that reasonably work for them without here undoing their contemplations by putting this ball-park recommendation in **S Sub HB 2446** in statute. – DAVID HALEY

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2490** submits the following report:

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

On page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 24 and inserting:

"Section 1. K.S.A. 2013 Supp. 21-5301 is hereby amended to read as follows: 21-5301. (a) An attempt is any overt act toward the perpetration of a crime done by a person who intends to commit such crime but fails in the perpetration thereof or is prevented or intercepted in executing such crime.

(b) It shall not be a defense to a charge of attempt that the circumstances under which the act was performed or the means employed or the act itself were such that the

commission of the crime was not possible.

(c) (1) An attempt to commit an off-grid felony shall be ranked at nondrug severity level 1. An attempt to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for an attempt to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of attempting to commit the crime of:

(A) Aggravated human trafficking, as defined in subsection (b) of K.S.A. 2013 Supp. 21-5426, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 2013 Supp. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 2013 Supp. 21-5422, and amendments thereto;

(D) rape, as defined in subsection (a)(3) of K.S.A. 2013 Supp. 21-5503, and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in subsection (b)(3) of K.S.A. 2013 Supp. 21-5506, and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in subsection (b)(1) or (b)(2) of K.S.A. 2013 Supp. 21-5504, and amendments thereto, if the offender is 18 years of age or older;

(G) commercial sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age; ~~or~~

(H) sexual exploitation of a child, as defined in subsection (a)(1) or (a)(4) of K.S.A. 2013 Supp. 21-5510, and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; ~~or~~

(I) capital murder, as defined in K.S.A. 2013 Supp. 21-5401, and amendments thereto.

(d) (1) An attempt to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(2) The provisions of this subsection shall not apply to a violation of attempting to commit a violation of K.S.A. 2013 Supp. 21-5703, and amendments thereto.

(e) An attempt to commit a class A person misdemeanor is a class B person misdemeanor. An attempt to commit a class A nonperson misdemeanor is a class B nonperson misdemeanor.

(f) An attempt to commit a class B or C misdemeanor is a class C misdemeanor.

Sec. 2. K.S.A. 2013 Supp. 21-5401 is hereby amended to read as follows: 21-5401. (a) Capital murder is the:

(1) Intentional and premeditated killing of any person in the commission of kidnapping, as defined in subsection (a) of K.S.A. 2013 Supp. 21-5408, and amendments thereto, or aggravated kidnapping, as defined in subsection (b) of K.S.A. 2013 Supp. 21-5408, and amendments thereto, when the kidnapping or aggravated kidnapping was committed with the intent to hold such person for ransom;

(2) intentional and premeditated killing of any person pursuant to a contract or

agreement to kill such person or being a party to the contract or agreement pursuant to which such person is killed;

(3) intentional and premeditated killing of any person by an inmate or prisoner confined in a state correctional institution, community correctional institution or jail or while in the custody of an officer or employee of a state correctional institution, community correctional institution or jail;

(4) intentional and premeditated killing of the victim of one of the following crimes in the commission of, or subsequent to, such crime: Rape, as defined in K.S.A. 2013 Supp. 21-5503, and amendments thereto, criminal sodomy, as defined in subsections (a) (3) or (a)(4) of K.S.A. 2013 Supp. 21-5504, and amendments thereto, or aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto, or any attempt thereof, as defined in K.S.A. 2013 Supp. 21-5301, and amendments thereto;

(5) intentional and premeditated killing of a law enforcement officer;

(6) intentional and premeditated killing of more than one person as a part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct; or

(7) intentional and premeditated killing of a child under the age of 14 in the commission of kidnapping, as defined in subsection (a) of K.S.A. 2013 Supp. 21-5408, and amendments thereto, or aggravated kidnapping, as defined in subsection (b) of K.S.A. 2013 Supp. 21-5408, and amendments thereto, when the kidnapping or aggravated kidnapping was committed with intent to commit a sex offense upon or with the child or with intent that the child commit or submit to a sex offense.

(b) For purposes of this section, "sex offense" means rape, as defined in K.S.A. 2013 Supp. 21-5503, and amendments thereto, aggravated indecent liberties with a child, as defined in subsection (b) of K.S.A. 2013 Supp. 21-5506, and amendments thereto, aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto, selling sexual relations, as defined in K.S.A. 2013 Supp. 21-6419, and amendments thereto, promoting the sale of sexual relations, as defined in K.S.A. 2013 Supp. 21-6420, and amendments thereto, commercial sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-6422, and amendments thereto, or sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-5510, and amendments thereto.

(c) Capital murder or attempt to commit capital murder is an off-grid person felony.

(d) The provisions of subsection (c) of K.S.A. 2013 Supp. 21-5301, and amendments thereto, shall not apply to a violation of attempting to commit the crime of capital murder pursuant to this section.

Sec. 3. K.S.A. 2013 Supp. 21-6617 is hereby amended to read as follows: 21-6617.

(a) If a defendant is charged with capital murder, the county or district attorney shall file written notice if such attorney intends, upon conviction of the defendant, to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death. In cases where the county or district attorney or a court determines that a conflict exists, such notice may be filed by the attorney general. Such notice shall be filed with the court and served on the defendant or the defendant's attorney not later than seven days after the time of arraignment. If such notice is not filed and served as required by this subsection, the prosecuting attorney may not request such a sentencing proceeding and the defendant, if convicted of capital murder, shall be sentenced to life

without the possibility of parole, and no sentence of death shall be imposed hereunder.

(b) Except as provided in K.S.A. 2013 Supp. 21-6618 and 21-6622, and amendments thereto, upon conviction of a defendant of capital murder, the court, upon motion of the prosecuting attorney, shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to death. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If any person who served on the trial jury is unable to serve on the jury for the sentencing proceeding, the court shall substitute an alternate juror who has been impaneled for the trial jury. If there are insufficient alternate jurors to replace trial jurors who are unable to serve at the sentencing proceeding, the trial judge may summon a special jury of 12 persons which shall determine the question of whether a sentence of death shall be imposed. Jury selection procedures, qualifications of jurors and grounds for exemption or challenge of prospective jurors in criminal trials shall be applicable to the selection of such special jury. The jury at the sentencing proceeding may be waived in the manner provided by K.S.A. 22-3403, and amendments thereto, for waiver of a trial jury. If the jury at the sentencing proceeding has been waived or the trial jury has been waived, the sentencing proceeding shall be conducted by the court.

(c) In the sentencing proceeding, evidence may be presented concerning any matter that the court deems relevant to the question of sentence and shall include matters relating to any of the aggravating circumstances enumerated in K.S.A. 2013 Supp. 21-6624, and amendments thereto, and any mitigating circumstances. Any such evidence which the court deems to have probative value may be received regardless of its admissibility under the rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. Only such evidence of aggravating circumstances as the state has made known to the defendant prior to the sentencing proceeding shall be admissible, and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. No testimony by the defendant at the sentencing proceeding shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral argument.

(d) At the conclusion of the evidentiary portion of the sentencing proceeding, the court shall provide oral and written instructions to the jury to guide its deliberations.

(e) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances enumerated in K.S.A. 2013 Supp. 21-6624, and amendments thereto, exist and, further, that the existence of such aggravating circumstances is not outweighed by any mitigating circumstances which are found to exist, the defendant shall be sentenced to death; otherwise, the defendant shall be sentenced to life without the possibility of parole. The jury, if its verdict is a unanimous recommendation of a sentence of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstances which it found beyond a reasonable doubt. If, after a reasonable time for deliberation, the jury is unable to reach a verdict, the judge shall dismiss the jury and impose a sentence of life without the possibility of parole and shall commit the defendant to the custody of the secretary of corrections. In nonjury cases, the court shall follow the requirements of this subsection in determining the sentence to be imposed.

(f) Notwithstanding the verdict of the jury, the trial court shall review any jury

verdict imposing a sentence of death hereunder to ascertain whether the imposition of such sentence is supported by the evidence. If the court determines that the imposition of such a sentence is not supported by the evidence, the court shall modify the sentence and sentence the defendant to life without the possibility of parole, and no sentence of death shall be imposed hereunder. Whenever the court enters a judgment modifying the sentencing verdict of the jury, the court shall set forth its reasons for so doing in a written memorandum which shall become part of the record.

(g) A defendant who is sentenced to imprisonment for life without the possibility of parole shall spend the remainder of the defendant's natural life incarcerated and in the custody of the secretary of corrections. A defendant who is sentenced to imprisonment for life without the possibility of parole shall not be eligible for commutation of sentence, parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, functional incapacitation release pursuant to K.S.A. 22-3728, and amendments thereto, or suspension, modification or reduction of sentence. Upon sentencing a defendant to imprisonment for life without the possibility of parole, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole.

Sec. 4. K.S.A. 2013 Supp. 21-6620 is hereby amended to read as follows: 21-6620. (a) (1) Except as provided in subsection (a)(2) and K.S.A. 2013 Supp. 21-6618 and 21-6622, and amendments thereto, if a defendant is convicted of the crime of capital murder and a sentence of death is not imposed pursuant to subsection (e) of K.S.A. 2013 Supp. 21-6617, and amendments thereto, or requested pursuant to subsection (a) or (b) of K.S.A. 2013 Supp. 21-6617, and amendments thereto, the defendant shall be sentenced to life without the possibility of parole.

(2) (A) Except as provided in subsection (a)(2)(B), a defendant convicted of attempt to commit the crime of capital murder shall be sentenced to imprisonment for life and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, the defendant shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(B) The provisions of subsection (a)(2)(A) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 300 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(b) The provisions of this subsection shall apply only to the crime of murder in the first degree as described in subsection (a)(2) of K.S.A. 2013 Supp. 21-5402, and amendments thereto, committed on or after July 1, 2014.

(1) Except as provided in subsection (b)(2), a defendant convicted of murder in the first degree as described in subsection (a)(2) of K.S.A. 2013 Supp. 21-5402, and amendments thereto, shall be sentenced to imprisonment for life and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition,

the defendant shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(2) The provisions of subsection (b)(1) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 300 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(c) The provisions of this subsection shall apply only to the crime of murder in the first degree based upon the finding of premeditated murder committed on or after July 1, 2014.

(1) (A) Except as provided in subsection (c)(1)(B), a defendant convicted of murder in the first degree based upon the finding of premeditated murder shall be sentenced pursuant to K.S.A. 2013 Supp. 21-6623, and amendments thereto, unless the sentencing judge finds substantial and compelling reasons, following a review of mitigating circumstances, to impose the sentence specified in subsection (c)(2).

(B) The provisions of subsection (c)(1)(A) requiring the court to impose the mandatory minimum term of imprisonment required by K.S.A. 2013 Supp. 21-6623, and amendments thereto, shall not apply if the court finds the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 600 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) (A) If the sentencing judge does not impose the mandatory minimum term of imprisonment required by K.S.A. 2013 Supp. 21-6623, and amendments thereto, the judge shall state on the record at the time of sentencing the substantial and compelling reasons therefor, and, except as provided in subsection (c)(2)(B), the defendant shall be sentenced to imprisonment for life and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, the defendant shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(B) The provisions of subsection (c)(2)(A) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 300 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(b)(d) The provisions of this subsection shall apply only to the crime of murder in the first degree based upon the finding of premeditated murder committed on or after the effective date of this act-September 6, 2013.

(1) If a defendant is convicted of murder in the first degree based upon the finding of premeditated murder, upon reasonable notice by the prosecuting attorney, the court shall determine, in accordance with this subsection, whether the defendant shall be

required to serve a mandatory minimum term of imprisonment of 50 years or sentenced as otherwise provided by law.

(2) The court shall conduct a separate proceeding following the determination of the defendant's guilt for the jury to determine whether one or more aggravating circumstances exist. Such proceeding shall be conducted by the court before a jury as soon as practicable. If any person who served on the trial jury is unable to serve on the jury for the proceeding, the court shall substitute an alternate juror who has been impaneled for the trial jury. If there are insufficient alternate jurors to replace trial jurors who are unable to serve at the proceeding, the court may conduct such proceeding before a jury which may have 12 or less jurors, but at no time less than six jurors. If the jury has been discharged prior to the proceeding, a new jury shall be impaneled. Any decision of the jury regarding the existence of an aggravating circumstance shall be beyond a reasonable doubt. Jury selection procedures, qualifications of jurors and grounds for exemption or challenge of prospective jurors in criminal trials shall be applicable to the selection of such jury. The jury at the proceeding may be waived in the manner provided by K.S.A. 22-3403, and amendments thereto, for waiver of a trial jury. If the jury at the proceeding has been waived, such proceeding shall be conducted by the court.

(3) In the proceeding, evidence may be presented concerning any matter relating to any of the aggravating circumstances enumerated in K.S.A. 2013 Supp. 21-6624, and amendments thereto. Only such evidence of aggravating circumstances as the prosecuting attorney has made known to the defendant prior to the proceeding shall be admissible and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. No testimony by the defendant at the time of the proceeding shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral argument.

(4) At the conclusion of the evidentiary portion of the proceeding, the court shall provide oral and written instructions to the jury to guide its deliberations. If the prosecuting attorney relies on subsection (a) of K.S.A. 2013 Supp. 21-6624, and amendments thereto, as an aggravating circumstance, and the court finds that one or more of the defendant's prior convictions satisfy such subsection, the jury shall be instructed that a certified journal entry of a prior conviction is presumed to prove the existence of such prior conviction or convictions beyond a reasonable doubt.

(5) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances enumerated in K.S.A. 2013 Supp. 21-6624, and amendments thereto, exist, the jury shall designate, in writing, signed by the foreman of the jury, the statutory aggravating circumstances which it found. If, after a reasonable time for deliberation, the jury is unable to reach a unanimous sentencing decision, the court shall dismiss the jury and the defendant shall be sentenced as provided by law. In nonjury cases, the court shall designate, in writing, the specific circumstance or circumstances which the court found beyond a reasonable doubt.

(6) If one or more of the aggravating circumstances enumerated in K.S.A. 2013 Supp. 21-6624, and amendments thereto, are found to exist beyond a reasonable doubt pursuant to this subsection, the defendant shall be sentenced pursuant to K.S.A. 2013 Supp. 21-6623, and amendments thereto, unless the sentencing judge finds substantial and compelling reasons, following a review of mitigating circumstances, to impose the

sentence specified in this paragraph. If the sentencing judge does not impose the mandatory minimum term of imprisonment required by K.S.A. 2013 Supp. 21-6623, and amendments thereto, the judge shall state on the record at the time of sentencing the substantial and compelling reasons therefor, and the defendant shall be sentenced to imprisonment for life and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, the defendant shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

~~(e)~~ (e) The provisions of this subsection shall apply only to the crime of murder in the first degree based upon the finding of premeditated murder committed prior to ~~the effective date of this act~~ September 6, 2013.

(1) If a defendant is convicted of murder in the first degree based upon the finding of premeditated murder, upon reasonable notice by the prosecuting attorney, the court shall conduct a separate sentencing proceeding in accordance with this subsection to determine whether the defendant shall be required to serve a mandatory minimum term of imprisonment of 40 years or for crimes committed on and after July 1, 1999, a mandatory minimum term of imprisonment of 50 years or sentenced as otherwise provided by law.

(2) The sentencing proceeding shall be conducted by the court before a jury as soon as practicable. If the trial jury has been discharged prior to sentencing, a new jury shall be impaneled. Any decision to impose a mandatory minimum term of imprisonment of 40 or 50 years shall be by a unanimous jury. Jury selection procedures, qualifications of jurors and grounds for exemption or challenge of prospective jurors in criminal trials shall be applicable to the selection of such jury. The jury at the sentencing proceeding may be waived in the manner provided by K.S.A. 22-3403, and amendments thereto, for waiver of a trial jury. If the jury at the sentencing proceeding has been waived, such proceeding shall be conducted by the court.

(3) In the sentencing proceeding, evidence may be presented concerning any matter that the court deems relevant to the question of sentence and shall include matters relating to any of the aggravating circumstances enumerated in K.S.A. 2013 Supp. 21-6624, and amendments thereto, or for crimes committed prior to July 1, 2011, K.S.A. 21-4636, prior to its repeal, and any mitigating circumstances. Any such evidence which the court deems to have probative value may be received regardless of its admissibility under the rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. Only such evidence of aggravating circumstances as the prosecuting attorney has made known to the defendant prior to the sentencing proceeding shall be admissible and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. Only such evidence of mitigating circumstances subject to discovery pursuant to K.S.A. 22-3212, and amendments thereto, that the defendant has made known to the prosecuting attorney prior to the sentencing proceeding shall be admissible. No testimony by the defendant at the time of sentencing shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral argument.

(4) At the conclusion of the evidentiary portion of the sentencing proceeding, the court shall provide oral and written instructions to the jury to guide its deliberations. If the prosecuting attorney relies on subsection (a) of K.S.A. 2013 Supp. 21-6624, and

amendments thereto, or for crimes committed prior to July 1, 2011, subsection (a) of K.S.A. 21-4636, prior to its repeal, as an aggravating circumstance, and the court finds that one or more of the defendant's prior convictions satisfy such subsection, the jury shall be instructed that a certified journal entry of a prior conviction is presumed to prove the existence of such prior conviction or convictions beyond a reasonable doubt.

(5) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances enumerated in K.S.A. 2013 Supp. 21-6624, and amendments thereto, or for crimes committed prior to July 1, 2011, K.S.A. 21-4636, prior to its repeal, exist and, further, that the existence of such aggravating circumstances is not outweighed by any mitigating circumstances which are found to exist, the defendant shall be sentenced pursuant to K.S.A. 2013 Supp. 21-6623, and amendments thereto; otherwise, the defendant shall be sentenced as provided by law. The sentencing jury shall designate, in writing, signed by the foreman of the jury, the statutory aggravating circumstances which it found. The trier of fact may make the findings required by this subsection for the purpose of determining whether to sentence a defendant pursuant to K.S.A. 2013 Supp. 21-6623, and amendments thereto, notwithstanding contrary findings made by the jury or court pursuant to subsection (e) of K.S.A. 2013 Supp. 21-6617, and amendments thereto, for the purpose of determining whether to sentence such defendant to death. If, after a reasonable time for deliberation, the jury is unable to reach a unanimous sentencing decision, the court shall dismiss the jury and the defendant shall be sentenced as provided by law. In nonjury cases, the court shall designate in writing the specific circumstance or circumstances which the court found beyond a reasonable doubt.

~~(d)~~ (f) The amendments to subsection ~~(e)~~ by this act (e) by chapter 1 of the 2013 Session Laws of Kansas (Special Session):

(1) Establish a procedural rule for sentencing proceedings, and as such shall be construed and applied retroactively to all crimes committed prior to the effective date of this act, except as provided further in this subsection; (2) shall not apply to cases in which the defendant's conviction and sentence were final prior to June 17, 2013, unless the conviction or sentence has been vacated in a collateral proceeding, including, but not limited to, K.S.A. 22-3504 or 60-1507, and amendments thereto; and (3) shall apply only in sentencing proceedings otherwise authorized by law.

~~(e)~~ (g) Notwithstanding the provisions of subsection ~~(f)~~ (h), for all cases on appeal on or after ~~the effective date of this act September 6, 2013~~, if a sentence imposed under this section, prior to amendment by this act chapter 1 of the 2013 Session Laws of Kansas (Special Session), or under K.S.A. 21-4635, prior to its repeal, is vacated for any reason other than sufficiency of the evidence as to all aggravating circumstances, resentencing shall be required under this section, as amended by this act chapter 1 of the 2013 Session Laws of Kansas (Special Session), unless the prosecuting attorney chooses not to pursue such a sentence.

~~(f)~~ (h) In the event any sentence imposed under this section is held to be unconstitutional, the court having jurisdiction over a person previously sentenced shall cause such person to be brought before the court and shall sentence such person to the maximum term of imprisonment otherwise provided by law.

~~(g)~~ (i) If any provision or provisions of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or

provisions or application, and to this end the provisions of this section are severable.

Sec. 5. K.S.A. 2013 Supp. 21-6626 is hereby amended to read as follows: 21-6626.

(a) An aggravated habitual sex offender shall be sentenced to imprisonment for life without the possibility of parole. Such offender shall spend the remainder of the offender's natural life incarcerated and in the custody of the secretary of corrections. An offender who is sentenced to imprisonment for life without the possibility of parole shall not be eligible for commutation of sentence, parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, functional incapacitation release pursuant to K.S.A. 22-3728, and amendments thereto, or suspension, modification or reduction of sentence.

(b) Upon sentencing a defendant to imprisonment for life without the possibility of parole, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole.

(c) As used in this section:

(1) "Aggravated habitual sex offender" means a person who, on and after July 1, 2006: (A) Has been convicted in this state of a sexually violent crime, as described in subsection (c)(2)(A) through (c)(2)(J) or (c)(2)(L); and (B) prior to the conviction of the felony under subparagraph (A), has been convicted of two or more sexually violent crimes;

(2) "Sexually violent crime" means:

(A) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto;

(B) 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 K.S.A. 2013 Supp. 21-5506, and amendments thereto;

(C) 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 K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(D) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(E) 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 K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(F) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto;

(G) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2013 Supp. 21-5505, and amendments thereto;

(H) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2013 Supp. 21-5604, and amendments thereto;

(I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5426, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(J) commercial sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-

6422, and amendments thereto;

(K) any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;

(L) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section; or

(M) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

Sec. 6. K.S.A. 22-3405 is hereby amended to read as follows: 22-3405. ~~(+)(a)~~ The defendant in a felony case shall be present at the arraignment, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by law. In prosecutions for crimes not punishable by death or life without the possibility of parole, the defendant's voluntary absence after the trial has been commenced in such person's presence shall not prevent continuing the trial to and including the return of the verdict. A corporation may appear by counsel for all purposes.

~~(+)(b)~~ The defendant must be present, either personally or by counsel, at every stage of the trial of traffic infraction, cigarette or tobacco infraction and misdemeanor cases.

Sec. 7. K.S.A. 22-3705 is hereby amended to read as follows: 22-3705. ~~(a)~~ The governor may, when ~~he~~ the governor deems it proper or advisable, commute a sentence in any criminal case by reducing the penalty as follows:

~~(+)(1)~~ If the sentence is death, to imprisonment for life ~~or for any term not less than ten years without the possibility of parole and not to any lesser sentence;~~

~~(+)(2)~~ except as provided in subsection (b), if the sentence is to imprisonment, by reducing the duration of such imprisonment;

~~(+)(3)~~ if the sentence is a fine, by reducing the amount thereof; or

~~(+)(4)~~ if the sentence is both imprisonment and fine, by reducing either or both.

(b) The governor shall not commute a sentence of life without possibility of parole.

Sec. 8. K.S.A. 2013 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section: K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through 21-4638, and 21-4642, prior to their repeal; K.S.A. 21-4624, prior to its repeal; K.S.A. 21-4642, prior to its repeal; K.S.A. 2013 Supp. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2013 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) An inmate sentenced to imprisonment for life without the possibility of parole pursuant to K.S.A. 2013 Supp. 21-6617, and amendments thereto, shall not be eligible for parole.

(2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2013 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments

thereto, an inmate sentenced to imprisonment for the crime of: ~~(A) Capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder,~~ committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; (B) murder in the first degree based upon a finding of premeditated murder committed on or after July 1, 1994, but prior to July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; and (C) murder in the first degree as described in subsection (a)(2) of K.S.A. 2013 Supp. 21-5402, and amendments thereto, committed on or after July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

~~(2)(3)~~ Except as provided by ~~subsection~~ subsections (b)(1) or (b)(4), (b)(2) and (b)(5), K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2013 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

~~(3)(4)~~ Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2013 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

~~(4)(5)~~ An inmate sentenced to imprisonment for a violation of subsection (a) of K.S.A. 21-3402, prior to its repeal, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

~~(5)(6)~~ An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or K.S.A. 2013 Supp. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon

completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months on postrelease supervision.

(D) Persons sentenced to a term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, a sexually motivated crime in which the offender has been ordered to register pursuant to subsection (d)(1)(D)(vii) of K.S.A. 22-3717, and amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2013 Supp. 21-5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 2013 Supp. 21-5512, and amendments thereto, shall serve the period of postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2013 Supp. 21-6821, and amendments thereto, on postrelease supervision.

(i) If the sentencing judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 2013 Supp. 21-6820, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

- (a) Written briefs or oral arguments submitted by either the defendant or the state;
- (b) any evidence received during the proceeding;
- (c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to subsection (e) of K.S.A. 21-4714, prior to its repeal, or subsection (e) of K.S.A. 2013 Supp. 21-6813, and amendments thereto; and
- (d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subsection (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2013 Supp. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 2013 Supp. 21-6604, and amendments thereto, the prisoner review board may provide for early discharge from the postrelease supervision period imposed pursuant to subsection (d)(1)(D)(i) upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2013 Supp. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) Except as provided in subsection (u), persons convicted of a sexually violent crime committed on or after July 1, 2006, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(2) Persons serving a period of postrelease supervision pursuant to subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner review board for early discharge. Upon payment of restitution, the prisoner review board may provide for early discharge.

(3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.

(4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction is revoked pursuant to subsection (c) of K.S.A. 22-3716, and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) of K.S.A. 22-3716, and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(5) As used in this subsection, "sexually violent crime" means:

(A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5506, and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5506, and amendments thereto;

(D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) and (a)(4) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5505, and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto;

(K) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5426, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(L) commercial sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-6422, and amendments thereto; or

(M) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section.

(6) As used in this subsection, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever

is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

(g) Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the

conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) (1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless

the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years, but any such deferral shall require the board to state the basis for its findings.

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such resources are insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

(k) (1) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(2) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to search or seizure by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

(3) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to search or seizure by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(l) The prisoner review board shall promulgate rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

(1) Unless it finds compelling circumstances which would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate

has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances which would render payment unworkable;

(5) unless it finds compelling circumstances which would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;

(6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to search or seizure by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment; and

(7) shall order that the parolee or person on postrelease supervision agree in writing to be subject to search or seizure by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.

(n) If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which would render a plan of restitution unworkable.

(o) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the

secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (t).

(t) For offenders sentenced prior to July 1, 2013, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

(1) On or before September 1, 2013, for offenders convicted of:

(A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;

(2) on or before November 1, 2013, for offenders convicted of:

(A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;

(B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and

(3) on or before January 1, 2014, for offenders convicted of:

(A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and

(C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.

(u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2013 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(v) Whenever the prisoner review board orders a person to be electronically monitored pursuant to this section, or the court orders a person to be electronically monitored pursuant to subsection (r) of K.S.A. 2013 Supp. 21-6604, and amendments thereto, the board shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.

(w) (1) On and after July 1, 2012, for any inmate who is a sex offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic

materials.

(A) As used in this subsection, "pornographic materials" means: Any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.

(B) As used in this subsection, all other terms have the meanings provided by K.S.A. 2013 Supp. 21-5510, and amendments thereto.

(2) The provisions of this subsection shall be applied retroactively to every sex offender, as defined in K.S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July 1, 2012. The prisoner review board shall obtain the written agreement required by this subsection from such offenders as soon as practicable.

Sec. 9. K.S.A. 2013 Supp. 22-3728 is hereby amended to read as follows: 22-3728.

(a) (1) Upon application of the secretary of corrections, the prisoner review board may grant release to any person deemed to be functionally incapacitated, upon such terms and conditions as prescribed in the order granting such release.

(2) The secretary of corrections shall adopt rules and regulations governing the prisoner review board's procedure for initiating, processing, reviewing and establishing criteria for review of applications filed on behalf of persons deemed to be functionally incapacitated. Such rules and regulations shall include criteria and guidelines for determining whether the functional incapacitation precludes the person from posing a threat to the public.

(3) Subject to the provisions of subsections (a)(4) and (a)(5), a functional incapacitation release shall not be granted until at least 30 days after written notice of the application has been given to: (A) The prosecuting attorney and the judge of the court in which the person was convicted; and (B) any victim of the person's crime or the victim's family. Notice of such application shall be given by the secretary of corrections to the victim who is alive and whose address is known to the secretary, or if the victim is deceased, to the victim's family if the family's address is known to the secretary. Subject to the provisions of subsection (a)(4), if there is no known address for the victim, if alive, or the victim's family, if deceased, the board shall not grant or deny such application until at least 30 days after notification is given by publication in the county of conviction. Publication costs shall be paid by the department of corrections.

(4) All applications for functional incapacitation release shall be referred to the board. The board shall examine each case and may approve such application and grant a release. An application for release shall not be approved unless the board determines that the person is functionally incapacitated and does not represent a future risk to public safety. The board shall determine whether a hearing is necessary on the application. The board may request additional information or evidence it deems necessary from a medical or mental health practitioner.

(5) The board shall establish any conditions related to the release of the person. The release shall be conditional, and be subject to revocation pursuant to K.S.A. 75-5217, and amendments thereto, if the person's functional incapacity significantly diminishes, if the person fails to comply with any condition of release, or if the board otherwise concludes that the person presents a threat or risk to public safety. The person shall remain on release supervision until the release is revoked, expiration of the maximum sentence, or discharged by the board. Subject to the provisions of subsection (f) of K.S.A. 75-5217, and amendments thereto, the person shall receive credit for the time

during which the person is on functional incapacitation release supervision towards service of the prison and postrelease supervision obligations of determinate sentences or indeterminate sentences.

(6) The secretary of corrections shall cause the person to be supervised upon release, and shall have the authority to initiate revocation of the person at any time for the reasons indicated in subsection (a)(5).

(7) The decision of the board on the application or any revocation shall be final and not subject to review by any administrative agency or court.

(8) In determining whether a person is functionally incapacitated, the board shall consider the following: (A) The person's current condition as confirmed by medical or mental health care providers, including whether the condition is terminal;

(B) the person's age and personal history;

(C) the person's criminal history;

(D) the person's length of sentence and time the person has served;

(E) the nature and circumstances of the current offense;

(F) the risk or threat to the community if released;

(G) whether an appropriate release plan has been established; and

(H) any other factors deemed relevant by the board.

(b) Nothing in this section shall be construed to limit or preclude submission of an application for pardon or commutation of sentence pursuant to K.S.A. 22-3701, and amendments thereto.

(c) Nothing in this section shall apply to the release of people with terminal medical conditions as described in K.S.A. 2013 Supp. 22-3729, and amendments thereto.

(d) This section does not apply to any person sentenced to imprisonment for an off-grid offense.

(e) This section does not apply to any person under sentence of death or life without the possibility of parole.

Sec. 10. K.S.A. 22-4210 is hereby amended to read as follows: 22-4210. If a person confined in a penal institution in any other state may be a material witness in a criminal action pending in a court of record or in a grand jury investigation in this state, a judge of the court may certify (1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, (2) that a person who is confined in a penal institution in the other state may be a material witness in the proceeding, investigation, or action, and (3) that his presence will be required during a specified time. The certificate shall be presented to a judge of a court of record in the other state having jurisdiction over the prisoner confined, and a notice shall be given to the attorney general of the state in which the prisoner is confined.

This act does not apply to any person in this state confined as mentally ill, in need of mental treatment, or under sentence of death or life without the possibility of parole.

Sec. 11. K.S.A. 22-3405, 22-3705 and 22-4210 and K.S.A. 2013 Supp. 21-5301, 21-5401, 21-6617, 21-6620, 21-6626, 22-3717 and 22-3728 are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3 and inserting "crimes, punishment and criminal procedure; relating to capital murder; attempt; sentencing; murder in the first degree; sentencing of certain persons to mandatory minimum term of imprisonment; amending K.S.A. 22-3405, 22-

3705 and 22-4210 and K.S.A. 2013 Supp. 21-5301, 21-5401, 21-6617, 21-6620, 21-6626, 22-3717 and 22-3728 and repealing the existing sections.";

JEFF KING
GREG SMITH
DAVID HALEY

Conferees on part of Senate

LANCE KINZER
ROB BRUCHMAN
JANICE PAULS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2490**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2596** 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 9 through 34;

By striking all on page 2;

On page 3, by striking all in line 1; in line 36, by striking "and K.S.A. 2013 Supp. 74-4932 and"; in line 37, by striking "are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking all following "thereunder,"; in line 4 by striking "employees,"; also in line 4, by striking "and"; in line 5, by striking "K.S.A. 2013 Supp. 74-4932"; in line 6, by striking "sections" and inserting "section";

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

JEFF KING
JEFF LONGBINE
ANTHONY HENSLEY

Conferees on part of Senate

STEVEN JOHNSON
JIM HOWELL
ED TRIMMER

Conferees on part of House

Senator Longbine moved the Senate adopt the Conference Committee Report on **HB 2596**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

ORIGINAL MOTION

Senator King moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub SB 40**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator King moved the Senate concur in House amendments to **H Sub for SB 40**.

H Sub SB 40, AN ACT concerning the secretary of corrections; relating to the prison made goods act; correctional industries fund; amending K.S.A. 2013 Supp. 75-5275 and 75-5282 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Senate concurred.

Senator Denning moved the Senate concur in House amendments to **SB 423**.

SB 423, AN ACT concerning real property; authorizing the secretary of administration to sell the Landon state office building and the Eisenhower state office building; authorizing the secretary of administration to exercise the option to purchase and sell the Van Buren project and the Curtis state office building and parking facility; authorizing the secretary of administration to demolish the Docking state office building and to reconstruct, relocate and renovate the power plant; making and concerning appropriations for the fiscal year ending June 30, 2015, for the department of administration.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Tyson.

The Senate concurred.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Longbine in the chair.

On motion of Senator Longbine the following report was adopted:

SB 413 be amended by motion of Senator Wolf, on page 2, following line 4, by inserting:

"(e) After review by the joint committee on information technology of the report provided pursuant to subsection (d) and upon the recommendation and approval of the legislative coordinating council, the legislative chief information technology officer shall designate four additional committee rooms in the capitol to be equipped with broadcasting equipment for the 2017 legislative session and equip all remaining committee rooms in the capitol with broadcasting equipment for the 2018 legislative session.";

And by redesignating the remaining subsections, and **SB 413** be passed as amended.

SB 453 be amended by the adoption of the committee amendments, and the bill be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 413** and **SB 453** were advanced to Final Action and roll call.

SB 413, AN ACT creating the transparency and accountability act; concerning legislative meetings; providing for live audio and video broadcasts; relating to open meetings.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

SB 453, AN ACT concerning education funding; relating to mineral production; creating the mineral production education fund; abolishing the oil and gas valuation depletion trust fund; concerning local effort; making and concerning appropriations for fiscal year 2017; amending K.S.A. 2013 Supp. 19-101a, 19-271, 72-6410, 72-6431, 79-4227 and 79-4231 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 19-271, as amended by section 5 of this act, and 79-4231, as amended by section 9 of this act.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

ORIGINAL MOTION

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2643**.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until 8:30 p.m.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2578**.

The House adopts the Conference Committee report on **SB 256**.

On motion of Senator Bruce, the Senate recessed until 9:30 p.m.

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

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering **SB 256; S Sub HB 2448, S Sub HB 2588**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 256** submits the following report:

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

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 2013 Supp. 21-5417 is hereby amended to read as follows: 21-5417. (a) Mistreatment of a dependent adult is knowingly committing one or more of the following acts:

(1) Infliction of physical injury, unreasonable confinement or unreasonable punishment upon a dependent adult;

(2) ~~taking unfair advantage of a dependent adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense~~ taking the personal property or financial resources of a dependent adult for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of a dependent adult through:

(A) Undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such dependent adult;

(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto; or

(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(3) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of ~~a~~ such dependent adult.

(b) Mistreatment of an elder person is knowingly committing one or more of the following acts:

(1) Taking the personal property or financial resources of an elder person for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of an elder person through:

(A) Undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such elder person;

(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto; or

(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(2) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of such elder person.

~~(b)~~(c) Mistreatment of a dependent adult as defined in:

(1) Subsection (a)(1) is a severity level 5, person felony;

(2) subsection (a)(2) if the aggregate amount of the value of the personal property or financial resources is:

(A) \$1,000,000 or more is a severity level 2, person felony;

(B) at least \$250,000 but less than \$1,000,000 is a severity level 3, person felony;

(C) at least \$100,000 but less than \$250,000 is a severity level 4, person felony;

(D) at least \$25,000 but less than \$100,000 is a severity level 5, person felony;

(E) at least \$1,000 but less than \$25,000 is a severity level 7, person felony;

(F) less than \$1,000 is a class A person misdemeanor, except as provided in subsection (b)(2)(G); and

(G) less than \$1,000 and committed by a person who has, within five years immediately preceding commission of the crime, ~~the offender has~~ been convicted of mistreatment of a dependent adult two or more times is a severity level 7, person felony; and

(3) subsection (a)(3) is a severity level 8, person felony.

~~(c)~~(d) Mistreatment of an elder person as defined in:

(1) Subsection (b)(1) if the aggregate amount of the value of the personal property or financial resources is:

(A) \$1,000,000 or more is a severity level 2, person felony;

(B) at least \$250,000 but less than \$1,000,000 is a severity level 3, person felony;

(C) at least \$100,000 but less than \$250,000 is a severity level 4, person felony;

(D) at least \$25,000 but less than \$100,000 is a severity level 5, person felony;

(E) at least \$5,000 but less than \$25,000 is a severity level 7, person felony;

(F) less than \$5,000 is a class A person misdemeanor, except as provided in subsection (d)(2)(G); and

(G) less than \$5,000 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of mistreatment of an

elder person two or more times is a severity level 7, person felony; and

(3) subsection (b)(2) is a severity level 8, person felony.

(e) It shall be an affirmative defense to any prosecution for mistreatment of a dependent adult or mistreatment of an elder person as described in subsections (a)(2) and (b)(1) that:

(1) The personal property or financial resources were given as a gift consistent with a pattern of gift giving to the person that existed before the dependent adult or elder person became vulnerable;

(2) the personal property or financial resources were given as a gift consistent with a pattern of gift giving to a class of individuals that existed before the dependent adult or elder person became vulnerable;

(3) the personal property or financial resources were conferred as a gift by the dependent adult or elder person to the benefit of a person or class of persons, and such gift was reasonable under the circumstances; or

(4) a court approved the transaction before the transaction occurred.

(f) No dependent adult or elder person is considered to be mistreated under subsection (a)(1), (a)(3) or (b)(2) for the sole reason that such dependent adult or elder person relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult or elder person is a member or adherent.

(g) As used in this section:

(1) "Adequate consideration" means the personal property or financial resources were given to the person as payment for bona fide goods or services provided by such person and the payment was at a rate customary for similar goods or services in the community that the dependent adult or elder person resided in at the time of the transaction.

(2) "Dependent adult" means an individual 18 years of age or older who is unable to protect the individual's own interest. Such term shall include, but is not limited to, any:

(A) Resident of an adult care home including, but not limited to, those facilities defined by K.S.A. 39-923, and amendments thereto;

(B) adult cared for in a private residence;

(C) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a medical care facility;

(D) individual with intellectual disability or a developmental disability receiving services through a community facility for people with intellectual disability or residential facility licensed under K.S.A. 75-3307b, and amendments thereto;

(E) individual with a developmental disability receiving services provided by a community service provider as provided in the developmental disability reform act; or

(F) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a state psychiatric hospital or state institution for people with intellectual disability.

(3) "Elder person" means a person 70 years of age or older.

(h) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in article 54, 55, 56 or 58 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6418, and

amendments thereto.

Sec. 2. K.S.A. 2013 Supp. 21-5512 is hereby amended to read as follows: 21-5512.

(a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:

(1) The offender is an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services for a correctional institution, and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate;

(2) the offender is a parole officer, volunteer for the department of corrections or the employee or volunteer of a contractor who is under contract to provide supervision services for persons on parole, conditional release or postrelease supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole, conditional release or postrelease supervision and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is an inmate who has been released and is currently on parole, conditional release or postrelease supervision;

(3) the offender is a law enforcement officer, an employee of a jail, or the employee of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such jail;

(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility or sanctions house;

(5) the offender is an employee of the ~~juvenile justice authority~~ department of corrections or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility;

(6) the offender is an employee of the ~~juvenile justice authority~~ department of corrections or the employee of a contractor who is under contract to provide direct supervision and offender control services to the ~~juvenile justice authority~~ department of corrections and:

(A) The person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been:

(i) Released on conditional release from a juvenile correctional facility under the supervision and control of the ~~juvenile justice authority~~ department of corrections or juvenile community supervision agency; or

(ii) placed in the custody of the ~~juvenile justice authority~~ department of corrections under the supervision and control of the ~~juvenile justice authority~~ department of corrections or juvenile community supervision agency; and

(B) the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision;

(7) ~~the offender is an employee of the department of social and rehabilitation services-Kansas department for aging and disability services or the Kansas department for children and families~~ or the employee of a contractor who is under contract to provide services in ~~a social and rehabilitation services-an aging and disability or children and families~~ institution or to the ~~department of social and rehabilitation services-Kansas department for aging and disability services or the Kansas department for children and families~~ and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a patient in such institution or in the custody of the ~~secretary of social and rehabilitation services for aging and disability services or the secretary for children and families;~~

(8) the offender is a worker, volunteer or other person in a position of authority in a family foster home licensed by the department of health and environment and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a foster child placed in the care of such family foster home;

(9) the offender is a teacher or other person in a position of authority and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a student enrolled at the school where the offender is employed. If the offender is the parent of the student, the provisions of subsection (b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto, shall apply, not this subsection;

(10) the offender is a court services officer or the employee of a contractor who is under contract to provide supervision services for persons under court services supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been placed on probation under the supervision and control of court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services;~~or~~

(11) the offender is a community correctional services officer or the employee of a contractor who is under contract to provide supervision services for persons under community corrections supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been assigned to a community correctional services program under the supervision and control of community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of community corrections;~~or~~

(12) the offender is a surety or an employee of a surety and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is the subject of a surety or bail bond agreement with such surety and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or

sodomy is the subject of a surety or bail bond agreement with such surety.

(b) Unlawful sexual relations as defined in:

- (1) Subsection (a)(5) is a severity level 4, person felony; and
- (2) subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10) ~~or~~, (a)(11) or (a)(12) is a severity level 5, person felony.

(c) (1) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of K.S.A. 2013 Supp. 21-5503, and amendments thereto, the provisions of K.S.A. 2013 Supp. 21-5503, and amendments thereto, shall apply, not this section.

(2) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of subsection (b)(1) of K.S.A. 2013 Supp. 21-5506, and amendments thereto, the provisions of subsection (b)(1) of K.S.A. 2013 Supp. 21-5506, and amendments thereto, shall apply, not this section.

(3) If an offender violates the provisions of this section by engaging in sodomy which would constitute a violation of subsection (a)(3), (a)(4) or (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto, the provisions of subsection (a)(3), (a)(4) or (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto, shall apply, not this section.

(4) If an offender violates the provisions of this section by engaging in lewd fondling or touching which would constitute a violation of subsection (b)(2) of K.S.A. 2013 Supp. 21-5506, and amendments thereto, the provisions of subsection (b)(2) of K.S.A. 2013 Supp. 21-5506, and amendments thereto, shall apply, not this section.

(d) As used in this section:

(1) "Correctional institution" means the same as in K.S.A. 75-5202, and amendments thereto;

(2) "inmate" means the same as in K.S.A. 75-5202, and amendments thereto;

(3) "parole officer" means the same as in K.S.A. 75-5202, and amendments thereto;

(4) "postrelease supervision" means the same as in K.S.A. 2013 Supp. 21-6803, and amendments thereto;

(5) "juvenile detention facility" means the same as in K.S.A. 2013 Supp. 38-2302, and amendments thereto;

(6) "juvenile correctional facility" means the same as in K.S.A. 2013 Supp. 38-2302, and amendments thereto;

(7) "sanctions house" means the same as in K.S.A. 2013 Supp. 38-2302, and amendments thereto;

(8) "institution" means the same as in K.S.A. 76-12a01, and amendments thereto;

(9) "teacher" means and includes teachers, coaches, supervisors, principals, superintendents and any other professional employee in any public or private school offering any of grades kindergarten through 12;

(10) "community corrections" means the entity responsible for supervising adults and juvenile offenders for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the community corrections act, K.S.A. 75-5290, and amendments thereto, and the revised Kansas juvenile justice code, K.S.A. 2013 Supp. 38-2301 et seq., and amendments thereto;

(11) "court services" means the entity appointed by the district court that is responsible for supervising adults and juveniles placed on probation and misdemeanants placed on parole by district courts of this state; ~~and~~

(12) "juvenile community supervision agency" means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the ~~juvenile justice authority department of corrections; and~~

(13) "surety" means the same as in K.S.A. 22-2809a, and amendments thereto.

Sec. 3. K.S.A. 2013 Supp. 21-5703 is hereby amended to read as follows: 21-5703.

(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:

(1) Drug severity level 2 felony, except as provided in subsections (b)(2) and (b)(3);

(2) drug severity level 1 felony if:

(A) The controlled substance is not methamphetamine, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto, or an analog thereof; and

(B) the offender has a prior conviction for unlawful manufacturing of a controlled substance under this section, K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or a substantially similar offense from another jurisdiction and the substance was not methamphetamine, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto, or an analog thereof, in any such prior conviction; and

(3) drug severity level 1 felony if the controlled substance is methamphetamine, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto, or an analog thereof.

(c) The provisions of subsection (d) of K.S.A. 2013 Supp. 21-5301, and amendments thereto, shall not apply to a violation of attempting to unlawfully manufacture any controlled substance or controlled substance analog pursuant to this section.

(d) For persons arrested and charged under this section, bail shall be at least \$50,000 cash or surety, and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto, 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.

(e) The sentence of a person who violates this section shall not be subject to statutory provisions for suspended sentence, community service work or probation.

(f) The sentence of a person who violates this section, K.S.A. 65-4159, prior to its repeal or K.S.A. 2010 Supp. 21-36a03, prior to its transfer, shall not be reduced because these sections prohibit conduct identical to that prohibited by K.S.A. 65-4161 or 65-4163, prior to their repeal, K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or K.S.A. 2013 Supp. 21-5705, and amendments thereto.

Sec. 4. K.S.A. 2013 Supp. 21-5709 is hereby amended to read as follows: 21-5709.

(a) It shall be unlawful for any person to possess ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with an intent to use the product to manufacture a controlled substance.

(b) It shall be unlawful for any person to use or possess with intent to use any drug paraphernalia to:

(1) Manufacture, cultivate, plant, propagate, harvest, test, analyze or distribute a

controlled substance; or

(2) store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body.

(c) It shall be unlawful for any person to use or possess with intent to use anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas department of agriculture.

(d) It shall be unlawful for any person to purchase, receive or otherwise acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or any compound, mixture or preparation containing more than nine grams of pseudoephedrine base or ephedrine base within any 30-day period.

(e) (1) Violation of subsection (a) is a drug severity level 3 felony;

(2) violation of subsection (b)(1) is a:

(A) Drug severity level 5 felony, except as provided in subsection (e)(2)(B); and

(B) class A nonperson misdemeanor if the drug paraphernalia was used to cultivate fewer than five marijuana plants;

(3) violation of subsection (b)(2) is a class A nonperson misdemeanor;

(4) violation of subsection (c) is a drug severity level 5 felony; and

(5) violation of subsection (d) is a class A nonperson misdemeanor.

(f) For persons arrested and charged under subsection (a) or (c), bail shall be at least \$50,000 cash or surety, and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto, unless the court determines, on the record, that the defendant is not likely to reoffend, the court imposes pretrial supervision or the defendant agrees to participate in a licensed or certified drug treatment program.

Sec. 5. K.S.A. 2013 Supp. 21-5710 is hereby amended to read as follows: 21-5710.

(a) It shall be unlawful for any person to advertise, market, label, distribute or possess with the intent to distribute:

(1) Any product containing ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine or their salts, isomers or salts of isomers if the person knows or reasonably should know that the purchaser will use the product to manufacture a controlled substance or controlled substance analog; or

(2) any product containing ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved pursuant to the pertinent federal over-the-counter drug final monograph or tentative final monograph or approved new drug application.

(b) It shall be unlawful for any person to distribute, possess with the intent to distribute or manufacture with intent to distribute any drug paraphernalia, knowing or under circumstances where one reasonably should know that it will be used to manufacture or distribute a controlled substance or controlled substance analog in violation of K.S.A. 2013 Supp. 21-5701 through 21-5717, and amendments thereto.

(c) It shall be unlawful for any person to distribute, possess with intent to distribute or manufacture with intent to distribute any drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used as such in violation of K.S.A. 2013 Supp. 21-5701 through 21-5717, and amendments thereto,

except subsection (b) of K.S.A. 2013 Supp. 21-5706, and amendments thereto.

(d) It shall be unlawful for any person to distribute, possess with intent to distribute or manufacture with intent to distribute any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used as such in violation of subsection (b) of K.S.A. 2013 Supp. 21-5706, and amendments thereto.

(e) (1) Violation of subsection (a) is a drug severity level 3 felony;

(2) violation of subsection (b) is a:

(A) Drug severity level 5 felony, except as provided in subsection (e)(2)(B); and

(B) drug severity level 4 felony if the trier of fact makes a finding that the offender distributed or caused drug paraphernalia to be distributed to a minor or on or within 1,000 feet of any school property;

(3) violation of subsection (c) is a:

(A) Nondrug severity level 9, nonperson felony, except as provided in subsection (e)(3)(B); and

(B) drug severity level 5 felony if the trier of fact makes a finding that the offender distributed or caused drug paraphernalia to be distributed to a minor or on or within 1,000 feet of any school property; and

(4) violation of subsection (d) is a:

(A) Class A nonperson misdemeanor, except as provided in subsection (e)(4)(B); and

(B) nondrug severity level 9, nonperson felony if the trier of fact makes a finding that the offender distributed or caused drug paraphernalia to be distributed to a minor or on or within 1,000 feet of any school property.

(f) For persons arrested and charged under subsection (a), bail shall be at least \$50,000 cash or surety, and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto, 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.

(g) As used in this section, "or under circumstances where one reasonably should know" that an item will be used in violation of this section, shall include, but not be limited to, the following:

(1) Actual knowledge from prior experience or statements by customers;

(2) inappropriate or impractical design for alleged legitimate use;

(3) receipt of packaging material, advertising information or other manufacturer supplied information regarding the item's use as drug paraphernalia; or

(4) receipt of a written warning from a law enforcement or prosecutorial agency having jurisdiction that the item has been previously determined to have been designed specifically for use as drug paraphernalia.

Sec. 6. K.S.A. 2013 Supp. 21-6316 is hereby amended to read as follows: 21-6316. When a criminal street gang member is arrested for a person felony, bail shall be at least \$50,000 cash or surety, and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto, unless the court determines on the record that the defendant is not likely to reoffend, an appropriate intensive pre-trial supervision program is available and the defendant agrees to comply with the mandate of such pre-trial supervision.

Sec. 7. K.S.A. 2013 Supp. 21-6328 is hereby amended to read as follows: 21-6328.

As used in the Kansas racketeer influenced and corrupt organization act:

(a) "Beneficial interest" means:

(1) The interest of a person as a beneficiary under any trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or

(2) the interest of a person under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person.

The term "beneficial interest" does not include the interest of a stock holder in a corporation or the interest of a partner in either a general partnership or a limited partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is located.

(b) "Covered person" means any person who:

(1) Is a criminal street gang member or criminal street gang associate, as defined in K.S.A. 2013 Supp. 21-6313, and amendments thereto;

(2) has engaged in or is engaging in any conduct prohibited by K.S.A. 2013 Supp. 21-5426, and amendments thereto, human trafficking or aggravated human trafficking; or

(3) has engaged in or is engaging in any conduct prohibited by K.S.A. 2013 Supp. 21-5703, and amendments thereto, unlawful manufacturing of controlled substances, or K.S.A. 2013 Supp. 21-5705, and amendments thereto, unlawful cultivation or distribution of controlled substances.

(c) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(d) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. A criminal street gang, as defined in K.S.A. 2013 Supp. 21-6313, and amendments thereto, constitutes an enterprise.

(e) "Pattern of racketeering activity" means engaging in at least two incidents of racketeering activity that have the same or similar intents, results, accomplices, victims or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such incidents occurred after the effective date of this act and that the last of such incidents occurred within 5 years, excluding any period of imprisonment, after a prior incident of racketeering activity.

(f) "Racketeering activity" means to commit, attempt to commit, conspire to commit or to solicit, coerce or intimidate another person to commit:

(1) Any felony or misdemeanor violation of: The felony provisions of K.S.A. 8-1568, and amendments thereto, fleeing or attempting to elude a police officer; K.S.A. 9-508 et seq., and amendments thereto, Kansas money transmitter act; article 12a of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, Kansas uniform securities act; K.S.A. 2013 Supp. 21-5401, and amendments thereto, capital murder; K.S.A. 2013 Supp. 21-5402, and amendments thereto, murder in the first degree; K.S.A.

2013 Supp. 21-5403, and amendments thereto, murder in the second degree; K.S.A. 2013 Supp. 21-5408, and amendments thereto, kidnapping or aggravated kidnapping; K.S.A. 2013 Supp. 21-5412, and amendments thereto; K.S.A. 2013 Supp. 21-5413, and amendments thereto; K.S.A. 2013 Supp. 21-5414, and amendments thereto, domestic battery; K.S.A. 2013 Supp. 21-5415, and amendments thereto, criminal threat or aggravated criminal threat; K.S.A. 2013 Supp. 21-5420, and amendments thereto, robbery or aggravated robbery; K.S.A. 2013 Supp. 21-5421, and amendments thereto, terrorism; K.S.A. 2013 Supp. 21-5422, and amendments thereto, illegal use of weapons of mass destruction; K.S.A. 2013 Supp. 21-5423, and amendments thereto; K.S.A. 2013 Supp. 21-5426, and amendments thereto, human trafficking or aggravated human trafficking; K.S.A. 2013 Supp. 21-5428, and amendments thereto, blackmail; K.S.A. 2013 Supp. 21-5510, and amendments thereto, sexual exploitation of a child; K.S.A. 2013 Supp. 21-5601, and amendments thereto, endangering a child or aggravated endangering a child; K.S.A. 2013 Supp. 21-5602, and amendments thereto, abuse of a child; K.S.A. 2013 Supp. 21-5603, and amendments thereto, contributing to a child's misconduct or deprivation; subsection (b) of K.S.A. 2013 Supp. 21-5607, and amendments thereto, furnishing alcoholic beverages to a minor for illicit purposes; article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, crimes involving controlled substances; K.S.A. 2013 Supp. 21-5801, and amendments thereto, theft; K.S.A. 2013 Supp. 21-5803, and amendments thereto, criminal deprivation of property; K.S.A. 2013 Supp. 21-5805, and amendments thereto; K.S.A. 2013 Supp. 21-5807, and amendments thereto, burglary or aggravated burglary; K.S.A. 2013 Supp. 21-5812, and amendments thereto, arson or aggravated arson; K.S.A. 2013 Supp. 21-5813, and amendments thereto, criminal damage to property; K.S.A. 2013 Supp. 21-5814, and amendments thereto, criminal use of an explosive; K.S.A. 2013 Supp. 21-5818, and amendments thereto, tampering with a pipeline; K.S.A. 2013 Supp. 21-5821, and amendments thereto, giving a worthless check; K.S.A. 2013 Supp. 21-5823, and amendments thereto, forgery; K.S.A. 2013 Supp. 21-5824, and amendments thereto, making false information; K.S.A. 2013 Supp. 21-5825, and amendments thereto, counterfeiting; K.S.A. 2013 Supp. 21-5826, and amendments thereto, destroying written instrument; K.S.A. 2013 Supp. 21-5828, and amendments thereto, criminal use of a financial card; K.S.A. 2013 Supp. 21-5838, and amendments thereto, conducting a pyramid promotional scheme; K.S.A. 2013 Supp. 21-5839, and amendments thereto; K.S.A. 2013 Supp. 21-5903, and amendments thereto, perjury; K.S.A. 2013 Supp. 21-5904, and amendments thereto, interference with law enforcement; K.S.A. 2013 Supp. 21-5905, and amendments thereto, interference with the judicial process; K.S.A. 2013 Supp. 21-5909, and amendments thereto, intimidation of a witness or victim or aggravated intimidation of a witness or victim; K.S.A. 2013 Supp. 21-5912, and amendments thereto, aiding escape; K.S.A. 2013 Supp. 21-5913, and amendments thereto, obstructing apprehension or prosecution; K.S.A. 2013 Supp. 21-5918, and amendments thereto; K.S.A. 2013 Supp. 21-6001, and amendments thereto, bribery; K.S.A. 2013 Supp. 21-6002, and amendments thereto, official misconduct; K.S.A. 2013 Supp. 21-6301, and amendments thereto, criminal use of weapons; K.S.A. 2013 Supp. 21-6302, and amendments thereto, criminal carrying of a weapon; K.S.A. 2013 Supp. 21-6303, and amendments thereto, criminal distribution of firearms to a felon; K.S.A. 2013 Supp. 21-6304, and amendments thereto, criminal possession of a firearm by a convicted felon; K.S.A. 2013 Supp. 21-6305, and

amendments thereto, aggravated weapons violation by a convicted felon; K.S.A. 2013 Supp. 21-6306, and amendments thereto, defacing identification marks of a firearm; K.S.A. 2013 Supp. 21-6308, and amendments thereto, criminal discharge of a firearm; K.S.A. 2013 Supp. 21-6310, and amendments thereto, unlawful endangerment; K.S.A. 2013 Supp. 21-6312, and amendments thereto; K.S.A. 2013 Supp. 21-6313 through 21-6316, and amendments thereto; K.S.A. 2013 Supp. 21-6401, and amendments thereto; K.S.A. 2013 Supp. 21-6404, and amendments thereto, gambling; K.S.A. 2013 Supp. 21-6405, and amendments thereto, illegal bingo operation; K.S.A. 2013 Supp. 21-6406, and amendments thereto, commercial gambling; K.S.A. 2013 Supp. 21-6407, and amendments thereto, dealing in gambling devices; K.S.A. 2013 Supp. 21-6408, and amendments thereto; K.S.A. 2013 Supp. 21-6409, and amendments thereto, installing communication facilities for gamblers; subsections (a) or (b) of K.S.A. 2013 Supp. 21-6414, and amendments thereto, unlawful conduct of dog fighting or unlawful possession of dog fighting paraphernalia; subsections (a) or (b) of K.S.A. 2013 Supp. 21-6417, and amendments thereto, unlawful conduct of cockfighting or unlawful possession of cockfighting paraphernalia; K.S.A. 2013 Supp. 21-6419, and amendments thereto, ~~prostitution selling sexual relations~~; K.S.A. 2013 Supp. 21-6420, and amendments thereto, ~~promoting prostitution the sale of sexual relations~~; K.S.A. 2013 Supp. 21-6422, and amendments thereto, commercial sexual exploitation of a child; K.S.A. 2013 Supp. 21-6501, and amendments thereto, extortion; K.S.A. 2013 Supp. 21-6502, and amendments thereto, debt adjusting; K.S.A. 2013 Supp. 21-6504, and amendments thereto, equity skimming; K.S.A. 2013 Supp. 21-6506, and amendments thereto, commercial bribery; K.S.A. 2013 Supp. 21-6507, and amendments thereto, sports bribery; K.S.A. 2013 Supp. 21-6508, and amendments thereto, tampering with a sports contest; K.S.A. 39-720, and amendments thereto, social welfare service fraud; K.S.A. 40-2,118, and amendments thereto, fraudulent insurance acts; K.S.A. 41-101 et seq., and amendments thereto, Kansas liquor control act; K.S.A. 44-5,125, and amendments thereto, workers' compensation act; K.S.A. 65-1657, and amendments thereto, nonresident pharmacy registration; K.S.A. 65-3441, and amendments thereto, hazardous waste; K.S.A. 65-4167, and amendments thereto, trafficking in counterfeit drugs; article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, Kansas parimutuel racing act; or K.S.A. 79-3321, and amendments thereto, Kansas cigarette and tobacco products act; or

(2) any conduct defined as "racketeering activity" under 18 U.S.C. § 1961(1).

(g) "Real property" means any real property or any interest in such real property, including, but not limited to, any lease of or mortgage upon such real property.

(h) "Trustee" means:

(1) Any person acting as trustee pursuant to a trust in which the trustee holds legal or record title to real property;

(2) any person who holds legal or record title to real property in which any other person has a beneficial interest; or

(3) any successor trustee or trustees to any or all of the foregoing persons.

The term "trustee" does not include any person appointed or acting as a personal representative as defined in K.S.A. 59-102, and amendments thereto, or appointed or acting as a trustee of any testamentary trust or as a trustee of any indenture of trust under which any bonds have been or are to be issued.

(i) "Unlawful debt" means any money or other thing of value constituting principal

or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(1) In violation of any of the following provisions of law: Article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, Kansas parimutuel racing act; K.S.A. 2013 Supp. 21-6404, and amendments thereto, gambling; K.S.A. 2013 Supp. 21-6405, and amendments thereto, illegal bingo operation; K.S.A. 2013 Supp. 21-6406, and amendments thereto, commercial gambling; K.S.A. 2013 Supp. 21-6407, and amendments thereto, dealing in gambling devices; K.S.A. 2013 Supp. 21-6408, and amendments thereto; or K.S.A. 2013 Supp. 21-6409, and amendments thereto, installing communication facilities for gamblers; or

(2) in gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

Sec. 8. K.S.A. 2013 Supp. 21-6329 is hereby amended to read as follows: 21-6329. (a) Except as provided in subsection (b), it is unlawful for any covered person:

(1) Who has ~~with criminal intent~~ received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use recklessly or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise;

(2) through a pattern of racketeering activity or through the collection of an unlawful debt, to recklessly acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property; or

(3) employed by, or associated with, any enterprise to recklessly conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.

(b) It is not unlawful for a covered person to violate subsection (a) through the collection of an unlawful debt if such person was not a participant in a violation described in subsection (i) of K.S.A. 2013 Supp. 21-6328, and amendments thereto, which created such unlawful debt.

~~(b)~~ (c) Violation of this section or conspiracy to commit a violation of this section is a severity level 2, person felony.

~~(e)~~ (d) The provisions of subsection (d) of K.S.A. 2013 Supp. 21-5302, and amendments thereto, shall not apply to conspiracy to commit a violation of this section.

~~(d)~~ (e) (1) Notwithstanding the provisions of K.S.A. 2013 Supp. 21-6611, and amendments thereto, any person convicted of engaging in conduct in violation of this section, through which the person derived pecuniary value, or by which the person caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three times the gross value gained or three times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.

(2) The court shall hold a hearing to determine the amount of the fine authorized by this subsection.

(3) For the purposes of this subsection, "pecuniary value" means:

(A) Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; and

(B) any other property or service that has a value in excess of \$100.

~~(e) (f) For persons arrested and charged under this section, bail shall be at least \$50,000 cash or surety, and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto, unless the court determines on the record that the defendant is not likely to re-offend, an appropriate intensive pretrial supervision program is available and the defendant agrees to comply with the mandate of such pretrial supervision. Notwithstanding any other provision of law, any person arrested and charged under this section shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto.~~

Sec. 9. K.S.A. 22-2809a is hereby amended to read as follows: 22-2809a. (a) As used in this section: (1) "Surety" means a person or commercial surety, other than a defendant in a criminal proceeding, that guarantees the appearance of a defendant in a criminal proceeding, by executing an appearance bond;

(2) "agent of a surety" means a person not performing the duties of a law enforcement officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a surety or bail bond agreement.

(b) Any surety or agent of a surety, commonly referred to as a bounty hunter, who intends to apprehend any person in this state pursuant to K.S.A. 22-2809, and amendments thereto, or under similar authority from any other state, shall inform law enforcement authorities in the city or county in which such surety or agent of a surety intends such apprehension, before attempting such apprehension. The surety or agent of a surety shall present to the local law enforcement authorities a certified copy of the bond, a valid government-issued photo identification, written appointment of agency, if not the actual surety, and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the surety or agent.

(c) No person who, ~~within the past 10 years,~~ has been convicted, in this or any other jurisdiction, of a ~~person felony,~~ may ~~shall~~ act as a surety or as an agent of a surety.

(d) An out-of-state surety or agent of a surety who intends to apprehend any person in this state pursuant to K.S.A. 22-2809, and amendments thereto, or under similar authority from any other state, shall contract with an individual that has been authorized by any court in this state to act as a surety or agent of a surety, before attempting such apprehension, and be accompanied by such individual during such apprehension.

(e) Violation of this section is a class A nonperson misdemeanor for the first conviction of a violation and a severity level 9, nonperson felony upon a second or subsequent conviction of a violation.";

And by renumbering sections accordingly;

On page 2, in line 1, after "K.S.A." by inserting "22-2809a and"; also in line 1, by striking "is" and inserting "and K.S.A. 2013 Supp. 21-5417, 21-5512, 21-5703, 21-5709, 21-5710, 21-6316, 21-6328 and 21-6329 are";

On page 1, in the title, in line 1, by striking all following "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "crimes, punishment and criminal procedure; relating to mistreatment of a dependent adult; mistreatment of an elder person; unlawful sexual relations; appearance bonds; Kansas racketeer influenced and corrupt organization act; surety regulation; costs charged in appeals; amending K.S.A. 22-2809a and 22-3612 and K.S.A. 2013 Supp. 21-5417, 21-5512, 21-5703, 21-5709, 21-5710, 21-6316, 21-6328 and 21-6329 and repealing the existing

sections";

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

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

Senator Smith moved the Senate adopt the Conference Committee Report on **SB 256**.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2448** 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. 2448, as follows:

On page 1, following line 7, by inserting the following:

"Section 1. K.S.A. 2013 Supp. 21-2511 is hereby amended to read as follows: 21-2511. (a) On and after May 2, 1991, any person convicted as an required to register as an offender pursuant to the Kansas offender registration act, any adult arrested or charged or adjudicated as a juvenile offender because of placed in custody for or charged with the commission of any felony; a violation of the following offenses, regardless of the sentence imposed, shall be required to submit biological samples authorized by and given to the Kansas bureau of investigation in accordance with the provisions of this section:

(1) Any felony;

(2) subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(3) a violation of K.S.A. 21-3508, prior to its repeal, or K.S.A. 2013 Supp. 21-5513, and amendments thereto, when committed in the presence of a person 16 or more years of age;

(4) a violation of K.S.A. 21-4310, prior to its repeal, or K.S.A. 2013 Supp. 21-6412, and amendments thereto;

(5) a violation of K.S.A. 21-3424, prior to its repeal, or K.S.A. 2013 Supp. 21-5411, and amendments thereto, when the victim is less than 18 years of age;

~~(6) a violation of K.S.A. 21-3507, prior to its repeal, or K.S.A. 2013 Supp. 21-5511, and amendments thereto, when one of the parties involved is less than 18 years of age;~~

~~(7) a violation of subsection (b)(1) of K.S.A. 21-3513, and amendments thereto prior to its repeal, when one of the parties involved is less than 18 years of age;~~

~~(8) a violation of K.S.A. 21-3515, and amendments thereto prior to its repeal, when one of the parties involved is less than 18 years of age, or K.S.A. 2013 Supp. 21-6421, and amendments thereto, when the offender is less than 18 years of age; or~~

~~(9) a violation of K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5505, and amendments thereto; or~~

~~(10) including an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such offenses provided in this subsection regardless of the sentence imposed, shall be required to submit specimens of blood or an oral or other biological sample authorized by the Kansas bureau of investigation to the Kansas bureau of investigation in accordance with the provisions of this act, if such person is:~~

~~(1) Convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in subsection (a) on or after the effective date of this act;~~

~~(2) ordered institutionalized as a result of being convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in subsection (a) on or after the effective date of this act; or~~

~~(3) convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in this subsection before the effective date of this act and is presently confined as a result of such conviction or adjudication in any state correctional facility or county jail or is presently serving a sentence under K.S.A. 21-4603, 21-4603d, 22-3717 or K.S.A. 2013 Supp. 38-2361, and amendments thereto.~~

~~(b) Notwithstanding any other provision of law, the Kansas bureau of investigation is authorized to obtain fingerprints and other identifiers for all persons, whether juveniles or adults, covered by required to submit a sample under the provisions of this act section.~~

~~(c) Any person required by paragraphs (a)(1) and (a)(2) to provide such specimen or sample shall be ordered by the court to have such specimen or sample collected within 10 days after sentencing or adjudication:~~

~~(1) If placed directly on probation, that person must provide such specimen or sample, at a collection site designated by the Kansas bureau of investigation. Collection of specimens shall be conducted by qualified volunteers, contractual personnel or employees designated by the Kansas bureau of investigation. Failure to cooperate with the collection of the specimens and any deliberate act by that person intended to impede, delay or stop the collection of the specimens shall be punishable as contempt of court and constitute grounds to revoke probation;~~

~~(2) if sentenced to the secretary of corrections, such specimen or sample will be obtained as soon as practical upon arrival at the correctional facility; or~~

~~(3) if a juvenile offender is placed in the custody of the commissioner of juvenile justice, in a youth residential facility or in a juvenile correctional facility, such specimen or sample will be obtained as soon as practical upon arrival.~~

Any person required to submit a sample pursuant to subsection (a) shall be required to submit such sample at the same time such person is fingerprinted pursuant to the booking procedure, or as soon as practicable.

~~(d) Any person required by paragraph (a)(3) convicted as an adult and who was incarcerated on May 2, 1991, for a crime committed prior to May 2, 1991, shall be required to provide such specimen or submit a sample shall be required to provide such samples prior to final discharge or conditional release at a collection site designated by the Kansas bureau of investigation. Collection of specimens-samples shall be conducted by qualified volunteers, contractual personnel or employees designated by the Kansas bureau of investigation.~~

~~(e)(1) On and after January 1, 2007 through June 30, 2008, any adult arrested or charged or juvenile placed in custody for or charged with the commission or attempted commission of any person felony or drug severity level 1 or 2 felony shall be required to submit such specimen or sample at the same time such person is fingerprinted pursuant to the booking procedure.~~

~~(2) On and after July 1, 2008, except as provided further, any adult arrested or charged or juvenile placed in custody for or charged with the commission or attempted commission of any felony; a violation of subsection (a)(1) of K.S.A. 21-3505; a violation of K.S.A. 21-3508; a violation of K.S.A. 21-4310; a violation of K.S.A. 21-3424, and amendments thereto, when the victim is less than 18 years of age; a violation of K.S.A. 21-3507, and amendments thereto, when one of the parties involved is less than 18 years of age; a violation of subsection (b)(1) of K.S.A. 21-3513, and amendments thereto, when one of the parties involved is less than 18 years of age; a violation of K.S.A. 21-3515, and amendments thereto, when one of the parties involved is less than 18 years of age; or a violation of K.S.A. 21-3517, and amendments thereto; shall be required to submit such specimen or sample at the same time such person is fingerprinted pursuant to the booking procedure.~~

~~(3)(c) Prior to taking such samples, the arresting, charging or custodial law enforcement or juvenile justice agency shall search the Kansas criminal history files through the Kansas criminal justice information system to determine if such person's sample is currently on file with the Kansas bureau of investigation. In the event that it cannot reasonably be established that a DNA sample for such person is on file at the Kansas bureau of investigation, the arresting, charging or custodial law enforcement or juvenile justice agency shall cause a sample to be collected. If such person's sample is on file with the Kansas bureau of investigation, the law enforcement or juvenile justice agency is shall not be required to take the sample.~~

~~(4)(f)(1) If a court later determines that there was not probable cause for the arrest, charge or placement in custody or the charges are otherwise dismissed, and the case is not appealed, the Kansas bureau of investigation, upon petition by such person, shall expunge both the DNA sample and the profile record of such person.~~

~~(5)(2) If a conviction against a person; who is required to submit such specimen or sample; is overturned, expunged or a verdict of acquittal with regard to such person is returned, the Kansas bureau of investigation shall, upon petition by such person, shall expunge both the DNA sample and the profile record of such person.~~

~~(f) All persons required to register as offenders pursuant to K.S.A. 22-4901 et seq., and amendments thereto, shall be required to submit specimens of blood or an oral or other biological sample authorized by the Kansas bureau of investigation to the Kansas~~

bureau of investigation in accordance with the provisions of this act.

(g) The Kansas bureau of investigation shall provide all ~~specimen vials, mailing tubes, labels kits, supplies~~ and instructions necessary for the collection of ~~blood, oral or other~~ biological samples. The collection of samples shall be performed in a medically approved manner. No person ~~authorized by this section to withdraw blood, and no person~~ assisting in the collection of ~~these samples pursuant to the provisions of this section~~ shall be liable in any civil or criminal action when the act is performed in a reasonable manner according to generally accepted medical practices. ~~The withdrawal of blood for purposes of this act may be performed only by: (1) A person licensed to practice medicine and surgery or a person acting under the supervision of any such licensed person; (2) a registered nurse or a licensed practical nurse; or (3) any qualified medical technician including, but not limited to, an emergency medical technician-intermediate, mobile intensive care technician, advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto, or a phlebotomist. The Such samples shall thereafter be forwarded to the Kansas bureau of investigation; and the bureau shall analyze the such samples to the extent allowed by funding available for this purpose.~~

(h) ~~(1) The DNA (deoxyribonucleic acid) records and DNA Samples and profile records~~ shall be maintained by the Kansas bureau of investigation. The Kansas bureau of investigation shall establish, implement and maintain a statewide automated DNA databank and DNA database capable of, but not limited to, searching, matching and storing DNA profile records. The DNA database ~~as established by this act section~~ shall be compatible with the procedures specified by the federal bureau of investigation's combined DNA index system ~~(CODIS)~~. The Kansas bureau of investigation shall participate in the CODIS federal bureau of investigation's combined DNA index system program by sharing data and utilizing compatible test procedures, laboratory equipment, supplies and computer software.

~~(j) (2) The DNA Profile~~ records obtained pursuant to this ~~act section~~ shall be confidential and shall be released only to authorized criminal justice agencies. ~~The DNA Such~~ records shall be used only for law enforcement identification purposes or to assist in the recovery or identification of human remains from disasters or for other humanitarian identification purposes, including, but not limited to, identification of missing persons.

~~(j) (3) The Kansas bureau of investigation shall be the state central repository for all DNA profile records and DNA samples obtained pursuant to this act section. No profile records shall be accepted for admission or comparison unless obtained in substantial compliance with the provisions of this section by an accredited forensic laboratory meeting the national DNA index system guidelines established by the federal bureau of investigation.~~

~~(i) (1) The Kansas bureau of investigation shall promulgate rules and regulations for:~~

- ~~(A) The form and manner of the collection and maintenance of DNA samples;~~
 - ~~(B) a procedure which allows the defendant defendants to petition to expunge and destroy the DNA samples and profile record in the event of a dismissal of charges, expungement or acquittal at trial, expungement or overturned conviction; and~~
 - ~~(C) any other procedures for the operation of this act section.~~
- ~~(2) These Such~~ rules and regulations also shall require compliance with national

quality assurance standards to ensure that ~~the DNA profile~~ records satisfy standards of acceptance of such records into the national DNA ~~identification~~ index system.

(3) The provisions of the Kansas administrative procedure act shall apply to all actions taken ~~under the~~ pursuant to such rules and regulations ~~so promulgated~~.

~~(k)~~ (j) The Kansas bureau of investigation is authorized to contract with third parties for the purposes of implementing this section. Any other party contracting to carry out the functions of this section shall be subject to the same restrictions and requirements of this section, insofar as applicable, as the bureau, as well as any additional restrictions or requirements imposed by the bureau.

~~(h)~~ (k) In the event that a person's DNA sample is lost, was not properly obtained pursuant to the provisions of this section or is not adequate for any reason, the person shall provide another sample for analysis.

(l) A sample, or any evidence based upon or derived from such sample, collected by a law enforcement agency or a juvenile justice agency in substantial compliance with the provisions of this section, shall not be excluded as evidence in any criminal proceeding on the basis that such sample was not validly obtained.

(m) Any person who is subject to the requirements of this section, and who, after receiving notification of the requirement to provide a ~~DNA specimen sample~~, knowingly refuses to provide such ~~DNA specimen sample~~, shall be guilty of a class A nonperson misdemeanor.

(n) (1) Any person who, by virtue of employment or official position, has possession of, or access to, samples maintained by the Kansas bureau of investigation or profile records maintained by the Kansas bureau of investigation shall not disseminate such samples or records except in strict accordance with applicable laws.

(2) A criminal justice agency shall not request profile records from the Kansas bureau of investigation or another criminal justice agency unless such agency has a legitimate need for such records in accordance with subsection (h)(2).

(3) In addition to any other remedy or penalty authorized by law, any person who knowingly violates or causes a violation of this subsection shall be guilty of a class A nonperson misdemeanor. If such person is employed or licensed by a state or local government agency, a conviction for violation of this subsection shall constitute good cause to terminate such person's employment or to revoke or suspend such person's license.

(o) Any person who, without authorization, knowingly obtains samples maintained by the Kansas bureau of investigation or profile records maintained by the Kansas bureau of investigation shall be guilty of a class A nonperson misdemeanor.

(p) As used in this section:

(1) "DNA" means deoxyribonucleic acid;

(2) "profile record" means the identifying information of the laboratory and laboratory personnel performing the DNA analysis, the sample identification number and data related to the reliability and maintainability of a DNA profile;

(3) "DNA profile" means a set of DNA identification characteristics that permit the DNA of one person to be distinguishable from the DNA of another person; and

(4) "biological sample" means a body tissue, fluid or other bodily sample, usually a blood or buccal sample, of an individual on which DNA analysis can be carried out.

Sec. 2. K.S.A. 2013 Supp. 21-5107 is hereby amended to read as follows: 21-5107.

(a) A prosecution for rape, aggravated criminal sodomy, murder, terrorism or illegal use

of weapons of mass destruction may be commenced at any time.

(b) Except as provided in subsection (e), a prosecution for any crime shall be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(c) Except as provided in subsection (e), a prosecution for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto:

(1) When the victim is 18 years of age or older shall be commenced within 10 years or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later; or

(2) when the victim is under 18 years of age shall be commenced within 10 years of the date the victim turns 18 years of age or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

(d) Except as provided by subsection (e), a prosecution for any crime, as defined in K.S.A. 2013 Supp. 21-5102, and amendments thereto, not governed by subsection (a), (b) or (c) shall be commenced within five years after it is committed.

(e) The period within which a prosecution shall be commenced shall not include any period in which:

(1) The accused is absent from the state;

(2) the accused is concealed within the state so that process cannot be served upon the accused;

(3) the fact of the crime is concealed;

(4) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal;

(5) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, which may be discovered as a result thereof regardless of who obtains the order of restraint; or

(6) whether the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the following factors are present:

(A) The victim was a child under 15 years of age at the time of the crime;

(B) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime;

(C) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and

(D) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in subsection (e)(6) later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime.

(f) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(g) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

(h) As used in this section, "parent or other legal authority" shall include, but not be limited to, natural and stepparents, grandparents, aunts, uncles or siblings.";

On page 3, by striking all in lines 21 through 43;

By striking all on pages 4 through 7;

On page 8, by striking all in lines 1 through 39;

On page 20, following line 16, by inserting the following:

"Sec. 6. K.S.A. 2013 Supp. 21-6614 is hereby amended to read as follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), 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 for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 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), (c), (d), (e) and (f), 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) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2013 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or 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; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), 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, 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 for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2013 Supp. 21-5406, 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, prior to its repeal, 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.

(d) No person may petition for expungement until ~~10~~ seven or more years have elapsed since the person satisfied the sentence imposed or 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 or K.S.A. 2013 Supp. 8-1025, and amendments thereto, including any diversion for such violation.

(e) 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 K.S.A. 2013 Supp. 21-5503, 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 K.S.A. 2013 Supp. 21-5506, 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 K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2013 Supp. 21-5504, 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 K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto;

(7) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2013 Supp. 21-5604, 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 K.S.A. 2013 Supp. 21-5601, and amendments thereto;

(9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2013 Supp. 21-5602, and amendments thereto;

(10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2013 Supp. 21-5401, and amendments thereto;

(11) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2013 Supp. 21-5402, and amendments thereto;

(12) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2013 Supp. 21-5403, and amendments thereto;

(13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2013 Supp. 21-5404, and amendments thereto;

(14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2013 Supp. 21-5405, and amendments thereto;

(15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2013 Supp. 21-5505, 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 K.S.A. 2013 Supp. 21-5505, and amendments thereto;

(17) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(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.

(f) 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.

(g) (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 12, 2012, through June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose a charge, not to exceed \$19 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 prisoner review board.

(h) 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.

(i) 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. 2013 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 for children and families~~ Kansas department for aging and disability 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. 2013 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.

(j) 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.

(k) (1) Subject to the disclosures required pursuant to subsection (i), 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.

(2) Notwithstanding the provisions of subsection (k)(1), and except as provided in subsection (a)(3)(A) of K.S.A. 2013 Supp. 21-6304, and amendments thereto, the expungement of a prior felony conviction does not relieve the individual of complying with any state or federal law relating to the use, shipment, transportation, receipt or

possession of firearms by persons previously convicted of a felony.

(1) 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 the ~~department for children and families~~ for aging and disability 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 for children and families~~ Kansas department for aging and disability 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;

(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.

(m) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 7. K.S.A. 22-3420 is hereby amended to read as follows: 22-3420. ~~(+)-(a)~~ When the case is finally submitted to the jury, they shall retire for deliberation. They must be kept together in some convenient place under charge of a ~~duly sworn officer~~ bailiff until they agree upon a verdict, or be discharged by the court, subject to the discretion of the court to permit them to separate temporarily at night, and at their meals. The ~~officer-bailiff~~ having them under ~~his-such~~ bailiff's charge shall not allow any communications to be made to them, or ~~make any himself communicate with them,~~ unless by order of the court; ~~and before their.~~ Before the jury's verdict is rendered he-the bailiff shall not communicate to any person the state of their deliberations, or the verdict agreed upon. No person other than members of the jury shall be present in the jury room during deliberations.

~~(2)-(b)~~ If the jury is permitted to separate, either during the trial or after the case is submitted to them, they shall be admonished by the court that: (1) It is their duty not to converse with, or allow themselves to be addressed by any other person on any subject of the trial, and that any attempt to do so should be immediately reported by them to the court; (2) it is their duty not to form or express an opinion thereon-make any final determinations or express any opinion on any subject of the trial until the case is finally submitted to them; and that; and (3) such admonition shall apply to every subsequent separation of the jury.

~~(3) After the jury has retired for deliberation, if they desire to be informed as to any part of the law or evidence arising in the case, they may request the officer to conduct them to the court, where the information on the point of the law shall be given, or the~~

evidence shall be read or exhibited to them in the presence of the defendant, unless he voluntarily absents himself, and his counsel and after notice to the prosecuting attorney.

(c) In the court's discretion, upon the jury's retiring for deliberation, the jury may take any admitted exhibits into the jury room, where they may review them without further permission from the court. If necessary, the court may provide equipment to facilitate review.

(d) The jury shall be instructed that any question it wishes to ask the court about the instructions or evidence should be signed, dated and submitted in writing to the bailiff. The court shall notify the parties of the contents of the questions and provide them an opportunity to discuss an appropriate response. The defendant must be present during the discussion of such written questions, unless such presence is waived. The court shall respond to all questions from a deliberating jury in open court or in writing. In its discretion, the court may grant a jury's request to rehear testimony. The defendant must be present during any response if given in open court, unless such presence is waived. Written questions from the jury, the court's response and any objections thereto shall be made a part of the record.

~~(4)~~(e) The jury may be discharged by the court on account of the sickness of a juror, or other accident or calamity, or other necessity to be found by the court requiring their discharge, or by consent of both parties, or after they have been kept together until it satisfactorily appears that there is no probability of their agreeing.

(f) The amendments to this section by this act establish a procedural rule, and as such shall be construed and applied retroactively."

On page 26, in line 1, before "K.S.A." by inserting "K.S.A. 22-3420 and"; also in line 1, after "Supp." by inserting "21-2511, 21-5107,"; in line 2, after "6608" by inserting ", 21-6614, 21-6614d";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 2, after "to" by inserting " DNA evidence; statute of limitations;"; also in line 2, by striking all after the semicolon; in line 3, by striking all before "sentencing"; in line 4, after "supervision" by inserting "; expungement; trials; conduct of jury after case is submitted"; also in line 4, after "amending" by inserting " K.S.A. 22-3420 and"; also in line 4, after "Supp." by inserting "21-2511, 21-5107,"; in line 5, after "21-6608" by inserting ", 21-6614"; also in line 5, after "sections" by inserting "; also repealing K.S.A. 2013 Supp. 21-6614d";

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

JEFF KING
GREG SMITH
DAVID HALEY

Conferees on part of Senate

LANCE KINZER
ROB BRUCHMAN
JANICE PAULS

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **S Sub HB 2448**.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2588** 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. 2588, as follows:

On page 9, following line 9, by inserting:

"Sec. 6. K.S.A. 2013 Supp. 38-2347 is hereby amended to read as follows: 38-2347. (a) (1) Except as otherwise provided in this section, at any time after commencement of proceedings under this code against a juvenile and prior to the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 2013 Supp. 38-2356, and amendments thereto, the county or district attorney or the county or district attorney's designee may file a motion requesting that the court authorize prosecution of the juvenile as an adult under the applicable criminal statute. The juvenile shall be presumed to be a juvenile unless good cause is shown to prosecute the juvenile as an adult. No juvenile less than 12 years of age shall be prosecuted as an adult.

(2) The alleged juvenile offender shall be presumed to be an adult if the alleged juvenile offender was: (A) 14, 15, 16 or 17 years of age at the time of the offense or offenses alleged in the complaint, if any such offense: (i) If committed by an adult, would constitute an off-grid crime, a person felony or a nondrug severity level 1 through 6 felony; (ii) committed prior to July 1, 2012, if committed by an adult prior to July 1, 2012, would constitute a drug severity level 1, 2 or 3 felony; (iii) committed on or after July 1, 2012, if committed by an adult on or after July 1, 2012, would constitute a drug severity level 1, 2, 3 or 4 felony; or (iv) was committed while in possession of a firearm; or (B) charged with a felony or with more than one offense, one or more of which constitutes a felony, after having been adjudicated or convicted in a separate juvenile proceeding as having committed an offense which would constitute a felony if committed by an adult and the adjudications or convictions occurred prior to the date of the commission of the new act charged and prior to the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 2013 Supp. 38-2356, and amendments thereto. If the juvenile is presumed to be an adult, the burden is on the juvenile to rebut the presumption by a preponderance of the evidence.

(3) At any time after commencement of proceedings under this code against a juvenile offender and prior to the beginning of an evidentiary hearing at which the court may enter a sentence as provided in K.S.A. 2013 Supp. 38-2356, and amendments thereto, the county or district attorney or the county or district attorney's designee may file a motion requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution.

(4) If the county or district attorney or the county or district attorney's designee files a motion to designate the proceedings as an extended jurisdiction juvenile prosecution and the juvenile was 14, 15, 16 or 17 years of age at the time of the offense or offenses alleged in the complaint and: (A) Charged with an offense: (i) If committed by an adult, would constitute an off-grid crime, a person felony or a nondrug severity level 1 through 6 felony; (ii) committed prior to July 1, 2012, if committed by an adult prior to July 1, 2012, would constitute a drug severity level 1, 2 or 3 felony; (iii) committed on or after July 1, 2012, if committed by an adult on or after July 1, 2012, would constitute a drug severity level 1, 2, 3 or 4 felony; or (iv) was committed while in possession of a firearm; or (B) charged with a felony or with more than, one offense, one or more of which constitutes a felony, after having been adjudicated or convicted in a separate juvenile proceeding as having committed an act which would constitute a felony if committed by an adult and the adjudications or convictions occurred prior to the date of the commission of the new offense charged, the burden is on the juvenile to rebut the designation of an extended jurisdiction juvenile prosecution by a preponderance of the evidence. In all other motions requesting that the court designate the proceedings as an extended jurisdiction juvenile prosecution, the juvenile is presumed to be a juvenile. The burden of proof is on the prosecutor to prove the juvenile should be designated as an extended jurisdiction juvenile.

(b) The motion also may contain a statement that the prosecuting attorney will introduce evidence of the offenses alleged in the complaint and request that, on hearing the motion and authorizing prosecution as an adult or designating the proceedings as an extended jurisdiction juvenile prosecution under this code, the court may make the findings required in a preliminary examination provided for in K.S.A. 22-2902, and amendments thereto, and the finding that there is no necessity for further preliminary examination.

(c) (1) Upon receiving the motion, the court shall set a time and place for hearing. The court shall give notice of the hearing to the juvenile, each parent, if service is possible, and the attorney representing the juvenile. The motion shall be heard and determined prior to any further proceedings on the complaint.

(2) At the hearing, the court shall inform the juvenile of the following:

- (A) The nature of the charges in the complaint;
- (B) the right of the juvenile to be presumed innocent of each charge;
- (C) the right to trial without unnecessary delay and to confront and cross-examine witnesses appearing in support of the allegations of the complaint;
- (D) the right to subpoena witnesses;
- (E) the right of the juvenile to testify or to decline to testify; and
- (F) the sentencing alternatives the court may select as the result of the juvenile being prosecuted under an extended jurisdiction juvenile prosecution.

(d) If the juvenile fails to appear for hearing on the motion after having been served with notice of the hearing, the court may hear and determine the motion in the absence of the juvenile. If the court is unable to obtain service of process and give notice of the hearing, the court may hear and determine the motion in the absence of the alleged juvenile offender after having given notice of the hearing at least once a week for two consecutive weeks in the official county newspaper of the county where the hearing will be held.

(e) In determining whether or not prosecution as an adult should be authorized or designating the proceeding as an extended jurisdiction juvenile prosecution, the court shall consider each of the following factors:

(1) The seriousness of the alleged offense and whether the protection of the community requires prosecution as an adult or designating the proceeding as an extended jurisdiction juvenile prosecution;

(2) whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;

(3) whether the offense was against a person or against property. Greater weight shall be given to offenses against persons, especially if personal injury resulted;

(4) the number of alleged offenses unadjudicated and pending against the juvenile;

(5) the previous history of the juvenile, including whether the juvenile had been adjudicated a juvenile offender under this code or the Kansas juvenile justice code and, if so, whether the offenses were against persons or property, and any other previous history of antisocial behavior or patterns of physical violence;

(6) the sophistication or maturity of the juvenile as determined by consideration of the juvenile's home, environment, emotional attitude, pattern of living or desire to be treated as an adult;

(7) whether there are facilities or programs available to the court which are likely to rehabilitate the juvenile prior to the expiration of the court's jurisdiction under this code; and

(8) whether the interests of the juvenile or of the community would be better served by criminal prosecution or extended jurisdiction juvenile prosecution.

The insufficiency of evidence pertaining to any one or more of the factors listed in this subsection, in and of itself, shall not be determinative of the issue. Subject to the provisions of K.S.A. 2013 Supp. 38-2354, and amendments thereto, written reports and other materials relating to the juvenile's mental, physical, educational and social history may be considered by the court.

(f) (1) The court may authorize prosecution as an adult upon completion of the hearing if the court finds from a preponderance of the evidence that the alleged juvenile offender should be prosecuted as an adult for the offense charged. In that case, the court shall direct the alleged juvenile offender be prosecuted under the applicable criminal statute and that the proceedings filed under this code be dismissed.

(2) The court may designate the proceeding as an extended jurisdiction juvenile prosecution upon completion of the hearing if the juvenile has failed to rebut the presumption or the court finds from a preponderance of the evidence that the juvenile should be prosecuted under an extended jurisdiction juvenile prosecution.

(3) After a proceeding in which prosecution as an adult is requested pursuant to subsection (a)(2), and prosecution as an adult is not authorized, the court may designate the proceedings to be an extended jurisdiction juvenile prosecution.

(4) A juvenile who is the subject of an extended jurisdiction juvenile prosecution shall have the right to a trial by jury, to the effective assistance of counsel and to all other rights of a defendant pursuant to the Kansas code of criminal procedure. Each court shall adopt local rules to establish the basic procedures for extended jurisdiction juvenile prosecution in such court's jurisdiction.

(g) If the juvenile is present in court and the court also finds from the evidence that it appears a felony has been committed and that there is probable cause to believe the

felony has been committed by the juvenile, the court may direct that there is no necessity for further preliminary examination on the charges as provided for in K.S.A. 22-2902, and amendments thereto. In that case, the court shall order the juvenile bound over to the district judge having jurisdiction to try the case.

(h) If the juvenile is convicted, the authorization for prosecution as an adult shall attach and apply to any future prosecutions of the juvenile which are or would be cognizable under this code. If the juvenile is not convicted, the authorization for prosecution as an adult shall not attach and shall not apply to future prosecutions of the juvenile which are or would be cognizable under this code.

(i) If the juvenile is prosecuted as an adult under subsection (a)(2) and is not convicted in adult court of an offense listed in subsection (a)(2) but is convicted or adjudicated of a lesser included offense, the juvenile shall be a juvenile offender and receive a sentence pursuant to K.S.A. 2013 Supp. 38-2361, and amendments thereto.";

On page 15, in line 29, after "38-2268," by inserting "38-2347,";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after "services;" by inserting "prosecution as an adult;" in line 6, after "38-2268," by inserting "38-2347,";

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

JEFF KING

GREG SMITH

Conferees on part of Senate

JOHN RUBIN

RAMON GONZALEZ

JANICE PAULS

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **S Sub HB 2588**.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Haley.

Present and Passing: Francisco.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: I VOTE "No" the Conference Committee Report on **S Sub HB 2588**: Kansas should not have in any our law books, the ability for any prosecutor to prosecute a 12 year old child as an adult. As the father of a 12 year old and three teens, I am appalled that this Senate does not clearly recognize that most children are incapable of appreciating the gravity of many acts they do. I believe that's why society has a Juvenile Code versus an Adult Code. It's why we have two sets of rules (from being able to purchase and/or to possess "adult" materials or deciding whether or not to attend

school or movie admission or sexual relations or a host of MANY youth versus adult examples); not just in American society but in ANY civilized society on Earth. So... why does this sound theory break down when a kid is accused of committing a real bad crime? Children make mistakes that an adult, due to life experience, would not make. It is morally repugnant to me that this conference committee report creates the schizophrenic hypocrisy in many Senators who vote for it by saying children are protected and, thereby, differentiated from adults...except when they make a mistake and commit a crime. There are dozens of former children; now adults who have served twice the years in prison time than the age at which they committed the crime. If the members of the Senate would have thought rationally, the majority of them too would have joined me in, rightfully, voting No on the conference committee vote on **S Sub HB 2588**. – DAVID HALEY

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

CHANGE OF CONFERENCE

The Vice President announced the appointment of Senator Masterson as a member of the Conference Committee on **H Sub SB 84** to replace Senator Tyson.

The Vice President announced the appointment of Senator Denning as a member of the Conference Committee on **H Sub SB 84** to replace Senator Donovan.

The Vice President announced the appointment of Senator Hensley as a member of the Conference Committee on **H Sub SB 84** to replace Senator Holland.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

CHANGE OF CONFERENCE

The Vice President announced the appointment of Senator Wagle as a member of the Conference Committee on **S Sub HB 2506** to replace Senator Masterson.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Sunday, April 6, 2014.

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Sunday, April 6, 2014, 10:30 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-eight senators present.
Senators Donovan and Masterson were excused.
Invocation by Senator Pat Apple:

The following prayer was delivered in this chamber 50 years ago during a session of the Kansas Senate. Let us pray:

Almighty God, your presence is as a lamp unto our feet, and a light unto our path. It is in this warmth that we seek wisdom and guidance, and courage to face the many challenging tasks of today. Heavy are the burdens of this assembly as they face important issues in the interests of your people, who make up the populace of our state and country. Grant to each of them light upon their individual paths, and grace to follow therein. May all be blessed by their sacrifice and devotion to duty. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2732**.
Federal and State Affairs: **Sub HB 2503**.
Judiciary: **HB 2689**.

MESSAGE FROM THE HOUSE

The House not adopted the conference committee report on **H Sub SB 218**. The bill is killed.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **S Sub HB 2506**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2506** 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.

SUSAN WAGLE

JIM DENNING

Conferees on part of Senate

GENE SUELLENTROP

MARVIN KLEEB

Conferees on part of House

On motion of Senator Denning the Senate adopted the conference committee report on **S Sub HB 2506**, and requested a new conference be appointed.

The President appointed Senators Wagle, Denning and Hensley as a second Conference Committee on the part of the Senate on **S Sub HB 2506**.

On motion of Senator Bruce the Senate recessed until 1:30 p.m.

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

MESSAGE FROM THE HOUSE

The House announced the appointment of Rep. Suellentrop to replace Rep. Carlson as a conferee on **H Sub SB 84**.

The House announced the appointment of Rep. Kleeb to replace Rep. Edmonds as a conferee on **H Sub SB 84**.

The House announced the appointment of Rep. Henry to replace Rep. Sawyer as a conferee on **H Sub SB 84**.

On motion of Senator Bruce the Senate recessed until 3:00 p.m.

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

ORIGINAL MOTION

Senator Bruce moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **S Sub HB 2506**.

ORIGINAL MOTION

Senator Denning rose to explain the Conference Committee Report on **S Sub HB 2506**.

Senator Hensley rose citing Rule 23 concerning violation of the Open Meetings Provision. Following discussion of Rule 23, Senator Apple asked for the opinion of the Rules Committee regarding the interpretation of Rule 23.

The Rules Committee determined Rule 23 applies to meetings of the Senate and to meetings of the following types of Senate committees: standing, select, special, and

subcommittees. It was further determined that conference committees are covered under Joint Rule 3(e), which requires all meetings to be open to the public. The conference committee on **S Sub HB 2506** was chaired by a member of the House of Representatives and the chairperson announced the meeting from the floor of the House. As the meeting was announced and open to the public, the conference committee report was properly before the Senate.

Citing Rule 29, Senator Apple moved to advance the question. Upon the showing of 5 hands, the motion was adopted by voice vote.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2506** submits the following report:

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

On page 1, by striking all in lines 19 through 36;

By striking all on pages 2 through 65;

On page 66, by striking all in lines 1 through 10 and inserting:

"Section 1.

DIVISION OF POST AUDIT

(a) During fiscal year 2015, in addition to the other purposes for which expenditures may be made by the above agency from the operations (including legislative post audit committee) account for fiscal year 2015 as authorized by section 84(a) of chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the above agency from the operations (including legislative post audit committee) account for fiscal year 2015 to conduct a performance audit of the costs associated with operating virtual schools in Kansas: *Provided*, That such audit report shall be submitted to the legislative post audit committee on or before February 1, 2015.

Sec. 2.

DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$24,000,000 from the FICA reimbursements medical residents fund of the department of administration to the state general fund.

Sec. 3.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) On the effective date of this act, 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 \$2,500,000 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the state general fund.

Sec. 4.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) On the effective date of this act, or as soon thereafter as moneys are available, of the \$6,000,000 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 139(c) of chapter 136 of the 2013 Session Laws of Kansas from the children's initiatives fund in the Kansas reads to succeed account, the sum of \$1,000,000 is hereby lapsed.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the children's initiatives fund to the state general fund.

(c) On the effective date of this act, of the \$92,907,035 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 139(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the state operations (including official hospitality) account, the sum of \$1,750,000 is hereby lapsed.

Sec. 5.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) On July 1, 2014, of the \$93,319,557 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 140(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the state operations (including official hospitality) account, the sum of \$1,500,000 is hereby lapsed.

(b) On July 1, 2014, or as soon thereafter as moneys are available, of the \$20,158,937 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 140(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$4,700,000 is hereby lapsed.

Sec. 6.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Special education services aid.....	\$1,029,612
General state aid.....	\$17,836,773

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, 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 assessment fund.....	\$1,100,000
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(c) On the effective date of this act, of the \$328,245,211 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 143(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the KPERS – employer contributions account, the sum of \$7,447,869 is hereby lapsed.

(d) On the effective date of this act, the \$25,000 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 143(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the technical education promotion account, is hereby lapsed.

(e) On March 30, 2014, 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 \$550,000 from the state safety fund of the department of education to the state assessment fund of the

department of education.

(f) On June 30, 2014, 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 \$550,000 from the state safety fund of the department of education to the state assessment fund of the department of education.

(g) The director of accounts and reports shall not make the transfer of \$550,000 from the state safety fund of the department of education to the state general fund which was directed to be made on March 30, 2014, by section 143(e) of chapter 136 of the 2013 Session Laws of Kansas, and, on the effective date of this act, the provisions of section 143(e) of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(h) The director of accounts and reports shall not make the transfer of \$550,000 from the state safety fund of the department of education to the state general fund which was directed to be made on June 30, 2014, by section 143(f) of chapter 136 of the 2013 Session Laws of Kansas, and, on the effective date of this act, the provisions of section 143(f) of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 7.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....	\$82,500
<i>Provided</i> , That the above agency shall make expenditures from the operating expenditures (including official hospitality) account during the fiscal year 2015, in the amount not less than \$82,500 for the KIDS data system of the department of education.	
Special education services aid.....	\$578,363
Governor's teaching excellence scholarships and awards.....	\$327,500
General state aid.....	\$11,721,794
Supplemental general state aid.....	\$109,265,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, 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 assessment fund.....	\$1,100,000
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(c) On July 1, 2014, of the \$363,284,462 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 144(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the KPERS – employer contributions account, the sum of \$4,582,820 is hereby lapsed.

(d) On July 1, 2014, the \$50,000 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 144(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the technical education promotion account, is hereby lapsed.

(e) On March 30, 2015, 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 \$550,000 from the

state safety fund of the department of education to the state assessment fund of the department of education.

(f) On June 30, 2015, 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 \$550,000 from the state safety fund of the department of education to the state assessment fund of the department of education.

(g) The director of accounts and reports shall not make the transfer of \$550,000 from the state safety fund of the department of education to the state general fund which was directed to be made on March 30, 2015, by section 144(e) of chapter 136 of the 2013 Session Laws of Kansas, and, on the effective date of this act, the provisions of section 144(e) of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(h) The director of accounts and reports shall not make the transfer of \$550,000 from the state safety fund of the department of education to the state general fund which was directed to be made on June 30, 2015, by section 144(f) of chapter 136 of the 2013 Session Laws of Kansas, and, on the effective date of this act, the provisions of section 144(f) of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(i) On July 1, 2014, 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, 2014, is hereby reappropriated to the operating expenditures (including official hospitality) account of the above agency for fiscal year 2015: *Provided, however;* That expenditures from such reappropriated balance shall be expended to assist in funding the KIDS data system of the department of education: *Provided further;* That on July 1, 2014, the provisions of section 144(a) of chapter 136 of the 2013 Session Laws of Kansas, reappropriating 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, 2014, for fiscal year 2015 is hereby declared to be null and void and shall have no force and effect.

(j) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 144(b) of chapter 136 of the 2013 Session Laws of Kansas on the school district capital outlay state aid fund of the department of education is hereby increased from \$0 to no limit.

Sec. 8.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$1,024,913

(b) 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 fiscal year 2015 authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 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 Weist hall replacement project: *Provided*, That such capital improvement project is hereby approved for Fort Hays state university for the purpose of subsection (b) of K.S.A. 74-8405, 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 Fort Hays state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,000,000, plus all amounts required for costs of bonds 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 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 for any appropriate special revenue fund or funds: *And provided further*, That Fort Hays state university may make provisions for the maintenance of the Weist hall.

Sec. 9.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$949,829
 Sec. 10.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$6,065,180

Provided, That, during fiscal year 2015, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 as authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 for global food systems research: *Provided further*, That all amounts expended for global food systems research from the operating expenditures (including official hospitality) account for fiscal year 2015 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for global food systems research for which the money is expended: *And provided further*, That Kansas state university shall submit a plan to the house committee on appropriations and the senate committee on ways and means as to how global food systems research activities create additional jobs for the state for fiscal year 2015: *And provided further*, That, such expenditures for global food systems research shall be in an amount not less than \$5,000,000.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

School of architecture.....\$1,500,000

(c) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 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 2015 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 the chilled water plant: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purpose of subsection (b) of K.S.A. 74-8405, 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 \$56,000,000, plus all amounts required for costs of bonds 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 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 for any appropriate special revenue fund or funds: *And provided further*, That Kansas state university may make provisions for the maintenance of the chilled water plant.

Sec. 11.

KANSAS STATE UNIVERSITY – EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Cooperative extension service (including official hospitality).....\$540,202
Agricultural experiment stations (including official hospitality).....\$960,360

Sec. 12.

KANSAS STATE UNIVERSITY – EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Cooperative extension service (including official hospitality).....\$491,177
Agricultural experiment stations (including official hospitality).....\$873,205

Sec. 13.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) On July 1, 2014, of the \$9,623,280 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 160(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures account, the

sum of \$14,742 is hereby lapsed.

Sec. 14.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$672,320

(b) In addition to the other purposes for which expenditures may be made by Emporia state university from the restricted fees fund for fiscal year 2014 as authorized by section 161(b) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the restricted fees fund for fiscal year 2014 for official hospitality.

(c) In addition to the other purposes for which expenditures may be made by Emporia state university from the reading recovery program account for fiscal year 2014 as authorized by section 161(a) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the reading recovery program account for fiscal year 2014 for official hospitality.

(d) In addition to the other purposes for which expenditures may be made by Emporia state university from the nat'l board cert/future teacher academy account for fiscal year 2014 as authorized by section 161(a) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the nat'l board cert/future teacher academy account for fiscal year 2014 for official hospitality.

Sec. 15.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$1,811,386

(b) In addition to the other purposes for which expenditures may be made by Emporia state university from the restricted fees fund for fiscal year 2015 as authorized by section 162(b) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the restricted fees fund for fiscal year 2015 for official hospitality.

(c) In addition to the other purposes for which expenditures may be made by Emporia state university from the reading recovery program account for fiscal year 2015 as authorized by section 162(a) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the reading recovery program account for fiscal year 2015 for official hospitality.

(d) In addition to the other purposes for which expenditures may be made by Emporia state university from the nat'l board cert/future teacher academy account for fiscal year 2015 as authorized by section 162(a) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the nat'l board cert/future teacher academy account for fiscal year 2015 for official hospitality.

Sec. 16.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$1,011,858

Sec. 17.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$77,935

Sec. 18.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$85,768

(b) 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 fiscal year 2015 authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 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 fiscal year 2015 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 earth energy environment center: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of subsection (b) of K.S.A. 74-8405, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*; That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,000,000, plus all amounts required for costs of bonds 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 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 for any appropriate special revenue fund or funds: *And provided further*; That the university of Kansas may make provisions for the maintenance of the earth energy environment center.

Sec. 19.

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, 2014, the following:

Operating expenditures (including official hospitality).....\$1,730,679

Sec. 20.

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, 2015, the following:

Operating expenditures (including official hospitality).....\$7,328,224

Provided, That, during fiscal year 2015, in addition to the other purposes for which

expenditures may be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 as authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 for cancer center research: *Provided further*, That all amounts expended for cancer center research from the operating expenditures (including official hospitality) account for fiscal year 2015 shall be matched by the university of Kansas medical center on a \$1 for \$1 basis from other moneys of the university of Kansas medical center for the cancer center research for which the money is expended: *And provided further*, That the university of Kansas medical center shall submit a plan to the house committee on appropriations and the senate committee on ways and means as to how the cancer center research activities create additional jobs for the state for fiscal year 2015: *And provided further*, That, such expenditures for cancer center research shall be in an amount not less than \$5,000,000.

Rural health bridging.....\$70,000
Provided, That expenditures from the rural health bridging account shall not be used to supplant or replace funds already budgeted for the rural health bridging program of the university of Kansas medical center.

Midwest stem cell therapy center.....\$9,000

(b) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, and in addition to the bonding authority issued pursuant to section 240(d) of the 2013 Session Laws of Kansas, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 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 construction of the health education building part two at the university of Kansas medical center: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas medical center may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the state general fund or any appropriate special revenue fund or

funds: *And provided further*, That the university of Kansas medical center may make provisions for the maintenance of the buildings.

Sec. 21.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$281,267

Sec. 22.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$10,514,755

Provided, That, during fiscal year 2015, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 as authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 for aviation research: *Provided further*, That all amounts expended for aviation research from the operating expenditures (including official hospitality) account for fiscal year 2015 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 money is expended: *And provided further*, That Wichita state university shall submit a plan to the house committee on appropriations and the senate committee on ways and means as to how the aviation research activities create additional jobs for the state for fiscal year 2015: *And provided further*, That, such expenditures for aviation research shall be in an amount not less than \$5,000,000: *And provided further*, That, during fiscal year 2015, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 as authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 for training and equipment expenditures of the national center for aviation training: *And provided further*, That, such expenditures for such training and equipment expenditures shall be in an amount not less than \$3,500,000.

(b) On July 1, 2014, of the \$2,981,537 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 170(c) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the aviation infrastructure account, the sum of \$2,981,537 is hereby lapsed.

(c) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,981,537 from the state economic development initiatives fund to the state general fund.

Sec. 23.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Tuition for technical education.....\$9,250,000
 Municipal university operating grant.....\$169,698

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, 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:

Temporary assistance for needy families federal fund.....No limit
 Workforce data quality initiative.....No limit
 Sec. 24.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Tuition for technical education.....\$12,000,000

Provided, That, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2015, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2015 for the payment of technical education tuition for adult students who are enrolled in technical education classes while obtaining a GED using the Accelerating Opportunity program: *Provided further*, That, such expenditures shall be in an amount not less than \$500,000.

Postsecondary tiered technical education state aid.....\$900,752
 Non-tiered course credit hour grant.....\$1,194,020
 Municipal university operating grant.....\$169,698

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, 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:

Temporary assistance for needy families federal fund.....No limit
 Workforce data quality initiative.....No limit
 Postsecondary education performance-based incentives fund.....\$1,905,228

(c) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,905,228 from the state general fund to the postsecondary education performance-based incentives fund of the state board of regents.

Sec. 25.

STATE FIRE MARSHAL

(a) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,500,000 from the fire marshal fee fund of the state fire marshal to the state general fund.

Sec. 26.

KANSAS HIGHWAY PATROL

(a) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the vehicle identification number fee fund of the Kansas highway patrol to the state general fund.

Sec. 27.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, 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 \$3,500,000 from the municipal university forensic laboratory fund of the department of transportation to the state general fund.

New Sec. 28. Article 6 of the constitution of the state of Kansas states that the legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools; provide for a state board of education having general supervision of public schools, educational institutions and the educational interests of the state, except those delegated by law to the state board of regents; and make suitable provision for finance of the educational interests of the state. It is the purpose and intention of the legislature to provide a financing system for the education of kindergarten and grades one through 12 which provides students with the capacities set forth in K.S.A. 2013 Supp. 72-1127, and amendments thereto. Such financing system shall be sufficiently flexible for the legislature to consider and utilize financing methods from all available resources in order to satisfy the constitutional requirements under article 6. Such financing methods shall include, but are not limited to, the following:

(a) Federal funding to unified school districts or public schools, including any grants or federal assistance;

(b) subject to appropriations by the legislature, appropriations of state moneys for the improvement of public education, including, but not limited to, the following:

(1) Financing to unified school districts through the school district finance and quality performance act pursuant to K.S.A. 72-6405 et seq., and amendments thereto;

(2) financing to unified school districts through any provisions which provide state aid, such as capital improvements state aid, capital outlay state aid and any other state aid paid, distributed or allocated to school districts on the basis of the assessed valuation of school districts;

(3) employer contributions to the Kansas public employees retirement system for public schools;

(4) appropriations to the Kansas children's cabinet for programs serving students enrolled in unified school districts in meeting the goal specified in K.S.A. 2013 Supp. 72-1127, and amendments thereto;

(5) appropriations to any programs which provide early learning to four-year-old children with the purpose of preparing them for success in public schools;

(6) appropriations to any programs, such as communities in schools, which provide individualized support to students enrolled in unified school districts in meeting the goal specified in K.S.A. 2013 Supp. 72-1127, and amendments thereto;

(7) transportation financing, including any transfers from the state general fund and state highway fund to the state department of education to provide technical education transportation, special education transportation or school bus safety;

(8) financing to other facilities providing public education to students, such as the Kansas state school for the blind, the Kansas state school for the deaf, school district juvenile detention facilities and the Flint Hills job corps center;

(9) appropriations relating to the Kansas academy of mathematics and science;

(10) appropriations relating to teaching excellence, such as scholarships, awards, training or in-service workshops;

(11) appropriations to the state board of regents to provide technical education incentives to unified school districts and tuition costs to postsecondary institutions which provide career technical education to secondary students; and

(12) appropriations to any postsecondary educational institution which provides postsecondary education to a secondary student without charging tuition to such student;

(c) any provision which authorizes the levying of local taxes for the purpose of financing public schools; and

(d) any transfer of funds or appropriations from one object or fund to another approved by the legislature for the purpose of financing public schools.

New Sec. 29. (a) There is hereby established the K-12 student performance and efficiency commission. The commission shall study and make recommendations to the legislature regarding opportunities to make more efficient use of taxpayer money. The commission shall particularly study and review the following areas:

(1) Opportunities for school districts to be operated in a cost-effective manner;

(2) variances in per-pupil and administrative expenditures among school districts with comparable enrollment, demographics and outcomes on statewide assessments;

(3) opportunities for implementation of any recommendations made by any efficiency task forces established by the governor prior to July 1, 2014;

(4) administrative functions that may be shared between school districts; and

(5) expenditures that are not directly or sufficiently related to the goal of providing each and every child with the capacities set forth in K.S.A. 2013 Supp. 72-1127, and amendments thereto.

(b) The K-12 student performance and efficiency commission shall be composed of nine voting members as follows:

(1) (A) Six at-large members appointed as follows: Two shall be appointed by the president of the senate, one shall be appointed by the minority leader of the senate, two shall be appointed by the speaker of the house of representatives and one shall be appointed by the minority leader of the house of representatives; and

(B) three at-large members appointed by the governor.

(2) The commissioner of education, the director of the budget, the revisor of statutes, the legislative post auditor and the director of legislative research shall be nonvoting, ex-officio members of the commission.

(c) The speaker of the house of representatives shall designate the member to convene and organize the first meeting of the commission at which the commission shall elect a chairperson from among its voting members. Any vacancy in the membership of the commission shall be filled by appointment in the manner prescribed by this section for the original appointment.

(d) A majority of all voting members shall constitute a quorum. All actions of the commission shall be taken by a majority of all voting members of the commission.

(e) Members of the commission shall receive expenses, mileage and subsistence allowances as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(f) The staff of the office of revisor of statutes, the Kansas legislative research department and other central legislative staff service agencies shall provide such assistance as may be requested by the commission.

(g) The commission shall submit a report to the legislature before January 9, 2015, with any findings and recommendations which the commission deems necessary, including the recommendation of any legislation. To carry out the recommendations of the commission, if necessary, 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 2015 legislative session.

(h) The provisions of this section shall expire on January 12, 2015.

New Sec. 30. (a) As used in this section:

(1) "Applicant" means a person who:

(A) Is seeking licensure as a teacher at the secondary level in the state of Kansas; and

(B) has provided documentation to the state board verifying that the applicant has secured a commitment from the board of education of a school district to be hired as a teacher in such school district subject to receiving such licensure as a teacher.

(2) "Career technical education" shall have the same meaning as such term is defined in K.S.A. 72-4412, and amendments thereto.

(3) "Teacher preparation program" means professional education pedagogy coursework provided at an accredited college or university engaged in teacher preparation.

(4) "State board" means the state board of education.

(b) Notwithstanding any other provision of law, an applicant shall not be required to complete a teacher preparation program prior to licensure as a teacher if such applicant satisfies one of the following:

(1) The applicant holds a valid teaching license from another jurisdiction and has obtained the required scores on the praxis series tests as required by the state board for licensure;

(2) the applicant has obtained an industry-recognized certificate in a technical profession; has at least five years of work experience in such technical profession; and has secured a commitment from the board of education of a school district to be hired as a teacher to teach a career technical education course related to such technical profession; or

(3) the applicant has obtained at least a bachelor's degree in the subject matter area of science, technology, engineering, mathematics, finance or accounting; has at least five years of work experience in such subject matter area; and has secured a commitment from the board of education of a school district to be hired as a teacher to teach in such subject matter area.

(c) An applicant shall only be authorized to teach in the subject or subjects specified on the face of the license.

(d) The state board shall adopt rules and regulations necessary to carry out the provisions of this section.

(e) This section shall be part of and supplemental to the provisions of article 13 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 31. Each school district shall provide written notice to each teacher employed by such district of protections afforded teachers under the Kansas tort claims act pursuant to K.S.A. 75-6101 et seq., and amendments thereto. Such notice shall include information about the Kansas tort claims act, a teacher's coverage as an employee of the district under the Kansas tort claims act, the amount of liability

coverage provided for claims which could give rise to an action under the Kansas tort claims act against a teacher and the procedure in which to request a defense under the Kansas tort claims act pursuant to K.S.A. 75-6108, and amendments thereto.

Sec. 32. K.S.A. 2013 Supp. 72-1127 is hereby amended to read as follows: 72-1127. (a) In addition to subjects or areas of instruction required by K.S.A. 72-1101, 72-1103, 72-1117, 72-1126 and 72-7535, and amendments thereto, every accredited school in the state of Kansas shall teach the subjects and areas of instruction adopted by the state board of education ~~as of January 1, 2005.~~

(b) Every accredited high school in the state of Kansas also shall teach the subjects and areas of instruction necessary to meet the graduation requirements adopted by the state board of education ~~as of January 1, 2005.~~

(c) Subjects and areas of instruction shall be designed by the state board of education to achieve the ~~following goals~~ goal established by the legislature ~~to allow for the of providing each and every child with at least the following capacities:~~

~~(1) Development of sufficient oral and written communication skills which enable students to function in a complex and rapidly changing society;~~

~~(2) acquisition of sufficient knowledge of economic, social and political systems which enable students to understand the issues that affect the community, state and nation;~~

~~(3) development of students' mental and physical wellness;~~

~~(4) development of knowledge of the fine arts to enable students to appreciate the cultural and historical heritage of others;~~

~~(5) training or preparation for advanced training in either academic or vocational fields so as to enable students to choose and pursue life work intelligently;~~

~~(6) development of sufficient levels of academic or vocational skills to enable students to compete favorably in academics and the job market; and~~

~~(7) needs of students requiring special education services.~~

(1) Sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization;

(2) sufficient knowledge of economic, social, and political systems to enable the student to make informed choices;

(3) sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation;

(4) sufficient self-knowledge and knowledge of his or her mental and physical wellness;

(5) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage;

(6) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and

(7) sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market.

(d) Nothing in this section shall be construed as relieving the state or school districts from other duties and requirements imposed by state or federal law including, but not limited to, at-risk programs for pupils needing intervention, programs concerning special education and related services and bilingual education.

New Sec. 33. (a) The state board of regents is hereby authorized for and on behalf of Emporia state university, to sell and convey, or exchange with the Emporia state university foundation for property of equal or greater value, all of the rights, title and interest in the following tract of real estate and any improvements thereon, located in the city of Emporia in Lyon county, Kansas, commonly known as Emporia State University Apartments at 1201 Triplett Drive, Emporia, Kansas 66801, and described as follows: Even lots 2 through 34 and all of now vacated alleys lying adjacent to said lots, lying south of the south right of way line of Interstate 35, all in Kellogg's addition to the City of Emporia, Lyon County, Kansas, according to the recorded plat thereof.

Also: Lots 1 through 24 in Norton's addition to the City of Emporia, Lyon County, Kansas, according to the recorded plat thereof, all of now vacated alleys lying adjacent to said lots, all of that part of now vacated Eskridge street and all of that part of now vacated Union Pacific railroad, lying west and south of East Street and south of the south right of way line of Interstate 35.

(b) Conveyance of such rights, title and interest in such tract of real estate, and any improvements thereon, shall be executed in the name of the state board of regents by its chairperson and chief executive officer. If a sale is made, not an exchange, the proceeds from sale of such tract of real estate, and any improvements thereon, shall be deposited in the state treasury to the credit of an appropriate account of the restricted fees fund of Emporia state university. The deed for such conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the state board of regents in consultation with the attorney general.

(c) In the event that the state board of regents determines that the legal description of such tract of real estate described by this section is incorrect, the state board of regents may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(d) No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the state board of regents until the deeds and conveyances have been reviewed and approved by the attorney general and, if warranty deeds are to be the instruments of conveyance, title reviews have been performed or title insurance has been obtained and the title opinion or the certificates of title insurance, as the case may be, have been approved by the attorney general.

(e) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2013 Supp. 75-6609, and amendments thereto.

Sec. 34. K.S.A. 2013 Supp. 72-1925 is hereby amended to read as follows: 72-1925. (a) Until such time as two or more public innovative districts have been granted authority to operate as public innovative districts pursuant to K.S.A. 2013 Supp. 72-1923, and amendments thereto, any board of education of a school district desiring to operate as a public innovative district shall submit a request for approval to operate as a public innovative district to the governor, the chairperson of the senate committee on education and the chairperson of the house of representatives committee on education and have such request approved by a majority of the three persons prior to submitting an application to the state board under K.S.A. 2013 Supp. 72-1923, and amendments thereto. The request for approval shall include such information as is required to be included on an application for authority to operate as a public innovative district under K.S.A. 2013 Supp. 72-1923, and amendments thereto.

(b) Upon the approval of the first two public innovative districts, the board of

education of a school district desiring to operate as a public innovative district shall submit a request for approval to operate as a public innovative district to the coalition board and have such request approved by the coalition board prior to submitting any application to the state board under K.S.A. 2013 Supp. 72-1923, and amendments thereto. The coalition board, in its sole discretion, shall approve or deny the request. As part of its review of such request, the coalition board may make recommendations to the requesting school district to modify the request, and may consider any such modifications prior to making a final decision.

(c) The request for approval required by subsection (b) shall include such information as is required to be included on an application for authority to operate as a public innovative district under K.S.A. 2013 Supp. 72-1923, and amendments thereto. Copies of the request for approval shall be submitted to each public innovative district that is a member of the coalition. Within 30 days after receipt of the request for approval by the last member to receive such request, the coalition board shall meet to approve or deny the request. Notification of the approval or denial of a request shall be sent to the board of education of the requesting school district within 10 days after such decision. If the request is denied, the notification shall specify the reasons therefor. Within 30 days from the date a notification of denial is sent, the board of education of the requesting school district may submit a request to the coalition board for reconsideration of the request for approval and may submit an amended request for approval with the request for reconsideration. The coalition board shall act on the request for reconsideration within 30 days of receipt of such request.

(d)(1) Except as provided by paragraph (2) of this subsection, no more than 10% of the school districts in the state shall operate as public innovative districts at any one time. Any request for approval submitted at such time shall be denied by the coalition board.

(2) An amount in excess of 10% but not to exceed 20% of school districts in the state may operate as public innovative districts if such school district operates a school within its district which is deemed to be either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver, as amended in January of 2013. Any request for approval under this paragraph shall be reviewed by the coalition board for approval.

Sec. 35. On and after July 1, 2014, K.S.A. 72-5333b is hereby amended to read as follows: 72-5333b. (a) The unified school district maintaining and operating a school on the Fort Leavenworth military reservation, being unified school district No. 207 of Leavenworth county, state of Kansas, shall have a governing body, which shall be known as the "Fort Leavenworth school district board of education" and which shall consist of three members who shall be appointed by, and serve at the pleasure of the commanding general of Fort Leavenworth. One member of the board shall be the president and one member shall be the vice-president. The commanding general, when making any appointment to the board, shall designate which of the offices the member so appointed shall hold. Except as otherwise expressly provided in this section, the district board and the officers thereof shall have and may exercise all the powers, duties, authority and jurisdiction imposed or conferred by law on unified school districts and boards of education thereof, except such school district shall not offer or operate any of grades 10 through 12.

(b) The board of education of the school district shall not have the power to issue

bonds.

(c) Except as otherwise expressly provided in this subsection, the provisions of the school district finance and quality performance act apply to the school district. As applied to the school district, the terms ~~local effort~~ school financing sources and federal impact aid shall not include any moneys received by the school district under subsection (3)(d)(2)(b) of public law 81-874. Any such moneys received by the school district shall be deposited in the general fund of the school district or, at the discretion of the board of education, in the capital outlay fund of the school district.

Sec. 36. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) (1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{2}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{5}{8}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school bears to full-time attendance. Except as provided by this section for preschool-aged exceptional children and virtual school pupils, a pupil enrolled in a district and attending special education and related services, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services provided for by the district and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school bears to full-time attendance. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary ~~of social and~~

~~rehabilitation services for children and families~~ or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. Except as provided in section 1 of chapter 76 of the 2009 Session Laws of the state of Kansas, and amendments thereto, a pupil in the custody of the secretary ~~of social and rehabilitation services for children and families~~ or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 409, Atchison, Kansas, but housed, maintained and receiving educational services at the youth residential center located on the grounds of the former Atchison juvenile correctional facility, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution or a psychiatric residential treatment facility shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) (1) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(2) The term "at-risk pupils" shall not include any pupil: (A) Enrolled in any of the grades one through 12 who is in attendance less than full time; or (B) who is over 19 years of age. The provisions of this paragraph shall not apply to any pupil who has an individualized education program.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs.

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of: (A) The sum of: (i) Enrollment in the preceding school year, excluding pupils under subparagraph (A)(ii), minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled; and (ii) adjusted enrollment in the preceding school year of any pupils participating in

the tax credit for low income students scholarship program pursuant to sections 55 through 61, and amendments thereto, in the current school year, if any, plus adjusted enrollment in the preceding school year of preschool-aged at-risk pupils participating in the tax credit for low income students scholarship program pursuant to sections 55 through 61, and amendments thereto, in the current school years, if any such pupils were enrolled; or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of: (i) Enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled; and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or

(3) the number of pupils as determined under K.S.A. 72-6447 or K.S.A. 2013 Supp. 72-6448, and amendments thereto.

(f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, high density at-risk pupil weighting, if any, ~~medium density at-risk pupil weighting, if any, nonproficient pupil weighting, if any,~~ high enrollment weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, cost of living weighting, if any, special education and related services weighting, and transportation weighting to enrollment; or (2) adjusted enrollment as determined under K.S.A. 2013 Supp. 72-6457 or 72-6458, and amendments thereto.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having to which high enrollment weighting is assigned pursuant to K.S.A. 2013 Supp. 72-6442b, and amendments thereto.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Cost of living weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2013 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a

district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" has the meaning ascribed thereto by 72-8187, and amendments thereto.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "Virtual school" means any school or educational program that: (1) Is offered for credit; (2) uses distance-learning technologies which predominately use internet-based methods to deliver instruction; (3) involves instruction that occurs asynchronously with the teacher and pupil in separate locations; (4) requires the pupil to make academic progress toward the next grade level and matriculation from kindergarten through high school graduation; (5) requires the pupil to demonstrate competence in subject matter for each class or subject in which the pupil is enrolled as part of the virtual school; and (6) requires age-appropriate pupils to complete state assessment tests.

(q) "Declining enrollment weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2013 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) "High enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 2013 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto.

(s) "High density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2013 Supp. 72-6455, and amendments thereto, apply.

(t) "Nonproficient pupil" means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the preceding school year and who is enrolled in a district which maintains an approved proficiency assistance plan.

~~(u) "Nonproficient pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of nonproficient pupils pursuant to K.S.A. 2013 Supp. 72-6454, and amendments thereto.~~

~~(v) "Psychiatric residential treatment facility" has the meaning ascribed thereto by K.S.A. 72-8187, and amendments thereto.~~

~~(w) "Medium density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2013 Supp. 72-6459, and amendments thereto, apply.~~

Sec. 37. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6410 is hereby amended to read as follows: 72-6410. (a) "State financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) (1) Subject to the other provisions of this subsection, "base state aid per pupil"

means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, ~~the amount of base state aid per pupil is \$4,433 in school year 2008-2009 and \$4,492 in school year 2009-2010 and each school year thereafter appropriated by the legislature in a fiscal year for the designated year. The amount of base state aid per pupil for school year 2014-2015, and each school year thereafter, shall be at least \$3,838.~~

(2) The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) ~~"Local effort"~~ "School financing sources" means the sum of the following amounts:

(1) ~~An amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and state public school financing levy;~~

(2) ~~an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto;~~

(3) ~~an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school;~~

(4) ~~an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections;~~

(5) ~~an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto;~~

(6) ~~an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto;~~

(7) ~~an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;~~

(8) ~~an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto;~~

(9) ~~an amount equal to the amount of a grant, if any, received by the district under the provisions of K.S.A. 72-983, and amendments thereto;~~

(10) ~~an amount equal to 70% of the federal impact aid of the district.~~

(d) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts

received under the low-rent housing program. The amount of federal impact aid defined herein as an amount equal to the federally qualified percentage of the amount of moneys provided for the district under title I of public law 874 shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(e) "State public school financing levy" means the tax levied under the authority of K.S.A. 72-6431, and amendments thereto.

Sec. 38. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6415b is hereby amended to read as follows: 72-6415b. School facilities weighting may be assigned to enrollment of a district only if: (a) The district has adopted a local option budget in an amount equal to at least 25% of the amount of the state financial aid determined for the district in the current school year; and (b) the contractual bond obligations incurred by the district was approved by the electors of the district at an election held on or before July 1, 2014. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

Sec. 39. On and after July 1, 2014, K.S.A. 72-6416 is hereby amended to read as follows: 72-6416. (a) In each school year, the state board shall determine entitlement of each district to general state aid for the school year as provided in this section.

(b) The state board shall determine the amount of the district's ~~local effort school financing sources~~ for the school year. If the amount of the district's ~~local effort school financing sources~~ is greater than the amount of state financial aid determined for the district for the school year, the district shall not be entitled to general state aid. If the amount of the district's ~~local effort school financing sources~~ is less than the amount of state financial aid determined for the district for the school year, the state board shall subtract the amount of the district's ~~local effort school financing sources~~ from the amount of state financial aid. The remainder is the amount of general state aid the district is entitled to receive for the current school year.

(c) The provisions of this section shall take effect and be in force from and after July 1, 1992.

Sec. 40. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6417 is hereby amended to read as follows: 72-6417. (a) The distribution of general state aid under this act shall be made in accordance with appropriation acts each year as provided in this section.

(b) (1) In the months of July through May of each school year, the state board shall determine the amount of general state aid which will be required by each district to maintain operations in each such month. In making such determination, the state board shall take into consideration the district's access to ~~local effort school financing sources~~ and the obligations of the general fund which must be satisfied during the month. The amount determined by the state board under this provision is the amount of general state aid which will be distributed to the district in the months of July through May;

(2) in the month of June of each school year, subject to the provisions of subsection (d), payment shall be made of the full amount of the general state aid entitlement determined for the school year, less the sum of the monthly payments made in the months of July through May.

(c) The state board of education shall prescribe the dates upon which the distribution of payments of general state aid to school districts shall be due. Payments of general state aid shall be distributed to districts once each month on the dates

prescribed by the state board. The state board shall certify to the director of accounts and reports the amount due as general state aid to each district in each of the months of July through June. Such certification, and the amount of general state aid payable from the state general fund, shall be approved by the director of the budget. The director of accounts and reports shall draw warrants on the state treasurer payable to the district treasurer of each district entitled to payment of general state aid, pursuant to vouchers approved by the state board. Upon receipt of such warrant, each district treasurer shall deposit the amount of general state aid in the general fund, except that, an amount equal to the amount of federal impact aid not included in the ~~local effort~~ school financing sources of a district may be disposed of as provided in subsection (a) of K.S.A. 72-6427, and amendments thereto.

(d) If any amount of general state aid that is due to be paid during the month of June of a school year pursuant to the other provisions of this section is not paid on or before June 30 of such school year, then such payment shall be paid on or after the ensuing July 1, as soon as moneys are available therefor. Any payment of general state aid that is due to be paid during the month of June of a school year and that is paid to school districts on or after the ensuing July 1 shall be recorded and accounted for by school districts as a receipt for the school year ending on the preceding June 30.

Sec. 41. On and after July 1, 2014, K.S.A. 2013 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 2013-2014 and school year 2014-2015.

(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~~ school financing sources 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. 42. K.S.A. 2013 Supp. 72-6433 is hereby amended to read as follows: 72-

6433. (a) As used in this section:

(1) "State prescribed percentage" means ~~34%~~ 33% of state financial aid of the district in the current school year.

(2) "Authorized to adopt a local option budget" means that a district has adopted a resolution ~~under this section, has published the same, and either the resolution was not protested or it was protested and an election was held by which the adoption of a local option budget was approved pursuant to subsection (c), (d) or (e).~~

(3) "State financial aid" shall have the meaning provided in K.S.A. 72-6410, and amendments thereto, except that the term shall not include virtual school state aid, as described in K.S.A. 72-3715, and amendments thereto.

(b) In each school year, the board of any district may adopt a local option budget which does not exceed the state prescribed percentage.

(c) Subject to the limitation of subsection (b), in each school year, the board of any district may adopt, by resolution, a local option budget in an amount not to exceed:

(1) (A) The amount which the board was authorized to adopt in accordance with the provisions of this section in effect prior to its amendment by this act; plus

(B) the amount which the board was authorized to adopt pursuant to any resolution currently in effect; plus

(C) the amount which the board was authorized to adopt pursuant to K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection ~~(j)~~ (k).

Except as provided by subsection (e), the adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(d) Except as provided by subsection (e), if the board of a district desires to increase its local option budget authority above the amount authorized under subsection (c) or if the board was not authorized to adopt a local option budget in 2006-2007, the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. _____,

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed ____% of the amount of state financial aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is

specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified School District No. _____, County, Kansas, on the ____ day of _____, _____.

Clerk of the board of education.

All of the blanks in the resolution shall be filled as is appropriate. If a sufficient petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(e)(1) Except as provided by paragraphs (2) and (3), any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, except that such election shall be a mail ballot election conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto. Any such election shall be held on or before August 1 of the initial school year for which such resolution was adopted.

(2) For school year 2014-2015, any board of education of a school district which has adopted a local option budget in excess of 30% of state financial aid in the current school year on or before June 30, 2014, may adopt a second resolution in an amount not to exceed 2% of state financial aid, provided that the aggregate local option budget authority for the district does not exceed 33% of state financial aid in the current school year. The adoption of a second resolution pursuant to this paragraph shall require a majority vote of the members of the board and shall specifically state in such resolution that it shall expire on June 30, 2015. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(3) The board of unified school district no. 207, as described in K.S.A. 72-5333b, and amendments thereto, may adopt a local option budget in excess of 30% of state financial aid of the district in the current school year in accordance with subsection (d).

(f) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any district which is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(g) The board of any district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county

clerk under any existing authorization.

(h) The board of any district that is authorized to adopt a local option budget prior to the effective date of this act under a resolution which authorized the adoption of such budget in accordance with the provisions of this section in effect prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(i) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions which are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(j) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under paragraph (3) and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in paragraph (B), any unexpended budget remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the district received supplemental general state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the unexpended budget remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district or remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(k) Each year the state board of education shall determine the statewide average percentage of local option budgets legally adopted by school districts for the preceding school year.

(l) The provisions of this section shall be subject to the provisions of K.S.A. 2013 Supp. 72-6433d, and amendments thereto.

Sec. 43. K.S.A. 2013 Supp. 72-6433d is hereby amended to read as follows: 72-6433d. (a) (1) The provisions of this subsection shall apply in any school year in which the amount of base state aid per pupil is \$4,433 or less.

(2) Except as provided in paragraph (3), the board of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the base state aid per pupil was \$4,433, or which does not exceed the local option budget as calculated pursuant to K.S.A. 72-6433, and amendments thereto, whichever is greater.

(3) For school years 2014-2015 and 2015-2016, the board of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the base state aid per pupil was \$4,490, or which does not exceed the local option budget as calculated pursuant to K.S.A. 72-6433, and amendments thereto, whichever is greater.

(b) The board of education of any school district may adopt a local option budget which does not exceed the local option budget calculated as if the district received state aid for special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or which does not exceed the local option budget as calculated pursuant to K.S.A. 72-6433, and amendments thereto, whichever is greater.

(c) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.

(e) The provisions of this section shall expire on June 30, ~~2014~~ 2017.

Sec. 44. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state court of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state court of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state court of tax appeals may adopt rules and regulations necessary to effectuate the provisions of this subsection, including rules and regulations relating to the evidence required in support of a district's claim that the costs attributable to

commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that: (A) Commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing; (B) is authorized to adopt and has adopted a local option budget which is at least equal to ~~that amount required to qualify for school facilities weighting under K.S.A. 2013 Supp. 72-6415b, and amendments thereto~~ 25% of the amount of state financial aid determined for the district in the current school year; and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed six years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall:

(1) Determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year;

(2) compute 90% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the first year of the six-year period for which the district may levy a tax under authority of this subsection;

(3) compute 75% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the second year of the six-year period for which the district may levy a tax under authority of this subsection;

(4) compute 60% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the third year of the six-year period for which the district may levy a tax under authority of this subsection;

(5) compute 45% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the fourth year of the six-year period for which the district may levy a tax under authority of this subsection;

(6) compute 30% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the fifth year of the six-year period for which the district may levy a tax under authority of this subsection; and

(7) compute 15% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the sixth year of the six-year period for which the district may levy a tax under authority of this subsection.

In determining the amount produced by the tax levied by the district under authority of subsection (a), the state board shall include any moneys which have been apportioned to the ancillary facilities fund of the district from taxes levied under the

provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(c) The proceeds from the tax levied by a district under authority 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 state school district finance fund.

Sec. 45. K.S.A. 2013 Supp. 72-8254 is hereby amended to read as follows: 72-8254. (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) "Budget summary" means a one-page summary of the official budget adopted by the board of education of the school district, and shall include, but is not limited to, graphs depicting the total expenditures in the budget by category, supplemental and general fund expenditures, instruction expenditures, enrollment figures, mill rates by fund and average salaries. For purposes of this section, ~~the a one-page~~ budget at a glance format developed by the state board, and any successor format shall be deemed a budget summary, provided it complies with the requirements of this section.

(2) "Reporting system" means the uniform reporting system, including a uniform chart of accounts, developed by the state board as required by this section.

(3) "School district" means a unified school district organized and operated under the laws of this state.

(4) "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 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. 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 and itemized expenditures, the unencumbered cash balances, excluding state aid receivable, 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) Each school district shall annually submit a report to the state board on 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. 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) (1) Each school district shall annually publish on such district's internet website:

(A) 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; and

(B) the budget summary for the current school year and actual expenditures for the immediately preceding two school years showing total dollars net of transfers and dollars per pupil for each of the following:

~~(1)~~(i) Function 1000, instruction;
~~(2)~~(ii) function 2100, student support;
~~(3)~~(iii) function 2200, instructional staff support;
~~(4)~~(iv) functions 2300 through 2500, administration;
~~(5)~~(v) function 2600, operation and maintenance;
~~(6)~~(vi) function 2700, transportation;
~~(7)~~(vii) function 3100, food service;
~~(8)~~(viii) functions 2900, 3200 and 3300, other current spending;
~~(9)~~(ix) function 4000, capital outlay;
~~(10)~~(x) function 5100, debt service;
~~(11)~~(xi) the total expenditures which is the sum of the amounts in ~~paragraphs (1) clauses (i) through (10)(x)~~;

~~(12)~~(xii) the spending allocated to function 1000, instruction, excluding capital outlay and debt service expenditures, as a percentage of total expenditures;

~~(13)~~(xiii) the spending allocated to function 1000, instruction, excluding capital outlay and debt service expenditures, as a percentage of current spending, which is the sum of expenditures for functions 1000 through 3300 less capital outlay and debt service expenditures included in any of those functions; and

~~(14)~~(xiv) the revenue in total dollars net of transfers both in total and disaggregated to show the amount of revenue received from local, state and federal revenue sources.

(2) For purposes of subsection (i)(1)(B), all per pupil amounts shall be calculated using the full-time equivalent enrollment of the school district. All function categories and other accounting categories shall refer to those same categories as established and required for financial accounting purposes by the state board as published in the Kansas state department of education's Kansas accounting handbook for unified school districts, as published in August 2012, or later versions as established in rules and regulations adopted by the state board.

~~(2)~~(3) Publications required by this subsection shall be published with an easily

identifiable link located on such district's website homepage.

(4) Publications required by this subsection shall be made available to the public at every meeting held by the board of education of each school district when the board is discussing the district's budget or any other school finance matter.

(j) (1) The department of education shall annually publish on its internet website:

(A) All of the publications required under subsection (i); and

(B) the following expenditures for each school district on a per pupil basis:

(i) Total expenditures;

(ii) capital outlay expenditures;

(iii) bond and interest expenditures; and

(iv) all other expenditures not included in (ii) or (iii).

(2) Publications required by this subsection shall be published with an easily identifiable link located on the department's website homepage.

Sec. 46. K.S.A. 72-8809 is hereby amended to read as follows: 72-8809. The board of education of any school district which has made a tax levy under K.S.A. 72-8801, and amendments thereto, may at any time ~~after the final levy is certified to the county clerk under any current authorization,~~ initiate procedures to renew its authority to make ~~a like~~ an annual tax levy in the amount and upon the conditions and in the manner specified in ~~said~~ K.S.A. 72-8801, ~~and at five-year intervals thereafter may in like manner and on like conditions renew such levy for successive five-year periods and amendments thereto.~~ Except as otherwise provided by its terms, any initial resolution adopted pursuant to K.S.A. 72-8801, and amendments thereto, shall remain in full force and effect until such time as a second resolution becomes effective, at which time the initial resolution shall become null and void.

Sec. 47. K.S.A. 2013 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. 2013 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, 2013, June 30, 2014, June 30, 2015, or June 30, 2016.~~ 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. 48. On and after July 1, 2014, K.S.A. 72-1412 is hereby amended to read as follows: 72-1412. As used in K.S.A. 72-1412 through 72-1415, and amendments thereto:

(a) "Mentor teacher program" means a program established and maintained by the board of education of a school district for the purpose of providing probationary teachers with professional support and the continuous assistance of an on-site mentor teacher.

(b) "Mentor teacher" means a certificated teacher who has completed at least three consecutive school years of employment in the school district, has been selected by the board of education of the school district on the basis of having demonstrated exemplary teaching ability as indicated by criteria established by the state board of education, and has participated in and successfully completed a training program for mentor teachers provided for by the board of education of the school district in accordance with guidelines prescribed by the state board of education. The primary function of a mentor

teacher shall be to provide probationary teachers with professional support and assistance. A mentor teacher may provide assistance and guidance to not more than two probationary teachers.

(c) ~~"Probationary teacher" means a certificated teacher to whom the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply who has completed less than three consecutive school years of employment in the school district.~~

Sec. 49. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5436 is hereby amended to read as follows: 72-5436. As used in this act: (a) "Teacher" means ~~any professional employee who is required to hold a certificate to teach in any school district, and any teacher or instructor in any area vocational-technical school, technical college, the institute of technology at Washburn university or community college. The term "teacher" does not include within its meaning any supervisors, principals or superintendents or any persons employed under the authority of K.S.A. 72-8202b, and amendments thereto, or any persons employed in an administrative capacity by any area vocational-technical school, technical college, the institute of technology at Washburn university or community college, or commencing in the 2006-2007 school year, any person who is a retirant from school employment of the Kansas public employees retirement system.~~

(b) ~~"Board" means the board of education of any school district, the board of control of any area vocational-technical school, governing body of any technical college or the institute of technology at Washburn university, and the board of trustees of any community college.~~

Sec. 50. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5437 is hereby amended to read as follows: 72-5437. (a) All contracts of employment of teachers, ~~as defined in K.S.A. 72-5436, and amendments thereto,~~ except contracts entered into under the provisions of K.S.A. 72-5412a, and amendments thereto, shall be deemed to continue for the next succeeding school year unless written notice of termination or nonrenewal is served as provided in this subsection. Written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed, and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before the third Friday in May. A teacher shall give written notice to a board that the teacher does not desire continuation of a contract on or before the 14th calendar day following the third Friday in May or, if applicable, not later than 15 days after the issuance of a unilateral contract as authorized by K.S.A. 72-5428a, and amendments thereto, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and a board.

(c) As used in this section:

(1) "Board of education" or "board" means the board of education of any school district, the governing body of any technical college or the institute of technology at Washburn university, and the board of trustees of any community college.

(2) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity.

(3) (A) ~~"Teacher" means (1) a teacher as defined by K.S.A. 72-5436, and amendments thereto, and (2) any professional employee who is required to hold a~~

certificate to teach in any school district, and any teacher or instructor in any technical college, the institute of technology at Washburn university or any community college, including any professional employee who is a retirant from school employment of the Kansas public employees retirement system.

(B) The term "teacher" does not include any supervisors, principals or superintendents or any persons employed under the authority of K.S.A. 72-8202b, and amendments thereto, or any persons employed in any administrative capacity by any technical college, the institute of technology at Washburn university or any community college.

Sec. 51. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5438 is hereby amended to read as follows: 72-5438. (a) Whenever a teacher is given written notice of intention by a board to not renew or to terminate the contract of the teacher as provided in K.S.A. 72-5437, and amendments thereto, the written notice of the proposed nonrenewal or termination shall include: (1) A statement of the reasons for the proposed nonrenewal or termination; and (2) a statement that the teacher may have the matter heard by a hearing officer upon written request filed with the clerk of the board of education or the board of control or the secretary of the board of trustees within 15 calendar days from the date of such notice of nonrenewal or termination.

(b) Within 10 calendar days after the filing of any written request of a teacher to be heard as provided in subsection (a), the board shall notify the commissioner of education that a list of qualified hearing officers is required. Such notice shall contain the mailing address of the teacher. Within 10 days after receipt of notification from the board, the commissioner shall provide to the board and to the teacher, a list of five randomly selected, qualified hearing officers.

(c) Within five days after receiving the list from the commissioner, each party shall eliminate two names from the list, and the remaining individual on the list shall serve as hearing officer. In the process of elimination, each party shall eliminate no more than one name at a time, the parties alternating after each name has been eliminated. The first name to be eliminated shall be chosen by the teacher within five days after the teacher receives the list. The process of elimination shall be completed within five days thereafter.

(d) Either party may request that one new list be provided within five days after receiving the list. If such a request is made, the party making the request shall notify the commissioner and the other party, and the commissioner shall generate a new list and distribute it to the parties in the same manner as the original list.

(e) In lieu of using the process provided in subsections (b) and (c), if the parties agree, they may make a request to the American arbitration association for an arbitrator to serve as the hearing officer. Any party desiring to use this alternative procedure shall so notify the other party in the notice required under subsection (a). If the parties agree to use this procedure, the parties shall make a joint request to the American arbitration association for a hearing officer within 10 days after the teacher files a request for a hearing. If the parties choose to use this procedure, the parties shall each pay one-half of the cost of the arbitrator and of the arbitrator's expenses.

(f) The commissioner of education shall compile and maintain a list of hearing officers comprised of residents of this state who are attorneys at law. Such list shall include a statement of the qualifications of each hearing officer.

(g) Attorneys interested in serving as hearing officers under the provisions of this

act shall submit an application to the commissioner of education. The commissioner shall determine if the applicant is eligible to serve as a hearing officer pursuant to the provisions of subsection (h).

(h) An attorney shall be eligible for appointment to the list if the attorney has: (1) Completed a minimum of 10 hours of continuing legal education credit in the area of education law, due process, administrative law or employment law within the past five years; or (2) previously served as the chairperson of a due process hearing committee prior to the effective date of this act. An attorney shall not be eligible for appointment to the list if the attorney has been employed to represent a board or a teacher in a due process hearing within the past five years.

Sec. 52. On and after July 1, 2014, K.S.A. 72-5439 is hereby amended to read as follows: 72-5439. The hearing provided for under K.S.A. 72-5438, and amendments thereto, shall commence within 45 calendar days after the hearing officer is selected unless the hearing officer grants an extension of time. The hearing shall afford procedural due process, including the following:

(a) The right of each party to have counsel of such party's own choice present and to receive the advice of such counsel or other person whom such party may select;

(b) the right of each party or such party's counsel to cross-examine any person who provides information for the consideration of the hearing officer, except those persons whose testimony is presented by affidavit;

(c) the right of each party to present such party's own witnesses in person, or their testimony by affidavit or deposition, except that testimony of a witness by affidavit may be presented only if such witness lives more than 100 miles from the location of the ~~unified school district office, area vocational-technical school~~ technical college, institute of technology at Washburn university or community college, or is absent from the state, or is unable to appear because of age, illness, infirmity or imprisonment. When testimony is presented by affidavit the same shall be served upon ~~the clerk of the board of education or the board of control, or the secretary of the board of trustees;~~ or the agent of the board and upon the teacher in person or by first-class mail to the address of the teacher which is on file with the board not less than 10 calendar days prior to presentation to the hearing officer;

(d) the right of the teacher to testify in the teacher's own behalf and give reasons for the teacher's conduct, and the right of the board to present its testimony through such persons as the board may call to testify in its behalf and to give reasons for its actions, rulings or policies;

(e) the right of the parties to have an orderly hearing; and

(f) the right of the teacher to a fair and impartial decision based on substantial evidence.

Sec. 53. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5445 is hereby amended to read as follows: 72-5445. (a) ~~(1) Subject to the provisions of subsections (b) and (c),~~ The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, apply only to: ~~(A) (1)~~ (1) Teachers who have completed not less than three consecutive years of employment, and been offered a fourth contract, in the ~~school district, area vocational-technical school~~ technical college, institute of technology at Washburn university or community college by which any such teacher is currently employed; and ~~(B) (2)~~ (2) teachers who have completed not less than two consecutive years of employment, and been offered a third contract, in the ~~school district, area vocational-technical school~~

~~technical college, institute of technology at Washburn university or community college by which any such teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of subpart (A) paragraph (1) of this subsection in any school district, area vocational-technical school, technical college, the institute of technology at Washburn university or community college in this state.~~

~~(2) (b)~~ Any board may waive, at any time, the years of employment requirements of provision subsection (a)(1) for any teacher employed by it.

~~(3) (c)~~ The provisions of this subsection are subject to the provisions of K.S.A. 72-5446, and amendments thereto.

~~(b) The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply to any teacher whose license has been nonrenewed or revoked by the state board of education for the reason that the teacher: (1) Has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, or an act described in K.S.A. 21-3412, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5413, or K.S.A. 21-3412a, prior to its repeal, or K.S.A. 2013 Supp. 21-5414, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6419 through 21-6421, and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5505, and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the Kansas Statutes Annotated or subsection (a)(6) of K.S.A. 2013 Supp. 21-6412, and amendments thereto; (6) has been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301e, prior to their repeal, or K.S.A. 2013 Supp. 21-6401 or 21-6402, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.~~

~~(c) (1) The provisions of this subsection shall apply to a teacher described in subsection (a)(1)(A) of this section. After a teacher has completed not less than three consecutive years of employment and if the requirements of paragraph (2) have been satisfied, the board of education of the school district and the teacher may enter into an agreement under which the school district may offer the teacher a contract of employment for a fourth year or a fourth and fifth year and the teacher agrees that the~~

provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, shall not apply to such teacher unless a sixth contract is offered to the teacher.

~~(2) 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.~~

~~(3) If an agreement under this subsection is reached by the teacher and the school district, then the school district shall file annually a report with the state board of education which shall contain the following information in subparagraphs (A) through (D):~~

~~(A) The number of teachers that were offered by the school district a contract under subsection (a)(1)(A) of this section;~~

~~(B) the number of teachers that were offered by the school district an agreement under this subsection;~~

~~(C) the number of teachers that accepted the agreement under this subsection;~~

~~(D) the number of teachers that were not offered by the school district either a contract under subsection (a)(1)(A) of this section or an agreement under this subsection.~~

~~(4) In addition to the reports required under paragraph (3), each school district shall report annually to the state board of education, the committee on education of the senate and the committee on education of the house of representatives the number of contracts issued under subsection (a) which result in the application of K.S.A. 72-5438 through 72-5443, and amendments thereto, to the teachers who receive such contracts and the year of employment for which the contract is issued.~~

~~(5) The provisions of this subsection shall expire on July 1, 2016.~~

Sec. 54. On and after July 1, 2014, K.S.A. 72-5446 is hereby amended to read as follows: 72-5446. In the event any teacher, as defined in K.S.A. 72-5436, and amendments thereto, alleges that the teacher's contract has been nonrenewed by reason of the teacher having exercised a constitutional right, the following procedure shall be implemented:

(a) The teacher alleging an abridgment by the board of a constitutionally protected right shall notify the board of the allegation within 15 days after receiving the notice of intent to not renew or terminate the teacher's contract. Such notice shall specify the nature of the activity protected, and the times, dates; and places of such activity;

(b) the hearing officer provided for by K.S.A. 72-5438, and amendments thereto, shall thereupon be selected and shall decide if there is substantial evidence to support the teacher's claim that the teacher's exercise of a constitutionally protected right was the reason for the nonrenewal;

(c) if the hearing officer determines that there is no substantial evidence to substantiate the teacher's claim of a violation of a constitutionally protected right, the board's decision to not renew the contract shall stand;

(d) if the hearing officer determines that there is substantial evidence to support the teacher's claim, the board shall be required to submit to the hearing officer any reasons

which may have been involved in the nonrenewal;

(e) if the board presents any substantial evidence to support its reasons, the board's decision not to renew the contract shall be upheld.

New Sec. 55. The provisions of sections 55 through 61, and amendments thereto, shall be known and may be cited as the tax credit for low income students scholarship program act.

New Sec. 56. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 provided to eligible students to cover all or a portion of the costs of tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) (A) Qualifies as an at-risk pupil as defined in K.S.A. 72-6407, and amendments thereto, and who is attending a school that would qualify as either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver as amended in January 2013; or (B) has received an educational scholarship under this program and has not graduated from high school or reached 21 years of age;

(2) resides in Kansas while receiving an educational scholarship; and

(3) (A) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or (B) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in sections 55 through 61, and amendments thereto.

(g) "Public school" means a school that would qualify as either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver as amended in January 2013 and is operated by a school district.

(h) "Qualified school" means any nonpublic school that provides education to elementary and secondary students, has notified the state board of its intention to participate in the program and complies with the requirements of the program.

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to students attending qualified schools of their parents' choice.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" shall have the meaning ascribed thereto in K.S.A. 72-6408, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

New Sec. 57. (a) There is hereby established the tax credit for low income students scholarship program. The program shall provide eligible students with an opportunity to attend schools of their parents' choice.

(b) Each scholarship granting organization shall issue a receipt, in a form prescribed by the secretary, to each contributing taxpayer indicating the value of the contribution received. Each taxpayer shall provide a copy of such receipt when claiming the tax credit established in section 61, and amendments thereto.

(c) Prior to awarding an educational scholarship to an eligible student, unless such student is under the age of six years, the scholarship granting organization shall receive written verification from the state board that such student is an eligible student under this program, provided the state board and the board of education of the school district in which the eligible student was enrolled the previous school year have received written consent from such eligible student's parent authorizing the release of such information.

(d) Upon receipt of information in accordance with subsection (a)(2) of section 58, and amendments thereto, the state board shall inform the scholarship granting organization if such student has already been designated to receive an educational scholarship by another scholarship granting organization.

(e) In each school year, each eligible student under this program shall not receive more than one educational scholarship under this program.

(f) An eligible student's participation in this program by receiving an educational scholarship constitutes a waiver to special education services provided by any school district, unless such school district agrees to provide such services to the qualified school.

New Sec. 58. (a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships to students attending qualified schools;

(2) upon granting an educational scholarship to an eligible student, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to

the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(6) the scholarship granting organization shall ensure that each qualified school receiving educational scholarships from the scholarship granting organization is in compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to the eligible students determined by the state board under subsection (c) of section 57, and amendments thereto, and information specified in this section. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship for any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program to eligible students in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship to an eligible student who received an educational scholarship under this program in the year immediately preceding the current school year.

(e) A scholarship granting organization shall direct payments of an educational scholarship to the qualified school on behalf of the eligible student. Payment shall be made by check made payable to both the parent and the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in

accordance with K.S.A. 72-8210, and amendments thereto, to provide for the education of such eligible student.

(f) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
- (2) the name and address of each eligible student receiving an educational scholarship by the scholarship granting organization;
- (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
- (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period to eligible students who qualified under subsection (d) of section 56, and amendments thereto.

(g) No scholarship granting organization shall:

- (1) Provide an eligible student with an educational scholarship established by funding from any contributions made by any relative of such eligible student; or
- (2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student.

New Sec. 59. On or before the first day of the legislative session in 2015, and each year thereafter, the state board shall prepare and submit a report to the legislature on the program. Annual reports shall include information reported to the state board under subsection (f) of section 58, and amendments thereto, and a summary of such information.

New Sec. 60. (a) (1) To qualify for the tax credit allowed by this act, the scholarship granting organization shall apply each tax year to the state board for a certification that the scholarship granting organization is in substantial compliance with the program based on information received in the annual audit and yearly report filed by the scholarship granting organization with the state board.

(2) The state board shall prescribe the form of the application, which shall include, but not be limited to, the information set forth in subsection (a)(1).

(b) If the state board determines that the requirements under this section were met by the scholarship granting organization, the state board shall issue a certificate of compliance to the director of taxation.

(c) The state board shall adopt rules and regulations to implement the provisions of this section.

New Sec. 61. (a) There shall be allowed a credit against the corporate income tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax liability imposed upon a taxpayer pursuant to the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and the premium tax liability imposed upon a taxpayer pursuant to the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for tax years commencing after December 31,

2014, an amount equal to 70% of the amount contributed to a scholarship granting organization authorized pursuant to section 55 et seq., and amendments thereto.

(b) The credit shall be claimed and deducted from the taxpayer's tax liability during the tax year in which the contribution was made to any such scholarship granting organization.

(c) For each tax year, in no event shall the total amount of credits allowed under this section exceed \$10,000,000 for any one tax year. Except as otherwise provided, the allocation of such tax credits for each scholarship granting organization shall be determined by the scholarship granting organization in consultation with the secretary, and such determination shall be completed prior to the issuance of any tax credits pursuant to this section.

(d) If the amount of any such tax credit claimed by a taxpayer exceeds the taxpayer's income, privilege or premium tax liability, such excess amount may be carried over for deduction from the taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability.

(e) The secretary shall adopt rules and regulations regarding filing of documents that support the amount of credit claimed pursuant to this section.

Sec. 62. K.S.A. 2013 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.

(b) There shall be added to federal taxable income: (i) The same modifications as are set forth in subsection (b) of K.S.A. 79-32,117, and amendments thereto, with respect to resident individuals, except subsections (b)(xix), (b)(xx), (b)(xxi), (b)(xxii) and (b)(xxiii).

(ii) The amount of all depreciation deductions claimed for any property upon which the deduction allowed by K.S.A. 2013 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is claimed.

(iii) The amount of any charitable contribution deduction claimed for any contribution or gift to or for the use of any racially segregated educational institution.

(iv) For taxable years commencing December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto.

(v) The amount of any charitable contribution deduction claimed for any contribution or gift made to a scholarship granting organization to the extent the same is claimed as the basis for the credit allowed pursuant to section 61, and amendments thereto.

(c) There shall be subtracted from federal taxable income: (i) The same modifications as are set forth in subsection (c) of K.S.A. 79-32,117, and amendments thereto, with respect to resident individuals, except subsection (c)(xx).

(ii) The federal income tax liability for any taxable year commencing prior to December 31, 1971, for which a Kansas return was filed after reduction for all credits thereon, except credits for payments on estimates of federal income tax, credits for gasoline and lubricating oil tax, and for foreign tax credits if, on the Kansas income tax return for such prior year, the federal income tax deduction was computed on the basis of the federal income tax paid in such prior year, rather than as accrued. Notwithstanding the foregoing, the deduction for federal income tax liability for any year shall not exceed that portion of the total federal income tax liability for such year which bears the same ratio to the total federal income tax liability for such year as the Kansas taxable income, as computed before any deductions for federal income taxes and after application of subsections (d) and (e) of this section as existing for such year, bears to the federal taxable income for the same year.

(iii) An amount for the amortization deduction allowed pursuant to K.S.A. 2013 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto.

(iv) For all taxable years commencing after December 31, 1987, the amount included in federal taxable income pursuant to the provisions of section 78 of the internal revenue code.

(v) For all taxable years commencing after December 31, 1987, 80% of dividends from corporations incorporated outside of the United States or the District of Columbia which are included in federal taxable income.

(d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) hereof. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under paragraph (iv) of subsection (b) of K.S.A. 79-32,117, and amendments thereto, and minus the deduction for federal income taxes as provided by subsection (c)(ii) shall be such corporation's Kansas taxable income.

(e) A corporation may make an election with respect to its first taxable year commencing after December 31, 1982, whereby no addition modifications as provided for in subsection (b)(ii) of K.S.A. 79-32,138, and amendments thereto, and subtraction modifications as provided for in subsection (c)(iii) of K.S.A. 79-32,138, and amendments thereto, as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.

New Sec. 63. (a) (1) Any eligible postsecondary educational institution may certify to the board of regents:

(A) The number of individuals who received a general educational development (GED) credential from such institution while enrolled in an eligible career technical education program;

(B) the number of individuals who received a career technical education credential from such institution; and

(C) the number of individuals who were enrolled in an eligible career technical education program at such institution and who are pursuing a general educational development (GED) credential.

(2) Certifications submitted pursuant to this subsection shall be submitted in such form and manner as prescribed by the board of regents, and shall include such other information as required by the board of regents.

(b) Each fiscal year, upon receipt of a certification submitted under subsection (a), the board of regents shall authorize payment to such eligible postsecondary educational institution from the postsecondary education performance-based incentives fund. The amount of any such payment shall be calculated based on the following:

(1) For each individual who has received a general educational development (GED) credential, \$500;

(2) for each individual who has received a career technical education credential, \$1,000; and

(3) for each individual enrolled in an eligible career technical education program who is pursuing a general educational development (GED) credential, \$170.

(c) That portion of any payment from the postsecondary education performance-based incentives fund that is made based on subsection (b)(2) shall be expended for scholarships for individuals enrolled in an eligible career technical education program and operating costs of eligible career technical education programs. Each eligible postsecondary educational institution shall prepare and submit a report to the board of regents which shall include the number of individuals who received scholarships, the aggregate amount of moneys expended for such scholarships and the number of those individuals who received a scholarship that also received a career technical education credential.

(d) (1) Of that portion of any payment from the postsecondary education performance-based incentives fund that is made based on subsection (b)(3), an amount equal to \$150 for each individual shall be expended by the eligible postsecondary educational institution for the general educational development (GED) test.

(2) If any individual enrolled in an eligible career technical education program for which an eligible postsecondary educational institution has received a payment under this section fails to take the general educational development (GED) test, then such institution shall notify the board of regents in writing that no such test was administered to the individual. For each such notification received, the board of regents shall deduct an amount equal to \$150 from such institution's subsequent incentive payment.

(e) All payments authorized by the board of regents pursuant to this section shall be subject to the limits of appropriations made for such purposes. If there are insufficient appropriations for the board of regents to authorize payments in accordance with the amounts set forth in subsection (b), the board of regents shall prorate such amounts in accordance with appropriations made therefor.

(f) There is hereby created the postsecondary education performance-based incentives fund. Expenditures from the postsecondary education performance-based incentives fund shall be for the sole purpose of paying payments to eligible postsecondary educational institutions as authorized by the board of regents. All expenditures from the postsecondary education performance-based incentives 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 of regents, or the president's designee.

(g) As used in this section:

(1) "Board of regents" 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.

(2) "Career technical education credential" means any industry-recognized technical certification or credential, other than a general educational development (GED) credential, or any technical certification or credential authorized by a state agency.

(3) "Eligible career technical education program" means a program operated by one or more eligible postsecondary educational institutions that is identified by the board of regents as a program that allows an enrollee to obtain a general educational development (GED) credential while pursuing a career technical education credential.

(4) "Eligible postsecondary educational institution" means any community college, technical college or the institute of technology at Washburn university, except such term shall not include Johnson county community college.

(5) "State agency" means any state office, department, board, commission, institution, bureau or any other state authority.

New Sec. 64. (a) The state board of regents, for and on behalf of the university of Kansas, is hereby authorized to exchange and convey the real property described in subsection (b) to the Kansas university endowment association in consideration for the Kansas university endowment association exchanging and conveying the real property described in subsection (c) to the university of Kansas. The exchange and conveyance of real property by the state board of regents under this section shall be executed in the name of the state board of regents by its chairperson and its chief executive officer. The deed for such conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the state board of regents in consultation with the attorney general. No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the state board of regents until the deeds and conveyances have been reviewed and approved by the attorney general and, if warranty deeds are to be the instruments of conveyance, title reviews have been performed or title insurance has been obtained and the title opinion or the certificates of title insurance, as the case may be, have been approved by the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2013 Supp. 75-6609, and amendments thereto.

(b) In accordance with the provisions of this section, the state board of regents is hereby authorized to exchange and convey the following described real property to the Kansas university endowment association:

Part of Lots 2, 3 and 10, Block 8 Oread Addition, a subdivision in the City of Lawrence, Douglas County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of said Block 8 Oread Addition; thence South 01 degrees 50 minutes 57 seconds East along the West line of said Block 8 a distance of 250.07 feet to the Northwest corner of the South One-Half of Lot 10 Block 8 Oread Addition said point being the Point of Beginning; thence North 88 degrees 11 minutes 58 seconds East along the North line of the South One-Half of said Lot 10 a distance of 125.00 feet to a point said point being the Northeast corner of the South One-Half of said Lot 10; thence North 01 degrees 50 minutes 57 seconds West a distance of 100.00 feet to a point said point being the Northwest corner of the South One-Half of Lot 2 Oread Addition; thence North 88 degrees 11 minutes 58 seconds East along the North line of said South One-Half of Lot 2 a distance of 213.77 feet to a point on the Westerly right of way of Oread Avenue, said point also being the Northeast corner of the South

One-Half of said Lot 2; thence South 08 degrees 59 minutes 36 seconds West along said Westerly right of way a distance of 120.26 feet to a point; thence South 88 degrees 11 minutes 58 seconds West a distance of 316.15 feet to a point on the West line of said Block 8 Oread Addition; thence North 01 degrees 50 minutes 57 seconds West along said West line a distance of 18.13 feet to the Point of Beginning, and containing 26,183.02 square feet, more or less. Excepting easements, rights of way or restrictions of record.

(c) In accordance with the provisions of this section, the university of Kansas is hereby authorized to accept title to the following described real property conveyed to the university by the Kansas university endowment association:

A Tract of land in the Southwest One-Quarter of Section 31, Township 12 South, Range 20 East of the 6th Principal Meridian, in the City of Lawrence, Douglas County, Kansas, more particularly described as follows:

Beginning at point on the West line of the Southwest One-Quarter of Section 31, Township 12, Range 20 and 186.53 feet North of the Southwest corner thereof; thence North 01 degrees 49 minutes 01 seconds West along the West line of said Southwest One-Quarter a distance of 190.00 feet to a point on the South right of way of West 14th street as described in the deed recorded in Book 261 at Page 558; thence North 88 degrees 25 minutes 51 seconds East along the said South right of way a distance of 62.94 feet to a point; thence South 01 degrees 49 minutes 01 seconds East a distance of 76.15 feet to a point; thence North 88 degrees 25 minutes 51 seconds East a distance of 128.06 feet to a point; thence North 01 degrees 49 minutes 01 seconds West a distance of 28.65 feet to a point, said point being the Southwest corner of a tract of land described in the deed recorded in Book 304 at Page 626; thence North 88 degrees 25 minutes 51 seconds East along the South line of said tract, a distance of 120.00 feet to a point on the West right of way of Ohio Street; thence South 01 degrees 49 minutes 01 seconds East along the said West right of way a distance of 142.50 feet to a point, said point being the Northeast corner of a tract of land described in the deed recorded in Book 400 at Page 674; thence South 88 degrees 25 minutes 51 seconds West along the North line of said tract recorded in Book 400 at Page 674 and continuing along the North line of a tract of land described in the deed recorded in Book 347 at Page 1276 a distance of 311.00 feet to a point, said point being the Northwest corner of the said tract of land described in the deed recorded in Book 347 at Page 1276, said point also being the Point of Beginning, and containing 43,628.53 square feet, more or less. Excepting easements, rights of way or restrictions of record.

New Sec. 65. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application. To this end the provisions of this act are severable.

Sec. 66. K.S.A. 72-8809 and K.S.A. 2013 Supp. 72-1127, 72-1925, 72-6433, 72-6433d, 72-8254, 72-8814 and 79-32,138 are hereby repealed.

Sec. 67. On and after July 1, 2014, K.S.A. 72-1412, 72-5333b, 72-5439, 72-5446 and 72-6416 and K.S.A. 2013 Supp. 72-5436, 72-5437, 72-5438, 72-5445, 72-6407, 72-6410, 72-6415b, 72-6417, 72-6431, 72-6441 and 72-6454 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 1 through 16 and inserting the following:

"AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2014, and June 30, 2015, for certain agencies; authorizing the state board of regents to sell and convey or exchange certain real estate with the Emporia state university foundation; authorizing the state board of regents to exchange and convey certain real estate with the Kansas university endowment association; amending K.S.A. 72-1412, 72-5333b, 72-5439, 72-5446, 72-6416 and 72-8809 and K.S.A. 2013 Supp. 72-1127, 72-1925, 72-5436, 72-5437, 72-5438, 72-5445, 72-6407, 72-6410, 72-6415b, 72-6417, 72-6431, 72-6433, 72-6433d, 72-6441, 72-8254, 72-8814 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 72-6454";

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

SUSAN WAGLE

JIM DENNING

Conferees on part of Senate

GENE SUELLENTROP

MARVIN KLEEB

Conferees on part of House

Senator Denning moved the Senate adopt the Conference Committee Report on **S Sub HB 2506**.

Citing Rule 26, Senator Pyle motioned to adjourn during the roll call vote. As the Senate was in the process of collecting and recording votes, the chair ruled the motion out of order.

A call of the Senate was requested by five Senators. The call of the Senate was lifted.

Citing Rule 39, Senator Hensley challenged the lifting of the call. The chair ruled that the provisions of Rule 39 had been met.

On roll call, the vote was: Yeas 22; Nays 16; Present and Passing 0; Absent or Not Voting 2.

Yeas: Apple, Arpke, Bruce, Denning, Fitzgerald, Holmes, King, Knox, LaTurner, Love, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Shultz, Smith, Tyson, Wagle.

Nays: Abrams, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, McGinn, Pettey, Pyle, V. Schmidt, Wolf.

Absent or Not Voting: Donovan, Masterson.

The Conference Committee Report was adopted.

PROTEST

Senator Hensley against Conference Committee Report for HB 2506

Mr. Vice President: I hereby exercise my right under Article 2, Section 10 of the Kansas Constitution to protest Conference Committee Report for **S Sub HB 2506**.

On the morning of April 6, 2014, after the House voted down the conference committee report on **H Sub SB 218**, a conference committee was appropriately called on **H Sub SB 84** by both chambers of the legislature. After conferring, the conference committee reached an agreement and placed the contents of that agreement in **S Sub HB 2506**. Shortly thereafter, at approximately 2:47 a.m., Senator Bruce made a motion for the Senate to adjourn until 10:30 a.m., Sunday, April 6, 2014. That motion passed on a voice vote. Interested members of the community, media and the legislature, including

myself as a member of the conference committee, had left the building to go home under the belief no further action would be taken until 10:30 a.m. However, the House continued to stand at ease while House Republican leadership discussed their plan going forward. At approximately 2:57 a.m., Representative Vickrey made a motion for the House to adjourn until 12:00 p.m., Sunday, April 6, 2014. Representative Suellentrop, just before the motion to adjourn, announced an immediate meeting of the conference committee on **S Sub HB 2506**. No such announcement was made on the Senate floor as the Senate had already adjourned. The conference committee on **S Sub HB 2506** then met, took action on the previously mentioned agreement to remove a portion of that content and reaffirmed their agreement for the remaining parts of their previous agreement. The conference committee then concluded its business at approximately 3:30 a.m. on April 6, 2014. The conference committee report containing the changes made during the final conference committee meeting of the night on **S Sub HB 2506** was signed by the majority party members of the committee later that day after an agree-to-disagree on the conference committee report was approved.

At the beginning of the debate on the Conference Committee Report on **S Sub HB 2506**, I outlined the events discussed above. The question was raised as to whether I was bringing a Rule 23 challenge under the Senate Rules. At the time I declined to bring such challenge. However, Senator Apple made a challenge under Rule 23 and the Senate Rules Committee was convened to discuss whether a violation of Senate Rule 23 had occurred. Senate Rule 23 concerned the provisions of the Kansas Open Meetings Act as contained in K.S.A. 75-4317 et seq., and amendments thereto. The discussion of the Senate Rules Committee, led by Senator King, was that the initial inquiry of the challenge was whether or not Rule 23 applied to conference committees. If, and only if, it was ruled by the Rules Committee that Rule 23 applied, then the Rules Committee would consider a second inquiry as to the factual contentions I brought forward regarding the potential violation of the Open Meetings provisions of Rule 23. The Senate Rules Committee ruled that Senate Rule 23 did not apply to conference committees as they are governed by Joint Rule 3 of the House and Senate. There was no discussion as to the factual contentions or if those contentions constituted a violation of Rule 23. However, when Senator King explained the ruling on Senator Apple's challenge, his explanation went beyond the scope of the discussion and the decision of the Rules Committee when he characterized the factual contentions as not a violation of Rule 23. That question remains unanswered and unscrutinized by the Rules Committee.

I object to the Conference Committee Report for **S Sub HB 2506** because its contents were invalidly amended during a meeting which violated the Kansas Open Meetings Act. While I respect the decision of the Senate Rules Committee, the explanation of the Rules Committee's decision went beyond the scope of the discussion. In the event of an investigation of the actions of the conference committee by the District Attorney for Shawnee County, I want the record to clearly reflect what has occurred here today. For these reasons I submit this constitutional protest against the Conference Committee Report for **S Sub HB 2506**. — ANTHONY HENSLEY

EXPLANATION OF VOTE

Mr. Vice President: I hoped that this conference committee report would address appropriations and the equity concern raised by the courts. However many changes to education policy remain in the report, several of them ones that were not debated in the education committees in the legislature and certainly not fully vetted. I am very

concerned about changing the due process system. We are keeping the requirements in 72-5438 for technical and community college teachers. However eliminating this process for K-12 teachers leaves them with the only alternative to sue in district court. This is dramatically less efficient in time and money, working against our efforts to get education dollars into the classroom. The change sends the message that we do not value our relationships with teachers. I am very concerned with other policy changes in the report. Creating alternative teacher licensure ignores the education teachers should have in classroom management and lesson design to reach all types of learners. Increasing the maximum number of districts that can operate as Public Innovative Districts from 10 to 20% questions undermines our state education statutes. Details on the definition of an “eligible student” for the Tax Credit for Low Income Students Scholarship Program Act need more review. I vote “No” on the Conference Committee Report on **S Sub HB 2506**. – MARCI FRANCISCO

Senators Haley, Hawk and Pettey request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **S Sub HB 2506**.

Mr. Vice President: I thank my colleagues for voting for my motion to allow me to speak on this bill for a third time. Unfortunately, the request to move the previous question was approved to cut off any further debate and I was denied the opportunity to speak again. To cut off debate in this manner is undemocratic, unfair and unbelievable. My leave of absence from my teaching job to serve in the Legislature will end tomorrow. My fellow Kansans who are seated in the gallery and in the hallways of this building and I will return to our classrooms tomorrow. To cut off debate is a disservice to these people who have been here the last couple of days, staying into the wee hours of the morning. To cut off debate on this bill is shameful. Shameful. And, I am ashamed that this body would deny its own members the opportunity to exercise their free speech rights. I vote “No” on **S Sub HB 2506**. – ANTHONY HENSLEY

On motion of Senator Bruce, the Senate recessed until 10:00 p.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1623—

By Senators Wagle, Bruce and Hensley

A CONCURRENT RESOLUTION relating to the 2014 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein: That the 2014 regular session of the legislature shall be extended beyond 90 calendar days; and

Be it further resolved: That the legislature shall adjourn at the close of business of the

daily session convened on April 6, 2014, and shall reconvene at 10:00 a.m. on April 30, 2014; and

Be it further resolved: That the legislature may adjourn and reconvene at any time during the period on and after April 30, 2014, to May 30, 2014, but the legislature shall reconvene at 10:00 a.m. on May 30, 2014, at which time the legislature shall continue in session and shall adjourn sine die at the close of business on May 30, 2014; and

Be it further resolved: That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives and members of a conference committee attending a meeting of the conference committee authorized by the President of the Senate and the Speaker of the House of Representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Bruce **SCR 1623** was adopted by voice vote.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the Senate for confirmation, were considered.

Senator Bruce moved the following appointments be confirmed as recommended by the Committee on **Federal and State Affairs**.

State Corporation Commission:

Patton Apple, Term ends March 15, 2018

On roll call, the vote was: Yeas 33; Nays 0; Present and Passing 1; Absent or Not Voting 6.

Yeas: Arpke, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Apple.

Absent or Not Voting: Abrams, Donovan, Longbine, Love, Masterson, McGinn.

The appointment was confirmed.

Kansas Public Employee Relations Board:

John Bowes, Term ends March 15, 2018

On roll call, the vote was: Yeas 34; Nays 0; Present and Passing 0; Absent or Not Voting 6.

Yeas: Apple, Arpke, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco,

Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Abrams, Donovan, Longbine, Love, Masterson, McGinn.

The appointment was confirmed.

State Civil Service Board:

Carroll Macke, Term ends March 15, 2018

On roll call, the vote was: Yeas 34; Nays 0; Present and Passing 0; Absent or Not Voting 6.

Yeas: Apple, Arpke, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Abrams, Donovan, Longbine, Love, Masterson, McGinn.

The appointment was confirmed.

Office of the State Banking Commissioner:

Deryl Schuster, At the pleasure of the governor

On roll call, the vote was: Yeas 34; Nays 0; Present and Passing 0; Absent or Not Voting 6.

Yeas: Apple, Arpke, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Abrams, Donovan, Longbine, Love, Masterson, McGinn.

The appointment was confirmed.

State Board of Indigents Defense Services:

Andrew Wimmer, Term ends January 15, 2017

On roll call, the vote was: Yeas 34; Nays 0; Present and Passing 0; Absent or Not Voting 6.

Yeas: Apple, Arpke, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Lynn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Abrams, Donovan, Longbine, Love, Masterson, McGinn.

The appointment was confirmed.

MESSAGE FROM THE HOUSE

Announcing adoption of **S Sub HB 2506**.

Announcing adoption of **SCR 1623**.

On motion of Senator Bruce, and pursuant to **SCR 1623**, the Senate adjourned until 10:00 a.m., Wednesday, April 30, 2014.

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 30, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
Invocation by Father Don Davidson:

Good and Gracious God, be with those who take counsel for the well being of the people of our State. Give them patience as they listen to each other, and confidence in the decisions ahead. On this day we also pray for all the people in Kansas and other states whose lives have been disrupted by the recent severe storms. Bless them and those who are responding to them, and bring to them a sense of community, wholeness and peace. All this we ask in your holy and life giving name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

MESSAGES FROM THE GOVERNOR

SB 254, SB 306, SB 309, SB 310, SB 359, SB 372, SB 402, SB 424 approved on April 10, 2014.

H Sub SB 40; SB 54, SB 256, SB 265, SB 271, SB 285, SB 311, SB 344, SB 349, SB 423 approved on April 17, 2014.

MESSAGE FROM THE GOVERNOR

SB 99 – Veto Message from the Governor

While I understand the purpose and intent behind **SB 99**, I believe that retaining the lobbyist registration provisions in current law promotes transparency and openness. Although the amounts involved may seem small, there is no harm in continuing to require lobbyist registration at the lower level of reportable lobbying expenditures contained in the existing statute. Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto **Senate Bill 99**.

Date: April 11, 2014

Signed: SAM BROWNBACK, *Governor*

COMMUNICATIONS FROM STATE OFFICERS

STATE OF KANSAS
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 Martha J. "Molly" Baumgardner, Louisburg, was appointed by the Governor effective April 22, 2014, for the unexpired term, Thirty Seventh Senatorial District, to fill the vacancy created by the resignation of Pat Apple.

IN TESTIMONY WHEREOF: I have hereunto subscribed my name and caused to be affixed my official seal, this 30th day of April, A.D. 2014.

KRIS W. KOBACH
Secretary of State

President Wagle requested Senator Bruce escort Senator Molly Baumgardner to the front of the Senate, where she was joined by her husband and daughters. The President introduced the Honorable Thomas L. Malone, Chief Judge, Kansas Court of Appeals, who administered the Oath of Office to the newly appointed Senator Molly Baumgardner.

OATH OF OFFICE
STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

I do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of the State Senator of the 37th District. So help me God.

Subscribed and Sworn to, or Affirmed, before me this 30th day of April, 2014.

THOMAS L. MALONE
Chief Judge, Kansas Court of Appeals

SPECIAL REMARKS

Madam President, Senate Majority Leader, Senate Minority Leader, fellow Senators and guests of this Chamber, thank you for the warm welcome you have extended me on this day.

Quite honestly, I am humbled by the statesmanship of my honorable 37th District predecessors: Kansas Corporation Commissioner Pat Apple, Speaker of the House Ray Merrick, Lieutenant Governor Jeff Colyer and former Director of the Lottery Dennis Wilson. I am indebted to 85 precinct committee men and women that participated in the democratic process to select me to serve the people of our great State. I appreciate the gracious conversations and messages I have already received from many of you, my fellow Senators.

In 1921, Charlie and Stella Baumgardner established their roots, quite literally, in the State of Kansas. Charlie found a way to serve others at the State Hospital for Epileptics in Parsons while fulfilling his passion for farming. Though farming Kansas land ended with his generation, the commitment to public service has continued with each subsequent generation of Baumgardners. Their youngest son, Gerald, is here today. He served the State with distinction as a teacher, coach, principal and professor. It is truly an honor that my opportunities for servant leadership will now extend well beyond my classroom to the residents of Kansas.

Personal, heartfelt thanks to my dear husband, Brian; my supportive children: Katie Jo, Paul, Gwendolyn, and Amelia and to my extended family members, friends and colleagues. This new journey would not be possible without you.

I look forward to collaboration, discussion and even disagreement with my fellow Senators during this wrap-up session and in the subsequent sessions of our terms.

I pray God grants me the wisdom, the patience and the discernment necessary to uphold my duties. God bless the great State of Kansas and God bless America! Thank you.— MOLLY BAUMGARDNER

The roll was called with thirty-eight senators present.

Senators Lynn and Melcher were excused.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Pettey introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1823—

A RESOLUTION commending J.C. Harmon High School juniors and seniors for their participation in the 20/20 Leadership Program.

WHEREAS, The 20/20 Leadership Program began in 1993 with 36 students. In 2002, the Ewing Marion Kauffman Foundation and the Garth Brooks Teammates for Kids program provided grants to expand the program into 10 other school districts; and

WHEREAS, The 20/20 Leadership Program was created in order for students to learn about their communities and the Greater Kansas City Metropolitan area and helps break down social, racial, economic, academic and geographic barriers. The students receive 180 educational hours over the course of the 18-month program and the program has over 6,000 alumni; and

WHEREAS, Two \$500 scholarships are provided to graduating seniors by 20/20 Leadership alumni, and participants have contributed more than 9,000 volunteer hours to their communities. In addition, five seniors are selected annually to each receive a \$10,000 scholarship from the Kansas City Royals and Major League Baseball; and

WHEREAS, Juniors and seniors at J.C. Harmon High School led the project for the 20/20 Leadership Program, which is known as the Harmon Hub. The Harmon Hub will consist of a half mile trail, an outdoor classroom, a spirit walk, berms, seating and markers, exercise stations and student gardens. The purpose of the Harmon Hub is to focus on health, school attendance, improvement of test scores and reduction of school suspensions; and

WHEREAS, A core group of students has been meeting with architects, engineers and construction contractors along with school district and other government leaders and health experts to get the Harmon Hub project underway. The students have already

raised about one-tenth of their \$900,000 budget in order to get the first phase of the project underway; and

WHEREAS, Juniors and seniors who participate in the 20/20 Leadership Program at J.C. Harmon High School are leaders as they address significant challenges in their school and community. The values they learn in the program will allow them to be successful after graduation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend J.C. Harmon High School juniors and seniors for their participation in the 20/20 Leadership Program and we wish them success in their completion of the Harmon Hub fitness trail project; and

Be it further resolved: That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Pettey.

On emergency motion of Senator Pettey **SR 1823** was adopted by voice vote.

Guests introduced were: Bianca Jacobo, Brenda Casique, Dedric Bradley, D'Angelo Hicks, Issak Ahmedin, Keven Fajardo, Juan Tirado, Ana Simental and Rick Malone.

Senators honored the guests with a standing ovation.

Senators Abrams and King introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1824—

A RESOLUTION congratulating Erie High School on being selected
for the final round in a competition to build and test designs
for radiation shields for NASA's new Orion spacecraft.

WHEREAS, NASA, the NIA and Lockheed Martin, the prime contractor for the Orion program, unveiled the Exploration Design Challenge on March 11, 2013, to give students from kindergarten through 12th grade the opportunity to play a unique role in the future of human spaceflight. The challenge encourages students in the U.S. and abroad to think and act like scientists and engineers to overcome one of the major hurdles for deep space long-duration exploration: Protecting astronauts and hardware from the dangers of space radiation; and

WHEREAS, Five high school teams from the United States and foreign countries, including Erie High School, were selected to compete in the final round in NASA's competition to build and test designs for radiation shields for the new Orion spacecraft. The competition is part of the Exploration Design Challenge (EDC), developed by NASA and Lockheed Martin, with support from the National Institute of Aerospace (NIA); and

WHEREAS, Forty-six teams from around the world submitted engineering notebooks with proposed radiation shield designs. After review by Orion engineers, as well as NASA and NIA educators, five teams were selected to move on to the next phase of the competition, including Team Erion of Erie High School; and

WHEREAS, Members of Team Orion include: Ashlyn Taylor, Madison Steenrod, Sabrina Graham and Lorena South. Their expert mentor was Virginia Wolken; and

WHEREAS, The high school teams were asked to design shielding to protect a radiation detector on Orion as it flies through the Van Allen Belt, a dense radiation field that surrounds the Earth. Because the belt begins 600 miles above Earth, no spacecraft built for humans has flown through it in more than 40 years. Orion, which will travel to

an altitude of about 3,600 miles on its first flight test, will spend a significant portion of its four-hour mission exposed to the effects of the Van Allen Belt; and

WHEREAS, For the next phase of the competition, the final five teams will build prototypes of their designs, which will be tested by engineers at NASA's Langley Research Center in Hampton, Virginia, before the winning design is chosen; and

WHEREAS, The winning team will be announced in April, and their design will be launched into space on Orion later this year. This uncrewed mission, designated Exploration Flight Test-1 (EFT-1), will be the first spaceflight test of the capsule that will one day carry astronauts to an asteroid and Mars: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Team Erion on being selected for the final round in the NASA competition and we wish them tremendous success in the finals; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Abrams.

On emergency motion of Senator Abrams **SR 1824** was adopted by voice vote.

Guests introduced were Todd "Parker" Ray, Virginia Wolken, Rose Fry, Sabrina Graham, Lorena South, Madison Steenrod and Ashlyn Taylor.

Senators honored the guests with standing ovation.

Senator Fitzgerald introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1825—

A RESOLUTION recognizing the dedicated service
of Employer Support of the Guard and Reserve
and the Kansas Committee of Employer Support of the Guard and Reserve.

WHEREAS, The Army National Guard, the Army Reserve, the Marine Corps Reserve, the Navy Reserve, the Air National Guard, the Air Force Reserve and the Coast Guard Reserve constitute a vital and ever more important part of our nation's defense; and

WHEREAS, Members of the National Guard and Reserve are Citizen Warriors who lead dual lives as valued workers, managers, professionals and students throughout our communities, and who as members of our nation's Armed Forces, train and maintain their military skills and have fought America's wars, and provide humanitarian aid at home and abroad; and

WHEREAS, President Richard M. Nixon, on June 22, 1972, authorized the Secretary of Defense to create the National Committee for Employer Support of the Guard and Reserve (ESGR). The Department of Defense established the Kansas Committee for Employer Support of the Guard and Reserve; and

WHEREAS, For over 40 years, dedicated ESGR volunteers in Kansas have spent thousands of hours promoting a cooperative culture of employer support for National Guard and Reserve service by developing and advocating mutually beneficial initiatives, recognizing outstanding employer support; increasing awareness of applicable laws and policies; resolving potential conflicts between employers and their service members; and acting as the employers' principal advocate within the Department of Defense: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the dedicated service of Employer Support of the Guard and Reserve and especially the Kansas

Committee of Employer Support of the Guard and Reserve, and we thank the many ESGR volunteers for their outstanding and dedicated service to Kansas' employers and their employee members of the National Guard and Reserve; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Fitzgerald.

On emergency motion of Senator Fitzgerald **SR 1825** was adopted by voice vote.

Senators honored the guests with a standing ovation.

Senators Bruce, Arpke, Bowers, Denning, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Kelly, Kerschen, Longbine, Love, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Pettey, V. Schmidt, Shultz, Smith, Tyson and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1826—

A RESOLUTION congratulating and commending Fort Hays State University President Dr. Edward H. Hammond on his retirement.

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, Dr. Edward H. Hammond, the eighth president of Fort Hays State University, was born in McAllen, Texas, and raised in the Kansas City, Kansas area; and

WHEREAS, President Hammond received his bachelor's and master's degrees from Emporia State University and his Ph.D. from the University of Missouri, Columbia; and

WHEREAS, Prior to accepting the presidency at FHSU in 1987, he held administrative positions at the universities of Louisville, Seton Hall, Southern Illinois, Purdue and Missouri. Now in his 28th year, he is the longest-serving president in the Kansas Board of Regents system and the longest-serving president in the 112-year history of FHSU; and

WHEREAS, President Hammond has published widely and is recognized as a futurist. He is in demand nationally as a speaker and educational consultant in the areas of educational business planning, risk management, and staff and institutional liability. In recent years, due to FHSU's success in China, he has also been sought as a consultant and speaker concerning the world's most populous nation. Through partnerships with universities there, FHSU serves about 3,400 students with more than 50 faculty and has produced more than 7,000 FHSU graduates to date. FHSU is the largest provider of higher education in China that is not a Chinese university; and

WHEREAS, President Hammond has been extremely active at FHSU, building an institution that delivers education by way of three modalities: On campus, at a distance through the Virtual College and in China. His first priority after assuming the presidency was to develop a unique high-tech and high-touch learning environment with a value-added focus. Other value-added initiatives include the internationalization of the curriculum, development of a Leadership Studies Program and development of a Four Year Guaranteed Degree program. The university's Virtual College now serves more than 5,000 students by means of internet classes and other mediated forms of instruction. The virtual students reside in Kansas, nearly every state and in several other

nations; and

WHEREAS, President Hammond has been instrumental in: Increasing enrollment from 4,500 to 13,500, despite a decreasing population in the university's primary service area; establishing Student Recognition Programs to award scholarships to academically outstanding high school seniors in Kansas, Colorado and Nebraska; establishing private scholarships for African-American, Hispanic and Asian-American students; developing a mobile learning and living environment that includes wireless connectivity throughout the FHSU campus; launching capital campaigns that have raised hundreds of millions of dollars for the renovation and construction of campus buildings; quadrupling the number of scholarships awarded yearly; and establishing the national FHSU Alumni Club system; and

WHEREAS, President Hammond is passionate about alcohol awareness on college campuses. He served as chair of the Board of Trustees for Boost Alcohol Consciousness Concerning the Health of University Students, the chair for the National Collegiate Alcohol Awareness Week and as a board member for the Inter-Association Task Force on Alcohol and Other Substance Abuse Issues. He has been an active member of his fraternity, Sigma Phi Epsilon, including serving as president of the foundation board of Sigma Phi Epsilon. He is also a past National President of the fraternity and served as a member of the Executive Committee of the North American Interfraternity Conference; and

WHEREAS, President Hammond has received numerous awards over his career, including: The Hays Area Chamber of Commerce Citizen of the Year for 1994; the Chief Executive Leader Award in 2008 from the Council for the Advancement and Support of Education; the Chinese Jade Award in 2009 from Sias International University in Xinzheng, China; the Region IV-West Presidential Excellence Award in Fall 2011 from the National Association of Student Personnel Administration (NASPA); the NASPA President's Award in January 2013; and the Pillar of the Profession Award in 2013 from NASPA. Additionally, he was inducted into the Mid-America Education Hall of Fame in 1997; and

WHEREAS, President Hammond and his wife Mary have three children and seven grandchildren, including a daughter, Kelly Williams, her husband, Chris, and their children Lily and Jack; a daughter, Julie Mohajir, her husband, Terry, and their children Molly, Maria and Marco; and a son, Lance Hammond, his wife, Shannon, and their children, Trent and Grayce; and

WHEREAS, After 28 years of serving Fort Hays State University, President Hammond is now retiring: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor President Hammond for his many years of service to Fort Hays State University. We thank him for being a leader in higher education for the state of Kansas and we wish him all the best in his retirement; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Bruce.

On emergency motion of Senator Bruce **SR 1826** was adopted by voice vote.

Senators honored Dr. Hammond with a standing ovation.

Senators Wagle, Bruce and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1827—

A RESOLUTION relating to assignment of seats of the Senate.

Be it resolved by the Senate of the State of Kansas: The members of the 2014 regular session shall occupy the same seats assigned pursuant to 2014 Senate Resolution No. 1778 with the following exception: Senator Baumgardner, seat No. 29.

On emergency motion of Senator Bruce **SR 1827** was adopted by voice vote.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub HB 2389**.

CONFERENCE COMMITTEE REPORTS

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub HB 2389** 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.

JEFF KING

GREG SMITH

Conferees on part of the Senate

JOHN RUBIN

RAMON GONZALEZ

JANICE PAULS

Conferees on part of the House

On motion of Senator Smith, the Senate adopted the conference committee report on **S Sub HB 2389**, and requested a new conference be appointed.

The Vice President appointed Senators King, Smith and Haley as second conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

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

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub SB 245**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Masterson the Senate nonconcurring in the House amendments to **H Sub for SB 245** and requested a conference committee be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a conference committee on the part of the Senate.

REPORT ON ENROLLED BILLS

H Sub SB 40; SB 54, SB 256, SB 265, SB 271, SB 285, SB 311, SB 344, SB 349, SB 423 reported correctly enrolled, properly signed and presented to the Governor on April 11, 2014.

SCR 1620, SCR 1623 reported correctly enrolled, properly signed and presented to the Secretary of State on April 11, 2014.

SR 1820, SR 1821, SR 1822 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 9, 2014.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, May 1, 2014.

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 1, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Dear Lord the beginning of May brings memories of the beauty of spring and the hope of new life. Today we pray for those who till the land and sow the seeds that feed the world. For hundreds of years the people of our land have been good stewards of your creation. Be with the strong people whose work finds its way to our kitchens and tables. Bless our farmers and ranchers and let us never forget to honor their labor. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2130**.

The House adopts the Conference Committee report on **HB 2296**.

The House adopts the Conference Committee report on **HB 2433**.

The House adopts the Conference Committee report on **S Sub HB 2446**.

The House adopts the Conference Committee report on **S Sub HB 2448**.

The House adopts the Conference Committee report on **HB 2490**.

The House adopts the Conference Committee report on **HB 2537**.

The House adopts the Conference Committee report on **S Sub HB 2588**.

The House adopts the Conference Committee report on **HB 2596**.

The House adopts the Conference Committee report on **SB 329**.

The House adopts the Conference Committee report on **SB 367**.

The House not adopts the Conference Committee report on **HB 2568**, requests a conference and appoints Representatives Kinzer, Bruchman and Pauls as second conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 245** and has appointed Representatives Suellentrop, Kleeb and Henry as conferees on the part of the House.

The House announced the appointment of Rep. Brunk to replace Rep. Goico as a conferee on **HB 2580**.

The House announced the appointment of Rep. Couture-Lovelady to replace Rep. Osterman as a conferee on **HB 2580**.

The House announced the appointment of Rep. Ruiz to replace Rep. Meier as a conferee on **HB 2580**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kelly, Hensley and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1828—

A RESOLUTION congratulating Gail Naylor on receiving the 2014 Outstanding Speech/Debate/Theater Educator Award by the National Federation of State High School Associations.

WHEREAS, The National Federation of State High School Associations (NFHS) annually recognizes outstanding high school speech, debate or theater educators; and

WHEREAS, Gail Naylor, a retired Silver Lake High School debate coach, has won the Section 5 award, recognizing her as the top debate coach among debate coaches in six states. As a result of being selected as a sectional award winner, Ms. Naylor will compete as a candidate for the 2014-2015 National Citation Award; and

WHEREAS, Ms. Naylor received her bachelor of science degree in education, with emphases in language arts and speech, theater and debate from Emporia State University in 1973 and received her master of science degree in counseling from Emporia State University in 1997; and

WHEREAS, Ms. Naylor began her teaching career in 1973 at Washington High School, in Washington, Kansas; and

WHEREAS, Ms. Naylor taught for 37 years at Silver Lake High School, where she was the director of the debate, speech and theater program, the chairperson of the language arts and communications department and taught speech, acting and interpretation, theater, creative writing, senior English and debate; and

WHEREAS, Ms. Naylor served the Kansas State High School Activities Association (KSHSAA) in many capacities during her tenure, most recently serving as the 4A and 3-2-1A State Debate Tournament manager. She also served as a regional debate host site manager for 14 years, the director and manager of the KSHSAA State 3A Speech Tournament for eight years and helped schedule and assign debate tournament judges for 24 years; and

WHEREAS, Ms. Naylor chartered the local chapter of the National Forensics League in 1981. She has also been a member of the National Catholic Forensics League since 1988. She received the Bickel and Brewer International Public Policy Forum Distinguished Service Award for coaching in 2011 and the Catholic National Distinguished Service Award in 1999. Additionally, she was inducted into the Kansas Speech Communication Association Hall of Fame in 2007 and the Kansas Debate Coaches Invitational Hall of Fame in 2005; and

WHEREAS, Ms. Naylor was inducted into the National Forensics League Hall of Fame in 2012. Under her direction, Silver Lake High School competed in the national tournament for 26 consecutive years. She has qualified 68 students to the national tournament, coached 10 semifinalists or finalists and coached 19 academic all-Americans; and

WHEREAS, In the National Catholic Forensics League, Ms. Naylor had 301 students qualify for the national tournament and four students as tournament semifinalists or finalists; and

WHEREAS, While competing in KSHSAA state tournaments, Ms. Naylor's students won seven 3A State Speech and Drama Team Championships between 1994 and 2004, with four of those titles being consecutive. She also coached 46 3A State Speech and Drama Individual Champions, 14 3A State Lincoln-Douglas Debate Champions and seven 3-2-1A State Debate Champions; and

WHEREAS, Ms. Naylor received the Silver Lake Teacher of the Year Award four times and was nominated for Kansas State Teacher of the year five times; and

WHEREAS, Ms. Naylor's former students describe Ms. Naylor as an iconic teacher due to her ability to teach her students how to reflect, deliberate, ponder and reason: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Gail Naylor on receiving the 2014 Outstanding Speech/Debate/Theater Educator Award by the National Federation of State High School Associations. We thank her for her dedication to speech, debate and forensics competitions in the state of Kansas and we wish her well in the future; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1828** was adopted by voice vote.

Senators honored those present with a standing ovation.

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1829—

A RESOLUTION commending Shirley Johannsen
for her extraordinary service and rare accomplishment of teaching
for 50 years at State Street Elementary School in Topeka.

WHEREAS, Shirley Johannsen graduated from high school in Little River, Kansas, and attended college at Emporia State University. She started her teaching career at State Street Elementary School in the Oakland neighborhood of Topeka 50 years ago, in the fall of 1964; and

WHEREAS, Shirley Johannsen has taught multiple generations of students at State Street, and if one assumes an average class size of 20 students for the past 50 years, she has affected the lives of at least 1,000 children. Principal Sarah Sharp has said Ms. Johannsen often requests that students who are struggling be placed in her class, where she helps them improve their academic performance; and

WHEREAS, During her years in Topeka Public Schools USD 501, "Ms. J," as the students, parents and staff call her, has supported an array of extracurricular activities, from sports and theater to other arts activities, that made a difference for students; and

WHEREAS, Ms. J also has put in countless hours painting and restoring sections of the school, spending a recent summer repainting the auditorium's art-deco-style seating by hand, taking care to match the original colors; and

WHEREAS, Ms. J has been given opportunities over the years to teach in other school districts but has always enjoyed teaching at State Street, where she has said the children, parents and patrons of the Oakland neighborhood have inspired her to stay for 50 years; and

WHEREAS, Hundreds of students, parents, teachers and staff gathered at the school on November 20, 2013, to honor Ms. J on her 50 years of service and surprise her by unveiling a plaque with the school auditorium's new name, the Shirley Johannsen Auditorium; and

WHEREAS, Dr. Julie Ford, superintendent of Topeka USD 501, congratulated Ms. J on her length of service at the same school and presented her with congratulatory letters from President Barack Obama, Vice President Joe Biden, U.S. Education Secretary Arne Duncan, and others; and the students presented her with a letter from University of Kansas basketball coach Bill Self, knowing that Ms. J is a devoted fan of KU basketball; and

WHEREAS, It was recently announced that Shirley Johannsen will be inducted into the 2014 class of The Kansas Teachers' Hall of Fame, located in Dodge City: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend Shirley Johannsen for her extraordinary service and rare accomplishment of teaching for 50 years at State Street Elementary School, and we congratulate her on the naming of the school's auditorium, the Shirley Johannsen Auditorium; and

Be it further resolved: That the Secretary of the Senate shall provide five enrolled copies of this resolution to Senator Anthony Hensley.

On emergency motion of Senator Hensley **SR 1829** was adopted by voice vote.

Other guests introduced were Sarah Sharp, Principal at State Street Elementary and Dr. Julie Ford, Superintendent USD 501.

Senators honored the guests with a standing ovation.

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1830—

A RESOLUTION congratulating and commending Ken Darting
on his record and retirement as the head boys basketball coach at
Highland Park High School in Topeka and for his positive
contribution to the entire Highland Park community.

WHEREAS, Ken Darting started teaching at Highland Park High School in 1995 and prior to the 2001-2002 season, was named head boys basketball coach by the school's principal, Dale Cushinberry; and

WHEREAS, Coach Darting, known as "Coach D" to Highland Park players, parents and fans, led the Scots to nine Centennial League championships, four with undefeated seasons and a league win-loss record of 139-23 (.858 winning percentage); 14 invitational tournament championships, including six in the Topeka Invitational Tournament; and 10 Kansas State High School Activities Association (KSHSAA) sub-state championships; and

WHEREAS, Coach D also led the Scots to four KSHSAA Class 5A state basketball championships, eight state championship games in Class 5A and 4A and three

nationally ranked teams.

He has posted a win-loss record at Highland Park of 259-53 (.830 winning percentage) and a total record of 505-222 (.695 winning percentage) as a high school and college head coach; and

WHEREAS, The Highland Park senior class of 2009 had an amazing record of 94-6 over four years, with a state runner-up finish in 2006 and three consecutive state championships in 2007, 2008 and 2009. The 2007 team featuring first team All-Staters and future NCAA Division I players Kyle Weems and Lamont Austin went 25-0, becoming only the second boys team to go undefeated in Topeka city high school basketball history; and

WHEREAS, Under Coach D's leadership, 21 players have been named first team All-City, including seven who were named City Player of the Year; 23 players named first team All-Centennial League, including five who were named League Player of the Year; 17 players named first team Class 5A; six players named first team All-State; 56 players offered college basketball scholarships, including 5 players who were NCAA Division I signees; and four players who were McDonald's All-American nominees; and

WHEREAS, Coach D has been named City Coach of the Year and Centennial League Coach of the Year nine times; Class 5A Coach of the Year four times; and State All Class Coach of the Year three times. Coach D has been a positive role model for his players and his teams have always been known for their unselfish teamwork, which is the result of their unwavering commitment to the team motto "We Not Me," and to their relentless, stifling man-to-man defense; and

WHEREAS, Coach D announced this past September that the 2013-2014 basketball season was to be his last as the head boys basketball coach at Highland Park High School and on January 10, 2014, in recognition of Coach D's final year as head coach, the Highland Park community gathered in the Scots' gymnasium to officially name the gym and floor the Ken Darting Gym and Ken Darting Court in a ceremony prior to the Scots' Centennial League game against Junction City; and

WHEREAS, Ken and Karen Darting have been married for 42 years. Karen works at Highland Park as a school psychologist and is known by her nickname "Mama D" for the invaluable role she has played over the years as team psychologist, photographer, cook, tutor and mentor. The Dartings have two children: Krista, who lives in Nashville, Tennessee and Kerry, who lives in Topeka: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and congratulate Ken Darting on his record and retirement as the head boys basketball coach at Highland Park High School and for his positive contribution to the entire Highland Park community; and

Be it further resolved: That we congratulate him on the naming of the school's gym and floor as the Ken Darting Gym and Ken Darting Court; and

Be it further resolved: That the Secretary of the Senate shall provide five enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1830** was adopted by voice vote.

Guests introduced were Ken Darting, Karen Darting, Kerry Darting, Jackie Cusic, Gene Cusic, Dr. Beryl New, Dale Cushinberry, Anita Cushinberry, Monica Agosto and Abel Sanchez.

Senators honored the guests with a standing ovation.

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1831—

A RESOLUTION designating May 2014 as Stroke Awareness Month in Kansas.

WHEREAS, Stroke is a prevalent cardiovascular disease and imposes a tremendous cost to victims and their families, the health care system and society at large; and

WHEREAS, Stroke is the third leading cause of death in Kansas, as well as a leading cause of long-term disability in the U.S. The prevalence of one or more risk factors for stroke exceeds 25% among the citizens of Kansas; and

WHEREAS, In 2010, the total cost of cardiovascular disease in the U.S. was estimated to be \$444 billion. Treatment of these diseases accounts for about \$1 of every \$6 spent on health care in this country. As the U.S. population ages, it is likely that the economic impact of cardiovascular diseases on our nation's health care system will become even greater; and

WHEREAS, Americans are more aware of the risk factors and warning signs for stroke than in the past, but $\frac{1}{3}$ of adults cannot identify any symptoms and less than 25% of adult Kansans know all of the primary signs and symptoms of stroke and the importance of calling 911; and

WHEREAS, Atrial fibrillation, the most common type of irregular heartbeat, is a risk factor for stroke; and

WHEREAS, Atrial fibrillation consists of two types, nonvalvular AF and valvular AF. Nonvalvular AF (NVAf), which makes up approximately 95% of AF and is estimated to affect 5.8 million people in the U.S. and individuals with NVAf have a five times greater risk of stroke. Approximately 15% of strokes are due to NVAf; and

WHEREAS, NVAf alone is estimated to cost \$6.65 billion per year. Nearly 75% of the costs of NVAf represent the direct and indirect costs associated with hospitalization; and

WHEREAS, New and effective treatments have been developed to treat and minimize the severity and damaging effects of strokes, but much more research is needed: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate May 2014 as Stroke Awareness Month in Kansas and urge the citizens of our state to familiarize themselves with the risk factors associated with stroke and NVAf so that we might begin to reduce the devastating effects of stroke on our population; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator V. Schmidt.

On emergency motion of Senator V. Schmidt **SR 1831** was adopted by voice vote.

Guests introduced were Joan McDowd, Willie Hillmon, Norma Brockhouse and David Clafin.

Senators honored the guests with a standing ovation.

Senator King introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1832—

A RESOLUTION recognizing Kansan Frank Bellamy's authorship of the Pledge of Allegiance.

WHEREAS, The original 23 words of the Pledge of Allegiance were written by

Frank Bellamy of Cherryvale, Kansas, who wrote the pledge as a school project at two different times; and

WHEREAS, The first time that Frank Bellamy wrote the pledge was in 1890 as a class assignment to express his thoughts when saluting the U.S. flag; and

WHEREAS, In a subsequent class assignment, Bellamy submitted his Pledge of Allegiance to Lillian Hendricks, patriotic director of the local Women's Relief Corps. Hendricks had asked Cherryvale high school principal Irene Beckley Powell for senior class members to write a patriotic paper; and

WHEREAS, In 1898, with the blessing of President William McKinley, the Women's Relief Corps hosted a contest to select the national pledge. While Bellamy was serving with the 20th National Guard Unit in the Philippines during the Spanish-American War, Hendricks remembered Bellamy's essay and submitted it. Bellamy's work was selected as the national Pledge of Allegiance. In 1899, Hendricks greeted Bellamy and his family at the railroad station as his unit was returning home with the good news; and

WHEREAS, Frank Bellamy passed away in 1915, in Denver, Colorado; and

WHEREAS, Frank Bellamy was buried in an unmarked grave in Cherryvale, Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize and celebrate Cherryvale, Kansas and Frank Bellamy's authorship of the Pledge of Allegiance; and

Be it further resolved: That we recognize and appreciate the dedication of Joyce Long of Cherryvale, Kansas, in increasing the awareness of Frank Bellamy's contribution to the United States; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator King.

On emergency motion of Senator King **SR 1832** was adopted by voice vote.

Guests introduced were Marvin and Joyce Long.

Senators honored the guests with a standing ovation.

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1833—

A RESOLUTION recognizing that Lyme disease is significantly under-diagnosed in the United States and supporting further Lyme disease research.

WHEREAS, Lyme disease is the most commonly reported tick-transmitted disease in the United States, yet the Centers for Disease Control and Prevention acknowledge that the number of cases reported annually represents only about one-tenth of the true number of cases. Approximately 30,000 cases of Lyme disease are reported to the CDC by state health departments each year. However, other studies of the disease suggest that the number of people actually diagnosed with Lyme disease each year is around 300,000, leaving approximately 270,000 cases unreported; and

WHEREAS, Lyme disease is most common among boys aged five to 19, with this age group being affected at three times the average rate of all other age groups. Around 25% of all reported cases of Lyme disease are children; and

WHEREAS, Lyme disease is undiagnosed in many Americans due to the lack of an accurate screening test, no standard presentation, a lack of reliable tick and tick-borne disease studies and many other reasons; and

WHEREAS, The screening test recommended by the CDC fails to detect 50% or more of Lyme disease cases, and strain variations complicate the testing; and

WHEREAS, Lyme disease can present in a variety of ways. One common sign of Lyme disease is the presentation of a red bull's-eye rash on the skin near the tick bite mark. However, only approximately 30% of Lyme disease patients present with this symptom. Lyme disease is known as "The New Great Imitator," because it can be misdiagnosed as fibromyalgia, multiple sclerosis, Parkinson's disease, chronic fatigue syndrome, Lou Gehrig's disease, cardiac problems, Alzheimer's disease, attention deficit disorder, vision and hearing problems and other conditions, including psychiatric disorders; and

WHEREAS, Lyme disease can affect almost any part of the body and produces a wide range of symptoms, including skin lesions, meningitis, progressive muscular and joint pain, mood changes and behavioral problems. If left untreated, Lyme disease can become an incurable and lifelong debilitating illness characterized by neurological disorders, emotional and mental disorders, serious pain syndromes in the bone and muscles, fatal heart disease and respiratory failure; and

WHEREAS, May is Lyme Disease Awareness Month. The ticks that transmit Lyme disease to humans are most active during May through July: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize that Lyme disease is significantly under-diagnosed in the United States and we support further research of the disease, its symptoms and its treatment; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to each member of the Kansas Congressional Delegation; the Chair and Ranking Member of the United States Senate Committee on Health, Education, Labor and Pensions; the Chair, Vice Chair and Ranking Member of the United States House Energy Subcommittee on Health; the Chair, Vice Chair and Ranking Member of the United States House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies; and the Chair, Vice Chair and Ranking Member of the United States House Ways and Means Subcommittee on Health.

On emergency motion of Senator McGinn **SR 1833** was adopted by voice vote.

Guest introduced was Peggy Blumhagen.

Senators honored the guest with a standing ovation.

ORIGINAL MOTION

Senator King moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2568**.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **HB 2568**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until 1:30 p.m.

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

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 147; S Sub HB 2231**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2231** 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.

TY MASTERSON

JIM DENNING

Conferees on part of Senate

GENE SUELLENTROP

MARVIN KLEEB

Conferees on part of House

On motion of Senator Masterson the Senate adopted the conference committee report on **S Sub HB 2231**, and requested a new conference be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a second Conference Committee on the part of the Senate on **S Sub HB 2231**.

CHANGE OF CONFERENCE

The Vice President announced the appointment of Senator Masterson as a member of the Conference Committee on **H Sub SB 147** to replace Senator Powell.

The Vice President announced the appointment of Senator Denning as a member of the Conference Committee on **H Sub SB 147** to replace Senator Kerschen.

The President announced the appointment of Senator Kelly as a member of the Conference Committee on **H Sub SB 147** to replace Senator Francisco.

ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1811—

A RESOLUTION congratulating
Olathe North High School Battle of the Brains winners.

WHEREAS, Olathe North High School Distinguished Scholars Science students won the Burns and McDonnell Battle of the Brains competition on November 20, 2013; and

WHEREAS, The students received \$50,000 in grant money to use for science education and the chance to build their winning exhibit proposal, Tapped Out, at Science City in Union Station, which is in Kansas City, Missouri. The Tapped Out exhibit highlights the impending water crisis by showcasing the chemistry of water, the history of its use and the urgency of conservation; and

WHEREAS, The Battle of the Brains helps bring education to life in a meaningful, relevant way. By participating, the competition empowers and inspires students to think

big, challenges students' critical thinking skills with hands-on experiential learning and encourages confidence in an area that is vital to their future; and

WHEREAS, By competing, the Olathe North students had a chance to design and implement an exhibit with engineers, architects and construction managers as mentors; and

WHEREAS, Students on the winning team include: Carolyn Culp, Sabrina Graham, Nicholas Haug, Marisha Madhira, David Nelson, Akshay Prabhushankar, Jacob Ramsdell, Andrew Schaff, Kyle Stern, Juhi Thaman, Mark Vrablic, Cooper Yerby, Olivia Haney, Isabel Horosz, Griffin Karr, Triton Wolfe, Abigail Friesen, Conner Seacat, Roshan Bisarya, Christopher Fenton, Alex Johnson, Anna Johnson, Ty Lawson, Mikaela Moore, Rachel Mickey and Disha Dasgupta, who were all coached by teachers Amy Johnston and Rhonda Reist; and

WHEREAS, Olathe North also took home this honor in 2011 with their exhibit Unplugged, which opened at Science City in March of 2013: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Olathe North High School Distinguished Scholars Science students, their teacher-coaches and Principal David Morford for winning the 2013 Burns and McDonnell Battle of the Brains competition, from which the state of Kansas will see a lasting impression on students and educators. We wish the entire Olathe North High School continued success in the future; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1811** was adopted by voice vote.

On motion of Senator Bruce the Senate recessed to the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2480**.

The House concurs in Senate amendments to **HB 2687**.

The House concurs in Senate amendments to **HB 2525**.

The House adopts the Conference Committee report to agree to disagree on **SB 274**, and has appointed Representatives Schwab, Huebert and Sawyer as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2231**, and has appointed Representatives Suellentrop, Kleeb and Henry as second conferees on the part of the House.

The House not adopts the Conference Committee Report agree to disagree on **S Sub HB 2389**. The bill remains in conference.

VETO SUSTAINED

President Wagle announced the time had arrived for reconsideration of the veto on **SB 99**, AN ACT concerning lobbyists; regarding definitions; amending K.S.A. 46-222 and repealing the existing section.

No motion having been offered to reconsider, President Wagle announced the

Governor's veto on **SB 99** was declared sustained.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 329, SB 367; HB 2568.**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 329** 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 5, by inserting:

"Section 1. K.S.A. 2013 Supp. 38-2303 is hereby amended to read as follows: 38-2303. (a) Proceedings under this code involving acts committed by a juvenile which, if committed by an adult, would constitute a violation of ~~K.S.A. 21-3401 or 21-3402, prior to their repeal, or K.S.A. 2013 Supp. 21-5402 or 21-5403, and amendments thereto,~~ any of the following statutes may be commenced at any time: (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto; (2) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto; (3) murder as described in K.S.A. 21-3401, 21-3402 or 21-3439, prior to their repeal, or K.S.A. 2013 Supp. 21-5401, 21-5402 or 21-5403, and amendments thereto; (4) terrorism as defined in K.S.A. 21-3449, prior to its repeal, or K.S.A. 2013 Supp. 21-5421, and amendments thereto; or (5) illegal use of weapons of mass destruction as defined in K.S.A. 21-3450, prior to its repeal, or K.S.A. 2013 Supp. 21-5422, and amendments thereto.

(b) Except as provided by subsections ~~(d)(c)~~ and ~~(f)(e)~~, a proceeding under this code for any act committed by a juvenile which, if committed by an adult, would constitute a violation of any of the following statutes shall be commenced within five years after its commission if the victim is less than 16 years of age: (1) ~~Indecent liberties with a child as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5506, and amendments thereto; (2) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5506, and amendments thereto; (3) Lewd and lascivious behavior as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2013 Supp. 21-5513, and amendments thereto; (4) indecent solicitation of a child as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto; (5) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5508, and amendments thereto; (6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto; (7)(2) unlawful voluntary sexual relations as defined in K.S.A. 21-3522, prior to its repeal, or K.S.A. 2013 Supp. 21-5507, and amendments thereto; or ~~(8)(3)~~ aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto.~~

(c) Except as provided by subsections (d) and (f), a prosecution for rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto, or aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto, shall be commenced within five years after its commission.

(d) (1) Except as provided in subsection (f), a prosecution for any offense provided in subsection (b) or a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, shall be commenced within the limitation of time provided by the law pertaining to such offense or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later. Except as provided in subsection (e), a proceeding under this code for any act committed by a juvenile which, if committed by an adult, would constitute a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto:

(1) When the victim is 18 years of age or older shall be commenced within 10 years or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later; or

(2) when the victim is under 18 years of age shall be commenced within 10 years of the date the victim turns 18 years of age or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

(2)(3) For the purposes of this subsection, "DNA" means deoxyribonucleic acid.

~~(e)(d)~~ Except as provided by subsection ~~(f)(e)~~, proceedings under this code not governed by subsections (a), (b), or (c) ~~or~~ (d) shall be commenced within two years after the act giving rise to the proceedings is committed.

~~(f)(e)~~ The period within which the proceedings must be commenced shall not include any period in which:

- (1) The accused is absent from the state;
- (2) the accused is so concealed within the state that process cannot be served upon the accused;
- (3) the fact of the offense is concealed; or
- (4) whether or not the fact of the offense is concealed by the active act or conduct of the accused, there is substantial competent evidence to believe two or more of the following factors are present: (A) The victim was a child under 15 years of age at the time of the offense; (B) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted an offense; (C) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the offense whether or not the parent or other legal authority is the accused; and (D) there is substantial competent expert testimony indicating the victim psychologically repressed such victim's memory of the fact of the offense, and in the expert's professional opinion the recall of such memory is accurate, free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information; but in no event may a proceeding be commenced as provided in subsection ~~(f)(e)~~(4) later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the alleged juvenile offender committed similar acts against other persons or evidence of contemporaneous physical manifestations of the offense. Parent or other legal authority shall include, but not be limited to, natural and stepparents, grandparents, aunts, uncles or siblings.

(f) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the alleged juvenile offender's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(g) A proceeding under this code is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such proceeding shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay."

And by redesignating sections accordingly;

On page 2, in line 25, after "Supp." by inserting "38-2303 and"; also in line 25, by striking "is" and inserting "are";

On page 1, in the title, in line 1, after "code;" by inserting "relating to time limitations;"; also in line 2, after "Supp." by inserting "38-2303 and"; in line 3 by striking "section" and inserting "sections";

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

JOHN RUBIN
RAMON GONZALEZ
JANICE PAULS

Conferees on part of House

JEFF KING
GREG SMITH
DAVID HALEY

Conferees on part of Senate

Senator King moved the Senate adopt the Conference Committee Report on **SB 329**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 367** 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 8, after "level" by inserting "and which contains no personally identifiable student data";

On page 2, following line 19, by inserting:

"(i) "Personally identifiable student data" means student data that, alone or in combination, is linked or linkable to a specific student and would allow a reasonable person to identify the student with reasonable certainty.";

Also on page 2, in line 22, after "section." by inserting "An educational agency shall

provide annual written notice to each student's parent or legal guardian that student data may be disclosed in accordance with this section. Such notice shall be signed by the student's parent or legal guardian and maintained on file with the district."; in line 24, by striking "the department or a school district" and inserting "an educational agency"; in line 32, after "agency" by inserting ", educational agency or school"; in line 43, after "first." by inserting "Except that a service provider engaged to perform a function of instruction may retain student transcripts as required by applicable laws and rules and regulations.";

On page 3, in line 1, by striking "NISTPS800-88" and inserting "NISTSP800-88"; in line 6, by striking the colon and inserting "that only"; in line 7, by striking "(A) Only"; in line 8, by striking "; and"; by striking all in lines 9 and 10; in line 30, by striking "and"; in line 32, after "disclosure" by inserting "; and

(5) student data to a public or private postsecondary educational institution which is required by such postsecondary educational institution for the purposes of application or admission of a student to such postsecondary educational institution, provided that such disclosure is consented to in writing by such student";

Also on page 3, in line 39, by striking "and" and inserting "or"; also in line 39, after "religion" by inserting a comma; in line 41, by striking "and" and inserting "or";

On page 4, in line 4, after "examination." by inserting "This section shall not prohibit school counselors from providing counseling services to a student, including the administration of tests and forms which are part of a counselor's student counseling services. Any information obtained through such tests or counseling services shall not be stored on any personal mobile electronic device which is not owned by the school district, including but not limited to, laptops, tablets, phones, flash drives, external hard drives or virtual servers."; in line 39, by striking "or de-identified data"; following line 41, by inserting:

"Sec. 10. K.S.A. 2013 Supp. 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 college, the board of regents of any municipal university, the governing board of any technical college and the board of education of any school district.

(2) "Student" means a person who has attained 18 years of age, or is attending an institution of postsecondary education.

(3) "Pupil" means a person who has not attained 18 years of age and is attending an educational institution below the postsecondary level.

(b) Every board shall adopt a policy in accordance with the student data privacy act and applicable federal laws and regulations to protect the right of privacy of any student, or pupil and 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. 11. K.S.A. 2013 Supp. 72-6214 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "act" by inserting "; amending K.S.A. 2013 Supp. 72-6214 and repealing the existing section";

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

KASHA KELLEY

WARD CASSIDY

ED TRIMMER

Conferees on part of House

STEVE ABRAMS

TOM ARPKE

ANTHONY HENSLEY

Conferees on part of Senate

Senator Abrams moved the Senate adopt the Conference Committee Report on **SB 367**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2568** 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 27 through 33;

On page 7, by striking all in lines 2 through 5;

On page 8, following line 8, by inserting:

"(d) If both parents are parties to the action, the court shall enter such orders regarding custody, residency and parenting time as the court considers to be in the best interest of the child.

If the parties have an agreed parenting plan, it shall be presumed the agreed parenting plan is in the best interest of the child. This presumption may be overcome and the court may make a different order if the court makes specific findings of fact stating why the agreed parenting plan is not in the best interest of the child. If the parties are not in agreement on a parenting plan, each party shall submit a proposed parenting plan to the court for consideration at such time before the final hearing as may be directed by the court.

(e) If during the proceedings the court determines that there is probable cause to believe that the child is a child in need of care, as defined by subsections (d)(1), (d)(2),

(d)(3) or (d)(11) of K.S.A. 2013 Supp. 38-2202, and amendments thereto, or that neither parent is fit to have residency, the court may award temporary residency of the child to a grandparent, aunt, uncle or adult sibling, or another person or agency if the court finds by written order that: (1) (A) The child is likely to sustain harm if not immediately removed from the home; (B) allowing the child to remain in the home is contrary to the welfare of the child; or (C) immediate placement of the child is in the best interest of the child; and (2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety of the child. In making such a residency order, the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to awarding such residency to a relative of the child by blood, marriage or adoption and second to awarding such residency to another person with whom the child has close emotional ties. The court may make temporary orders for care, support, education and visitation that it considers appropriate. Temporary residency orders are to be entered in lieu of temporary orders provided for in K.S.A. 2013 Supp. 38-2243 and 38-2244, and amendments thereto, and shall remain in effect until there is a final determination under the revised Kansas code for care of children. An award of temporary residency under this subsection shall not terminate parental rights nor give the court the authority to consent to the adoption of the child. When the court enters orders awarding temporary residency of the child to an agency or a person other than the parent, the court shall refer a transcript of the proceedings to the county or district attorney. The county or district attorney shall file a petition as provided in K.S.A. 2013 Supp. 38-2234, and amendments thereto, and may request termination of parental rights pursuant to K.S.A. 2013 Supp. 38-2266, and amendments thereto. The costs of the proceedings shall be paid from the general fund of the county. If a final determination is made that the child is not a child in need of care, the county or district attorney shall notify the court in writing and the court, after a hearing, shall enter appropriate custody orders pursuant to this section. If the same judge presides over both proceedings, the notice is not required. Any order pursuant to the revised Kansas code for care of children shall take precedence over any similar order under this section.";

And by redesignating remaining subsection accordingly;

On page 15, in line 2, by striking "23-2201,"; in line 3, by striking "23-2225,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "23-2201,"; in line 5, by striking the comma and inserting "and"; also in line 5, by striking "and 23-2225";

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

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2568**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 274; H Sub SB 84**.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Knox as a member of the Conference Committee on **H Sub SB 84** to replace Senator Masterson.

The President announced the appointment of Senator Smith as a member of the Conference Committee on **H Sub SB 84** to replace Senator Denning.

The President announced the appointment of Senator Francisco as a member of the Conference Committee on **H Sub SB 84** to replace Senator Hensley.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 274** 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.

SCOTT SCHWAB

STEVE HUEBERT

TOM SAWYER

Conferees on part of House

MITCH HOLMES

MICHAEL O'DONNELL

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

On motion of Senator Holmes the Senate adopted the conference committee report on **SB 274**, and requested a new conference be appointed.

The President appointed Senators Holmes, O'Donnell and Faust-Goudeau as a second Conference Committee on the part of the Senate on **SB 274**.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub HB 2154; HB 2515, HB 2551, HB 2580, HB 2673.**

Senator Bruce moved that subsection 3(f) of the Joint Rules of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee reports on: **S Sub HB 2154; HB 2515, HB 2551, HB 2580, HB 2673.**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2154** 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, by striking all in line 13; in line 38, before "senior" by inserting "one-time"; in line 39, by striking "complete a written"; by striking all in lines 40 through 42; in line 43, by striking all before the period and inserting "renew the license and shall not be entitled to practice cosmetology";

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

MARY PILCHER-COOK

ELAINE BOWERS

LAURA KELLY

Conferees on part of Senate

DAVID CRUM

SUSAN CONCANNON

JIM WARD

Conferees on part of House

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **S Sub HB 2154.**

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2515** 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 4, by striking line 43;

On page 5, by striking all in lines 1 through 23 and inserting the following:

"Section 1. K.S.A. 2013 Supp. 8-255 is hereby amended to read as follows: 8-255.

(a) The division is authorized to restrict, suspend or revoke a person's driving privileges upon a showing by its records or other sufficient evidence the person:

(1) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(2) has been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period;

(3) is incompetent to drive a motor vehicle;

(4) has been convicted of a moving traffic violation, committed at a time when the person's driving privileges were restricted, suspended or revoked; or

(5) is a member of the armed forces of the United States stationed at a military installation located in the state of Kansas, and the authorities of the military establishment certify that such person's on-base driving privileges have been suspended, by action of the proper military authorities, for violating the rules and regulations of the military installation governing the movement of vehicular traffic or for any other reason relating to the person's inability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(b) (1) The division shall:

(A) Suspend a person's driving privileges:

(i) When required by K.S.A. 8-262, 8-1014 or 41-727, and amendments thereto;

(ii) upon a person's second conviction of theft, as defined in subsection (a)(5) of K.S.A. 2013 Supp. 21-5801, and amendments thereto, for six months; and

(iii) upon a person's third or subsequent conviction of theft, as defined in subsection (a)(5) of K.S.A. 2013 Supp. 21-5801, and amendments thereto, for one year;

(B) disqualify a person's privilege to drive commercial motor vehicles when required by K.S.A. 8-2,142, and amendments thereto; and

(C) restrict a person's driving privileges when required by K.S.A. 2013 Supp. 39-7,155, and amendments thereto.

(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. 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. "Conviction" includes being convicted of a violation of K.S.A. 21-3765, prior to its repeal, or subsection (a)(5) of K.S.A. 2013 Supp. 21-5801, and amendments thereto.

(c) When the action by the division restricting, suspending, revoking or disqualifying a person's driving privileges is based upon a report of a conviction or convictions from a convicting court, the person may not request a hearing but, within 30 days after notice of restriction, suspension, revocation or disqualification is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted, suspended, revoked or disqualified by the division was not convicted of the offense upon which the restriction, suspension, revocation or disqualification is based. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction, suspension, revocation or disqualification has been affirmed or

set aside. The request for administrative review shall not stay any action taken by the division.

(d) Upon restricting, suspending, revoking or disqualifying the driving privileges of any person as authorized by this act, the division shall immediately notify the person in writing. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, and subsections (c) and (g), if the person makes a written request for hearing within 30 days after such notice of restriction, suspension or revocation is mailed, the division shall afford the person an opportunity for a hearing as early as practical not sooner than five days nor more than 30 days after such request is mailed. If the division has not revoked or suspended the person's driving privileges or vehicle registration prior to the hearing, the hearing may be held within not to exceed 45 days. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, the hearing shall be held in the person's county of residence or a county adjacent thereto, unless the division and the person agree that the hearing may be held in some other county. Upon the hearing, the director or the director's duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination or reexamination of the person. When the action proposed or taken by the division is authorized but not required, the division, upon the hearing, shall either rescind or affirm its order of restriction, suspension or revocation or, good cause appearing therefor, extend the restriction or suspension of the person's driving privileges, modify the terms of the restriction or suspension or revoke the person's driving privileges. When the action proposed or taken by the division is required, the division, upon the hearing, shall either affirm its order of restriction, suspension, revocation or disqualification, or, good cause appearing therefor, dismiss the administrative action. If the person fails to request a hearing within the time prescribed or if, after a hearing, the order of restriction, suspension, revocation or disqualification is upheld, the person shall surrender to the division, upon proper demand, any driver's license in the person's possession.

(e) In case of failure on the part of any person to comply with any subpoena issued on behalf of the division or the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, the district court of any county, on application of the division, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. Each witness who appears before the director or the director's duly authorized agent by order or subpoena, other than an officer or employee of the state or of a political subdivision of the state, shall receive for the witness' attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness.

(f) The division, in the interest of traffic and safety, may establish or contract with a private individual, corporation, partnership or association for the services of driver improvement clinics throughout the state and, upon reviewing the driving record of a person whose driving privileges are subject to suspension under subsection (a)(2), may permit the person to retain such person's driving privileges by attending a driver improvement clinic. Any person other than a person issued a commercial driver's license under K.S.A. 8-2,125 et seq., and amendments thereto, desiring to attend a driver improvement clinic shall make application to the division and such application

shall be accompanied by the required fee. The secretary of revenue shall adopt rules and regulations prescribing a driver's improvement clinic fee which shall not exceed \$500 and such rules and regulations deemed necessary for carrying out the provisions of this section, including the development of standards and criteria to be utilized by such driver improvement clinics. Amounts received under 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 same in the state treasury as prescribed by subsection (f) of K.S.A. 8-267, and amendments thereto.

(g) When the action by the division restricting a person's driving privileges is based upon certification by the secretary of social and rehabilitation services for children and families pursuant to K.S.A. 2013 Supp. 39-7,155, and amendments thereto, the person may not request a hearing but, within 30 days after notice of restriction is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted by the division is not the person certified by the secretary of social and rehabilitation services for children and families, did not receive timely notice of the proposed restriction from the secretary of social and rehabilitation services for children and families or has been decertified by the secretary of social and rehabilitation services for children and families. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

(h) Any person whose driving privileges have been suspended under subsection (b) (1)(A)(ii) or (b)(1)(A)(iii), shall pay a reinstatement fee in the amount of \$100 to the division. The division shall remit all revenues received from such fees, at least monthly, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the state highway fund.

Sec. 2. K.S.A. 2013 Supp. 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 for aging and disability 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 for aging and disability services as meeting the requirements described in subsection (f).

(b) A provider shall provide:

(1) Alcohol and drug evaluations, prior to sentencing, of any person who is convicted of a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2013 Supp. 8-1025, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by those statutes; and

(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 or K.S.A. 2013 Supp. 8-1025, 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.

(c) A provider shall be capable of providing, within the judicial district: (1) The evaluations required under subsection (b); (2) the alcohol and drug evaluation report required under subsection (d) or (e); (3) the follow-up duties specified under subsection (d) or (e) for persons who prepare the alcohol and drug evaluation report; and (4) any other functions and duties specified by law. The secretary of social and rehabilitation for aging and disability services shall provide each judicial district with an electronic list of providers, and, except as provided further, 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 for aging and disability services shall also make all such lists publicly available on the official website of the department of social and rehabilitation Kansas department for aging and disability services. Any provider performing services in any judicial district under this section prior to July 1, 2011, may continue to perform those services until July 1, 2013.

(d) (1) Except as provided further, 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 or K.S.A. 2013 Supp. 8-1025, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by those statutes. The alcohol and drug evaluation report shall be made available to and shall be considered by the court prior to sentencing. Except as provided further, the court shall order that the cost of any alcohol and drug evaluation for any person shall be paid by such person to the provider at the time of service. If the court finds that such person is indigent, the provider shall agree to accept payment as ordered by the court and the court shall order that the cost of any alcohol and drug evaluation be paid to the provider by such person as part of the judgment. The cost of any such evaluation shall be not less than \$150.

(2) The provisions of this subsection shall not apply to any person convicted pursuant to subsection (b)(1)(C) of K.S.A. 8-2,144, subsection (b)(1)(C), (b)(1)(D) or (b)(1)(E) of K.S.A. 8-1567 or subsection (b)(1)(B), (b)(1)(C) or (b)(1)(D) of K.S.A. 2013 Supp. 8-1025, and amendments thereto.

(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 or K.S.A. 2013 Supp. 8-1025, 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 cost of any alcohol and drug evaluation for any person shall be paid by such person to the provider at the time of service, and shall be not less than \$150.

(f) On and after July 1, 2013, 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 for aging and disability services and be submitted in a format approved by the secretary of social and rehabilitation for aging and disability services. On or before July 1, 2013, the secretary of social and rehabilitation for aging and disability services shall promulgate rules and regulations to implement this section.

Sec. 3. K.S.A. 2013 Supp. 8-1567 is hereby amended to read as follows: 8-1567.
(a) 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 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.

(b)(1) Driving 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 or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2013 Supp. 21-6609, and amendments thereto, to serve the remainder of the sentence only after such person has served 48 consecutive hours' imprisonment;

(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 K.S.A. 2013 Supp. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection 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;

(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 2,160 hours of confinement. Such 2,160 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. 2013 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection 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 2,160 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 2,160 hours;

(D) on a third conviction a nonperson felony 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 \$1,750 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 2,160 hours of confinement. Such 2,160 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. 2013 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection 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 2,160 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 2,160 hours; and

(E) on a fourth 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 \$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 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 2,160 hours of confinement. Such 2,160 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 K.S.A. 2013 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection 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 2,160 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 2,160 hours.

(2) The court may order that the term of imprisonment imposed pursuant to 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. 2013 Supp. 21-6804, 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.

(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 K.S.A. 2013 Supp. 21-6711, 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 Kansas department for aging and disability 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 Kansas department for aging and disability services 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 jail 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 pursuant to subsection (b)(1)(A) or (b)(1)(B), 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 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.

(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.

(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 division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(i) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of this section, or a violation of 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 on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) Refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 2013 Supp. 8-1025, and amendments thereto; (B) driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto; (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2013 Supp. 21-5405, and amendments thereto; (E) aggravated battery as described in subsection (b)(3) of K.S.A. 2013 Supp. 21-5413, and amendments thereto; and (F) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (i)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (i)(1) or (i)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state;

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) 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.

(j) 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.

(k) (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.

(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) 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.

(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.

(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 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.

(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. 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.

(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, but shall not be required to, may elect one or two of the three prior to submission of the case to the fact finder.

(o) 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. 2013 Supp. 21-5712, and amendments thereto.

(p) (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 each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2013 Supp. 75-52,113, and amendments thereto.

Sec. 4. K.S.A. 2013 Supp. 9-1216 is hereby amended to read as follows: 9-1216. When the owner and the bank have entered into a contract authorized in K.S.A. 9-1215, and amendments thereto, the owner's deposit account subject to the contract or any part of or interest on the account shall be paid by the bank to the owner or pursuant to the owner's order during the owner's lifetime. On the owner's death, the deposit account or any part of or interest on the account shall be paid by the bank to the secretary of ~~social and rehabilitation services~~ for children and families for a claim pursuant to subsection (g) of K.S.A. 39-709, and amendments thereto, or, if there is no such claim or if any portion of the account remains after such claim is satisfied, to the designated beneficiary or beneficiaries. If any designated beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3053, and amendments thereto, the bank shall pay the moneys or any interest on them only to a conservator of the minor beneficiary. The receipt of the conservator shall release and discharge the bank for the payment.

Sec. 5. K.S.A. 12-736 is hereby amended to read as follows: 12-736. (a) It is hereby declared to be the policy of the state of Kansas that persons with a disability shall not be excluded from the benefits of single family residential surroundings by any municipal zoning ordinance, resolution or regulation.

(b) For the purpose of this act:

(1) "Group home" means any dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state;

(2) "municipality" means any township, city or county located in Kansas;

(3) "disability" means, with respect to a person:

(A) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(B) a record of having such an impairment; or

(C) being regarded as having such an impairment. Such term does not include

current, illegal use of or addiction to a controlled substance, as defined in section 102 of the controlled substance act (21 U.S.C. § 802);

(4) "licensed provider" means a person or agency who provides mental health services and is licensed by:

(A) The department of social and rehabilitation Kansas department for aging and disability services pursuant to K.S.A. 75-3307b or 65-425 et seq., and amendments thereto; or

(B) the behavioral sciences regulatory board pursuant to K.S.A. 75-5346 et seq. or 74-5301 et seq., and amendments thereto; or

(C) the state board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto.

(c) (1) No mentally ill person shall be eligible for placement in a group home unless such person has been evaluated by a licensed provider and such provider determines that the mentally ill person is not dangerous to others and is suitable for group-home placement. A group home shall not be a licensed provider for the purposes of evaluating or approving for placement a mentally ill person in a group home.

(2) No person shall be eligible for placement in a group home if such person is: (A) Assigned to a community corrections program or a diversion program; (B) on parole from a correctional institution or on probation for a felony offense; or (C) in a state mental institution following a finding of mental disease or defect excluding criminal responsibility, pursuant to K.S.A. 22-3220 and 22-3221, and amendments thereto.

(d) No person shall be placed in a group home under this act unless such dwelling is licensed as a group home by the department of social and rehabilitation for aging and disability services or the department of health and environment.

(e) No municipality shall prohibit the location of a group home in any zone or area where single family dwellings are permitted. Any zoning ordinance, resolution or regulation which prohibits the location of a group home in such zone or area or which subjects group homes to regulations not applicable to other single family dwellings in the same zone or area is invalid. Notwithstanding the provisions of this act, group homes shall be subject to all other regulations applicable to other property and buildings located in the zone or area that are imposed by any municipality through zoning ordinance, resolution or regulation, its building regulatory codes, subdivision regulations or other nondiscriminatory regulations.

(f) No person or entity shall contract or enter into a contract, restrictive covenant, equitable servitude or such similar restriction, which would restrict group homes or their location in a manner inconsistent with the provisions of subsection (e).

Sec. 6. K.S.A. 2013 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);

(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 K.S.A. 2013 Supp. 21-6609, 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 for aging and disability 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. 2013 Supp. 21-5701 through 21-5717, 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) In addition to any other sentence authorized by law, whenever a person is convicted of any criminal offense, the municipal judge shall determine whether the defendant committed a domestic violence offense as defined in K.S.A. 2013 Supp. 21-3110 and 21-5111, and amendments thereto, and shall sentence the defendant pursuant to K.S.A. 2013 Supp. 22-4616, and amendments thereto.

(f) 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 (g), for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant.

(g) 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. 7. K.S.A. 2013 Supp. 12-4516 is hereby amended to read as follows: 12-4516.

(a) (1) Except as provided in subsections (b), (c), (d) and (e), 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 subsections (b), (c), (d) and (e), 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) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2013 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One 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; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) 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, prior to its repeal, or K.S.A. 2013 Supp. 21-5406, 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, prior to its repeal, 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, prior to its repeal.

(d) 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) 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. 8-2,144, and amendments thereto.

(f) (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 prosecuting attorney 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 agency or diverting authority.

(2) 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.

(3) 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 prisoner review board.

(g) 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.
- (h) 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 for children and families Kansas department for aging and disability 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. 2013 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.

(i) 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.

(j) Subject to the disclosures required pursuant to subsection (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.

(k) 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 the department for children and families aging and disability 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 for children and families Kansas department for aging and disability 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. 8. K.S.A. 2013 Supp. 12-4516a 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 K.S.A. 2013 Supp. 21-6107, 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 Kansas department for aging and disability 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.

(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.

(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. 9. K.S.A. 12-4808 is hereby amended to read as follows: 12-4808. For the purpose of avoiding any duplication of services or competition between services, before any expenditure may be made under the provisions of this act on any new facility, all organizations within such taxing subdivision which are already providing such services as would make them eligible to receive funds under the provisions of this act, and all programs or services provided by youth services of the department of social and rehabilitation services Kansas department for children and families, must be reviewed by the governing body and found to be insufficient to meet the child care needs of such taxing subdivision.

Sec. 10. K.S.A. 16-304 is hereby amended to read as follows: 16-304. (a) If any balance remains in the account upon the death of the person for whose services the funds were paid, the same shall not be paid by such bank, credit union or savings and loan association to the person, association, partnership, firm or corporation until a certified copy of the death certificate of such person, a verification of death form or other acceptable proof of death shall have been furnished to the bank, credit union or savings and loan association, together with a verified statement setting forth that all of the terms and conditions of such agreement have been fully performed by the person, association, partnership, firm or corporation.

(b) If any balance remains in the fund after disposition of the fund in accordance with the terms of the agreement, contract or plan such balance shall inure to the benefit of the estate of the purchaser of the agreement, contract or plan unless the purchaser was a person who received medical assistance from the department of social and rehabilitation services Kansas department for children and families or a deceased surviving spouse of a recipient of medical assistance and the bank, credit union or savings and loan association has received written notice from the department of social

and rehabilitation services Kansas department for children and families, the funeral home or the recipient, stating that medical assistance has been expended on the recipient for which the department of social and rehabilitation services Kansas department for children and families may have a claim. If such notice has been received, the balance shall be paid to the secretary of social and rehabilitation services for children and families or the secretary's designee to the extent of medical assistance expended on the deceased recipient.

(c) The bank, credit union or savings and loan association shall not be liable to the department of social and rehabilitation services Kansas department for children and families for the balance in the fund if written notice has not been received and the balance of the fund has been paid to the estate of the purchaser of the agreement as provided above.

Sec. 11. K.S.A. 16-311 is hereby amended to read as follows: 16-311. (a) Whenever a person, who is or has been a recipient of medical assistance from the department of social and rehabilitation services Kansas department for children and families, enters into a prearranged funeral agreement, contract or plan pursuant to K.S.A. 16-301, and amendments thereto, or a prearranged funeral agreement, contract or plan funded by insurance proceeds, such person shall inform the secretary of social and rehabilitation services for children and families or the secretary's designee of the existence of such an agreement, contract or plan and shall inform the funeral establishment that such person is or has been a recipient of medical assistance.

(b) If any balance remains after payment for the final disposition of a dead human body, or for funeral or burial services, or funeral or burial merchandise, and the purchaser of the agreement, contract, or plan is or has been a recipient of medical assistance or a deceased surviving spouse of a recipient of medical assistance, any remaining balance shall be paid according to K.S.A. 16-304, and amendments thereto, or if said such agreement, contract or plan was funded by insurance, any remaining balance shall be paid by the insurance company or the person, association, partnership, firm or corporation providing the services or merchandise to the secretary of social and rehabilitation services for children and families or the secretary's designee, to the extent of medical assistance expended on the deceased recipient. The insurance company or the person, association, partnership, firm or corporation providing the services or merchandise shall not be liable to the department of social and rehabilitation services Kansas department for children and families for the balance in the account if written notice has not been received stating that medical assistance has been expended on the recipient for which the department of social and rehabilitation services Kansas department for children and families may have a claim, and the balance of the account has been paid to the estate of the deceased or in the case of insurance, the designated beneficiary.

(c) Payments to the secretary of social and rehabilitation services for children and families under subsection (b) and K.S.A. 16-304, and amendments thereto, shall be governed by subsection (g)(2) of K.S.A. 39-709, and amendments thereto.

Sec. 12. K.S.A. 2013 Supp. 16-312 is hereby amended to read as follows: 16-312. Any prearranged funeral agreement that involves the payment of money or the purchase or assignment of an insurance policy or annuity shall be in writing and shall include the following information:

(a) The name, address and phone number of the seller and the name and address of

the purchaser of the contract and if the contract involves the payment of money but not the purchase or assignment of an insurance policy or annuity, the social security number of the purchaser of the contract;

(b) a statement of the funeral goods and funeral services purchased. This disclosure may be made by attaching a copy of the completed statement of funeral goods and services selected to the prearranged funeral agreement;

(c) a disclosure informing the purchaser whether the contract is either a guaranteed prearranged funeral agreement or a non-guaranteed prearranged funeral agreement. If the contract is guaranteed only in part, the disclosure shall specify the funeral goods or funeral services included in the guarantee;

(d) if the prearranged funeral agreement is a guaranteed contract, a disclosure that in exchange for all of the proceeds paid pursuant to such prearranged funeral agreement, the seller shall provide the funeral goods and funeral services set forth in such prearranged funeral agreement without regard to the actual cost of such funeral goods and funeral services prevailing at the time of performance under such prearranged funeral agreement;

(e) if the prearranged funeral agreement is a non-guaranteed contract, a disclosure that the proceeds of the trust, insurance policy, or annuity shall be applied to the retail prices in effect at the time of the funeral for the funeral goods and funeral services set forth in the prearranged funeral agreement and that in the event of an insufficiency of funds, the seller shall not be required to perform under such prearranged funeral agreement until payment arrangements satisfactory to the seller have been made;

(f) a disclosure that any excess funds remaining after the payment of funeral goods and services shall be paid to the estate of the purchaser or the beneficiary named in the life insurance policy if the prearranged funeral agreement is funded by a life insurance policy. If the deceased was a recipient of medical assistance, the balance of unused funds shall be paid to the Kansas department of social and rehabilitation services for children and families to the extent of medical assistance expended;

(g) if the prearranged funeral agreement is irrevocable, a disclosure that the purchaser does not have a right to revoke the contract; and

(h) a disclosure that the seller may substitute funeral goods or funeral services of equal quality, value, and workmanship if those specified in the prearranged funeral agreement are unavailable at the time of need.

Sec. 13. K.S.A. 2013 Supp. 17-1762 is hereby amended to read as follows: 17-1762. The following persons shall not be required to register with the secretary of state:

(a) State educational institutions under the control and supervision of the state board of regents, unified school districts, educational interlocals, educational cooperatives, area vocational-technical schools, all educational institutions that are accredited by a regional accrediting association or by an organization affiliated with the national commission of accrediting, any foundation having an established identity with any of the aforementioned educational institutions, any other educational institution confining its solicitation of contributions to the student body, alumni, faculty and trustees of such institution, and their families, or a library established under the laws of this state, provided that the annual financial report of such institution or library shall be filed with the attorney general;

(b) fraternal, patriotic, social, educational, alumni organizations and historical societies when solicitation of contributions is confined to their membership. This

exemption shall be extended to any subsidiary of a parent or superior organization exempted by this subsection where such solicitation is confined to the membership of the subsidiary, parent or superior organization;

(c) persons requesting any contributions for the relief or benefit of any individual, specified by name at the time of the solicitation, if the contributions collected are turned over to the named beneficiary, first deducting reasonable expenses for costs of banquets, or social gatherings, if any, provided all fund raising functions are carried on by persons who are unpaid, directly or indirectly, for such services;

(d) any charitable organization which does not intend to solicit and receive and does not actually receive contributions in excess of \$10,000 during such organization's tax period, as defined by K.S.A. 17-7501, and amendments thereto, if all of such organization's fund-raising functions are carried on by persons who are unpaid for such services. However, if the gross contributions received by such charitable organization during any such tax period is in excess of \$10,000, such organization, within 30 days after the end of such tax period, shall register with the secretary of state as provided in K.S.A. 17-1763, and amendments thereto;

(e) any incorporated community chest, united fund, united way or any charitable organization receiving an allocation from an incorporated community chest, united fund or united way;

(f) a bona fide organization of volunteer firemen, or a bona fide auxiliary or affiliate of such organization, if all fund-raising activities are carried on by members of such organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(g) any charitable organization operating a nursery for infants awaiting adoption if all fund-raising activities are carried on by members of such an organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(h) any corporation established by the federal congress that is required by federal law to submit annual reports of such corporation's activities to congress containing itemized accounts of all receipts and expenditures after being duly audited by the department of defense or other federal department;

(i) any girls' club which is affiliated with the girls' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the girls' club of America and that the girls' club of America files with the government of the United States the reports required by such federal charter;

(j) any boys' club which is affiliated with the boys' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the boys' club of America and that the boys' club of America files with the government of the United States the reports required by such federal charter;

(k) any corporation, trust or organization incorporated or established for religious purposes, or established for charitable, hospital or educational purposes and engaged in effectuating one or more of such purposes, that is affiliated with, operated by or supervised or controlled by a corporation, trust or organization incorporated or established for religious purposes, or to any other religious agency or organization which serves religion by the preservation of religious rights and freedom from persecution or prejudice or by fostering religion, including the moral and ethical aspects of a particular religious faith;

(l) the boy scouts of America and the girl scouts of America, including any regional or local organization affiliated therewith;

(m) the young men's christian association and the young women's christian association, including any regional or local organization affiliated therewith;

(n) any licensed medical care facility which is organized as a nonprofit corporation under the laws of this state;

(o) any licensed community mental health center or licensed mental health clinic;

(p) any licensed community center for people with intellectual disability and its affiliates as determined by the department of social and rehabilitation Kansas department for aging and disability services;

(q) any charitable organization of employees of a corporation whose principal gifts are made to an incorporated community chest, united fund or united way, and whose solicitation is limited to such employees;

(r) any community foundation or community trust to which deductible contributions can be made by individuals, corporations, public charities and private foundations, as well as other charitable organizations and governmental agencies for the overall purposes of the foundation or to particular charitable and endowment funds established under agreement with the foundation or trust for the charitable benefit of the people of a specific geographic area and which is a nonprofit organization exempt from federal income taxation pursuant to section 501(a) of the internal revenue code of 1986, as in effect on the effective date of this act, by reason of qualification under section 501(c)(3) of the internal revenue code of 1986, as in effect on the effective date of this act, and which is deemed a publicly supported organization and not a private foundation within the meaning of section 509(a)(1) of the internal revenue code of 1986, as in effect on the effective date of this act;

(s) any charitable organization which does not intend to or does not actually solicit or receive contributions from more than 100 persons;

(t) any charitable organization the funds of which are used to support an activity of a municipality of this state; and

(u) the junior league, including any local community organization affiliated therewith.

Sec. 14. K.S.A. 17-2264 is hereby amended to read as follows: 17-2264. When the shareholder and the credit union have entered into a contract authorized in K.S.A. 17-2263, and amendments thereto, the shareholder's account subject to the contract or any part of or interest on the account shall be paid by the credit union to the shareholder or pursuant to the shareholder's order during the shareholder's lifetime. On the shareholder's death, the deposit account or any part of or interest on the account shall be paid by the credit union to the secretary of social and rehabilitation services for children and families for a claim pursuant to subsection (g) of K.S.A. 39-709, and amendments thereto, or, if there is no such claim or if any portion of the account remains after such claim is satisfied, to the designated beneficiary or beneficiaries. If any designated beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3053, and amendments thereto, the credit union shall pay the moneys or any interest on them only to a conservator of the minor beneficiary. The receipt of the conservator shall release and discharge the credit union for the payment.

Sec. 15. K.S.A. 17-5829 is hereby amended to read as follows: 17-5829. When the owner and the savings and loan association have entered into a contract authorized in K.S.A. 17-5828, and amendments thereto, the owner's deposit account subject to the contract or any part of or interest on the account shall be paid by the savings and loan association to the owner or pursuant to the owner's order during the owner's lifetime. On the owner's death, the deposit account or any part of or interest on the account may be paid by the savings and loan association to the secretary of social and rehabilitation services for children and families for a claim pursuant to subsection (g) of K.S.A. 39-709, and amendments thereto or, if there is no such claim or if any portion of the account remains after such claim is satisfied, to the designated beneficiary or beneficiaries. If any designated beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3053, and amendments thereto, the savings and loan association shall pay the moneys or any interest on them only to a conservator of the minor beneficiary. The receipt of the conservator shall release and discharge the savings and loan association for the payment.

Sec. 16. K.S.A. 2013 Supp. 19-4001 is hereby amended to read as follows: 19-4001. The board of county commissioners of any county or the boards of county commissioners of two or more counties jointly may establish a community mental health center, or community facility for people with intellectual disability, or both, which shall be organized, operated, and financed according to the provisions of this act. The mental health center may render the following mental health services: Out-patient and inpatient diagnostic and treatment services; rehabilitation services to individuals returning to the community from an inpatient facility; consultative services to schools, courts, health and welfare agencies, both public and private, and conducting, in collaboration with other agencies when practical, in-service training for students entering the mental health professions, educational programs, information and research. The community facilities for people with intellectual disability may render, and an intellectual disability governing board which contracts with nonprofit corporations to provide services for people with intellectual disability may provide, the following services: Pre-school, day care, work activity, sheltered workshops, sheltered domiciles, parent and community education and, in collaboration with other agencies when practical, clinical services, rehabilitation services, in-service training for students entering professions dealing with the above aspects of intellectual disability, information and research. It may establish consulting or referral services, or both, in conjunction with related community health, education, and welfare services.

No community mental health center, or facility for people with intellectual disability, or both, shall be established in such community after the effective date of this act unless and until the establishment of the same has been approved by the secretary of social and rehabilitation for aging and disability services.

Sec. 17. K.S.A. 2013 Supp. 19-4007 is hereby amended to read as follows: 19-4007. (a) If the board or boards of county commissioners desire to provide either mental health services or services for people with intellectual disability, or both such services, and to levy the taxes authorized in K.S.A. 19-4004, and amendments thereto, but determine that it is more practicable to contract for such services with a nonprofit corporation, such board or boards may contract with the nonprofit corporation to provide either mental health services or services for people with intellectual disability,

or both such services, for the residents of the county or counties. In lieu of contracting with a nonprofit corporation to provide services for people with intellectual disability, a board of county commissioners may establish an intellectual disability governing board for the purpose of allowing this board to contract for and on behalf of the board of county commissioners with a nonprofit corporation to provide services for people with intellectual disability. The board or boards entering into such a contract with a nonprofit corporation, or the intellectual disability governing board authorized to contract with a nonprofit corporation under this section, are hereby authorized to pay the amount agreed upon in such contract from the proceeds of the tax or taxes levied pursuant to K.S.A. 19-4004, and amendments thereto, for mental health services or intellectual disability services, or for both such services. The nonprofit corporation may not deny service to anyone because of inability to pay for the same, but the nonprofit corporation may establish a schedule of charges for services to those who are financially able to pay for such services. The nonprofit corporation shall annually provide the board or boards of county commissioners with a complete financial report showing the amount of fees collected, the amount of tax money received under the contract, and any other income. The financial report shall also show the nonprofit corporation's disbursements, including salaries paid to each person employed by the nonprofit corporation. No such nonprofit corporation shall be organized to receive public funds raised through taxation or public solicitation, or both, unless and until the establishment of the same has been approved by the secretary of social and rehabilitation for aging and disability services. The governing board of all such nonprofit corporations shall report annually to the secretary of social and rehabilitation for aging and disability services, in such form as may be required on the activities of the mental health center, or community facility for people with intellectual disability.

(b) If the board or boards of county commissioners desire to provide services for people with intellectual disability and to levy the tax authorized in K.S.A. 19-4004, and amendments thereto, for intellectual disability services, but determine that it is more practicable to transfer the proceeds from such tax levy or a portion thereof to a state agency operating a program established under the federal social security act whereby the funds will be eligible for federal financial participation in the purchase of services for eligible persons in facilities for people with intellectual disability, the board or boards are hereby authorized to transfer such proceeds, or a portion thereof, to any such state agency to purchase services in facilities for people with intellectual disability.

Sec. 18. K.S.A. 2013 Supp. 20-378 is hereby amended to read as follows: 20-378. The court trustee shall have the responsibility:

(a) For collection of support or restitution from the obligor upon the written request of the obligee or upon the order of the court; and

(b) to compile a list of individuals who owe arrearages under a support order or have failed, after appropriate notice, to comply with a subpoena issued pursuant to a duty of support. The court trustee shall deliver such list to the secretary of social and rehabilitation services for children and families on a quarterly basis or more frequently as requested by the secretary.

Sec. 19. K.S.A. 2013 Supp. 20-380 is hereby amended to read as follows: 20-380.

(a) Except as provided further, to defray the expenses of operation of the court trustee's office, the court trustee is authorized to charge an amount: (1) Whether fixed or sliding scale, based upon the scope of services provided or upon economic criteria, not to

exceed 5% of the support collected from obligors through such office, as determined necessary by the chief judge as provided by this section; (2) based upon the hourly cost of office operations for the provision of services on an hourly or per service basis, with the written agreement of the obligee; or (3) from restitution collected, not to exceed the fee authorized by the attorney general under any contract entered into pursuant to K.S.A. 75-719, and amendments thereto.

(b) All such amounts shall be paid to the court trustee operations fund of the county where collected. There shall be created a court trustee operations fund in the county treasury of each county or district court of each county, in each judicial district that establishes the office of court trustee for the judicial district. The moneys budgeted to fund the operation of existing court trustee offices and to fund the start-up costs of new court trustee offices established on or after January 1, 1992, whether as a result of a rule adopted pursuant to K.S.A. 2013 Supp. 20-377, and amendments thereto, or because this act has created a court trustee operations fund, shall be transferred from the county general fund to the court trustee operations fund. The county commissioners of the county or group of counties, if the judicial district consists of more than one county, by a majority vote, shall decide whether the county or counties will have a court trustee operations fund in the county treasury or the district court of each county. All expenditures from the court trustee operations fund shall be made in accordance with the provisions of K.S.A. 2013 Supp. 20-375 et seq., and amendments thereto, to enforce duties of support. Authorized expenditures from the court trustee operations fund may include repayment of start-up costs, expansions and operations of the court trustee's office to the county general fund. The court trustee shall be paid compensation as determined by the chief judge. The board of county commissioners of each county to which this act may apply shall provide suitable quarters for the office of court trustee, furnish stationery and supplies, and such furniture and equipment as shall, in the discretion of the chief judge, be necessary for the use of the court trustee. The chief judge shall fix and determine the annual budget of the office of the court trustee and shall review and determine on an annual basis the amount necessary to be charged to defray the expense of start-up costs, expansions and operations of the office of court trustee. All payments made by the secretary of social and rehabilitation services for children and families pursuant to K.S.A. 2013 Supp. 23-3113, and amendments thereto, or any grants or other monies received which are intended to further child support enforcement goals or restitution goals shall be deposited in the court trustee operations fund.

(c) The court trustee shall not charge or collect a fee for any support payment that is not paid through the central unit for collection and disbursements of support payments pursuant to K.S.A. 2013 Supp. 39-7,135, and amendments thereto.

Sec. 20. K.S.A. 2013 Supp. 21-5413 is hereby amended to read as follows: 21-5413. (a) Battery is:

(1) Knowingly or recklessly causing bodily harm to another person; or
(2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner;

(b) Aggravated battery is:

(1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;

(B) knowingly causing bodily harm to another person with a deadly weapon, or in

any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;

(2) (A) recklessly causing great bodily harm to another person or disfigurement of another person; or

(B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(3) (A) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act; or

(B) committing an act described in K.S.A. 8-1567, and amendments thereto, when bodily harm to another person results from such act under circumstances whereby great bodily harm, disfigurement or death can result from such act.

(c) Battery against a law enforcement officer is:

(1) Battery, as defined in subsection (a)(2), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty; or

(2) battery, as defined in subsection (a)(1), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty; or

(3) battery, as defined in subsection (a) committed against a:

(A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(B) juvenile correctional facility officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(d) Aggravated battery against a law enforcement officer is:

(1) An aggravated battery, as defined in subsection (b)(1)(A) committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer

while the officer is engaged in the performance of the officer's duty; or

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)(C), committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(3) knowingly causing, with a motor vehicle, bodily harm to a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty.

(e) Battery against a school employee is a battery, as defined in subsection (a), committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the performance of such employee's duty.

(f) Battery against a mental health employee is a battery, as defined in subsection (a), committed against a mental health employee by a person in the custody of the secretary of social and rehabilitation for aging and disability services, while such employee is engaged in the performance of such employee's duty.

(g) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

(A) Subsection (b)(1)(A) is a severity level 4, person felony;

(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;

(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and

(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.

(3) Battery against a law enforcement officer as defined in:

(A) Subsection (c)(1) is a class A person misdemeanor;

(B) subsection (c)(2) is a severity level 7, person felony; and

(C) subsection (c)(3) is a severity level 5, person felony.

(4) Aggravated battery against a law enforcement officer as defined in:

(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and

(B) subsection (d)(2) is a severity level 4, person felony.

(5) Battery against a school employee is a class A person misdemeanor.

(6) Battery against a mental health employee is a severity level 7, person felony.

(h) As used in this section:

(1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections;

(2) "state correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, working at a correctional institution;

(3) "juvenile correctional facility officer or employee" means any officer or

employee of the juvenile justice authority or any independent contractor, or any employee of such contractor, working at a juvenile correctional facility, as defined in K.S.A. 2013 Supp. 38-2302, and amendments thereto;

(4) "juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 2013 Supp. 38-2302, and amendments thereto;

(5) "city or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, working at a city holding facility or county jail facility;

(6) "school employee" means any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12; and

(7) "mental health employee" means an employee of the department of social and rehabilitation Kansas department for aging and disability services working at Larned state hospital, Osawatomie state hospital and Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto.

Sec. 21. K.S.A. 2013 Supp. 21-5914 is hereby amended to read as follows: 21-5914. (a) Traffic in contraband in a correctional institution or care and treatment facility is, without the consent of the administrator of the correctional institution or care and treatment facility:

(1) Introducing or attempting to introduce any item into or upon the grounds of any correctional institution or care and treatment facility;

(2) taking, sending, attempting to take or attempting to send any item from any correctional institution or care and treatment facility;

(3) any unauthorized possession of any item while in any correctional institution or care and treatment facility;

(4) distributing any item within any correctional institution or care and treatment facility;

(5) supplying to another who is in lawful custody any object or thing adapted or designed for use in making an escape; or

(6) introducing into an institution in which a person is confined any object or thing adapted or designed for use in making an escape.

(b) Traffic in contraband in a correctional institution or care and treatment facility is a:

(1) Severity level 6, nonperson felony, except as provided in subsection (b)(2) or (b)(3);

(2) severity level 5, nonperson felony if such items are:

(A) Firearms, ammunition, explosives or a controlled substance which is defined in K.S.A. 2013 Supp. 21-5701, and amendments thereto, except as provided in subsection (b)(3);

(B) defined as contraband by rules and regulations adopted by the secretary of corrections, in a state correctional institution or facility by an employee of a state correctional institution or facility, except as provided in subsection (b)(3);

(C) defined as contraband by rules and regulations adopted by the secretary of social and rehabilitation for aging and disability services, in a care and treatment facility by an employee of a care and treatment facility, except as provided in subsection (b)(3);

or

(D) defined as contraband by rules and regulations adopted by the commissioner of the juvenile justice authority, in a juvenile correctional facility by an employee of a juvenile correctional facility, except as provided by subsection (b)(3); and

(3) severity level 4, nonperson felony if:

(A) Such items are firearms, ammunition or explosives, in a correctional institution by an employee of a correctional institution or in a care and treatment facility by an employee of a care and treatment facility; or

(B) a violation of subsection (a)(5) or (a)(6) by an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services to the department of corrections.

(c) The provisions of subsection (b)(2)(A) shall not apply to the possession of a firearm or ammunition by a person licensed under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, in a parking lot open to the public if the firearm or ammunition is carried on the person while in a vehicle or while securing the firearm or ammunition in the vehicle, or stored out of plain view in a locked but unoccupied vehicle.

(d) As used in this section:

(1) "Correctional institution" means any state correctional institution or facility, conservation camp, state security hospital, juvenile correctional facility, community correction center or facility for detention or confinement, juvenile detention facility or jail;

(2) "care and treatment facility" means the state security hospital provided for under K.S.A. 76-1305 et seq., and amendments thereto, and a facility operated by the department of social and rehabilitation Kansas department for aging and disability services for the purposes provided for under K.S.A. 59-29a02 et seq., and amendments thereto; and

(3) "lawful custody" means the same as in K.S.A. 2013 Supp. 21-5912, and amendments thereto.

Sec. 22. K.S.A. 2013 Supp. 21-5927, as amended by section 2 of 2014 Senate Bill No. 271, is hereby amended to read as follows: 21-5927 (a) Medicaid fraud is:

(1) With intent to defraud, making, presenting, submitting, offering or causing to be made, presented, submitted or offered:

(A) Any false or fraudulent claim for payment for any goods, service, item, facility accommodation for which payment may be made, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable;

(B) any false or fraudulent statement or representation for use in determining payments which may be made, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable;

(C) any false or fraudulent report or filing which is or may be used in computing or determining a rate of payment for any goods, service, item, facility or accommodation, for which payment may be made, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable;

(D) any false or fraudulent statement or representation made in connection with any report or filing which is or may be used in computing or determining a rate of payment for any goods, service, item, facility or accommodation for which payment may be made, in whole or in part, under the medicaid program, whether or not the claim is

allowed or allowable;

(E) any statement or representation for use by another in obtaining any goods, service, item, facility or accommodation for which payment may be made, in whole or in part, under the medicaid program, knowing the statement or representation to be false, in whole or in part, by commission or omission, whether or not the claim is allowed or allowable;

(F) any claim for payment, for any goods, service, item, facility, or accommodation, which is not medically necessary in accordance with professionally recognized parameters or as otherwise required by law, for which payment may be made, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable;

(G) any wholly or partially false or fraudulent book, record, document, data or instrument, which is required to be kept or which is kept as documentation for any goods, service, item, facility or accommodation or of any cost or expense claimed for reimbursement for any goods, service, item, facility or accommodation for which payment is, has been, or can be sought, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable;

(H) any wholly or partially false or fraudulent book, record, document, data or instrument to any properly identified law enforcement officer, any properly identified employee or authorized representative of the attorney general, or to any properly identified employee or agent of the department of social and rehabilitation services Kansas department for aging and disability services, Kansas department of health and environment, or its fiscal agent, in connection with any audit or investigation involving any claim for payment or rate of payment for any goods, service, item, facility or accommodation payable, in whole or in part, under the medicaid program; or

(I) any false or fraudulent statement or representation made, with the intent to influence any acts or decision of any official, employee or agent of a state or federal agency having regulatory or administrative authority over the medicaid program; or

(2) intentionally executing or attempting to execute a scheme or artifice to defraud the medicaid program or any contractor or subcontractor thereof.

(b) (1) Except as provided in subsection (b)(2), for each individual count of medicaid fraud as defined in subsection (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(1)(F), (a)(1)(G) or (a)(2), where the aggregate amount of payments illegally claimed is:

(A) \$250,000 or more, medicaid fraud is a severity level 3, nonperson felony;

(B) at least \$100,000 but less than \$250,000, medicaid fraud is a severity level 5, nonperson felony;

(C) at least \$25,000 but less than \$100,000, medicaid fraud is a severity level 7, nonperson felony;

(D) at least \$1,000 but less than \$25,000, medicaid fraud is a severity level 9, nonperson felony; and

(E) less than \$1,000, medicaid fraud is a class A nonperson misdemeanor.

(2) For each individual count of medicaid fraud as defined in subsection (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(1)(F), (a)(1)(G) or (a)(2):

(A) When great bodily harm results from such act, regardless of the aggregate amount of payments illegally claimed, medicaid fraud is a severity level 4, person felony, except as provided in subsection (b)(2)(B); and

(B) when death results from such act, regardless of the aggregate amount of payments illegally claimed, medicaid fraud is a severity level 1, person felony.

(3) Medicaid fraud as defined in subsection (a)(1)(H) or (a)(1)(I) is a severity level 9, nonperson felony.

(c) In determining what is medically necessary pursuant to subsection (a)(1)(F), the attorney general may contract with or consult with qualified health care providers and other qualified individuals to identify professionally recognized parameters for the diagnosis or treatment of the recipient's condition, illness or injury.

(d) In sentencing for medicaid fraud, subsection (c)(3) of K.S.A. 2013 Supp. 21-6815, and amendments thereto, shall not apply and an act or omission by the defendant that resulted in any medicaid recipient receiving any service that was of lesser quality or amount than the service to which such recipient was entitled may be considered an aggravating factor in determining whether substantial and compelling reasons for departure exist pursuant to K.S.A. 2013 Supp. 21-6801 through 21-6824, and amendments thereto.

(e) 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. 23. K.S.A. 2013 Supp. 21-6602 is hereby amended to read as follows: 21-6602. (a) For the purpose of sentencing, the following classes of misdemeanors and the punishment and the terms of confinement authorized for each class are established:

(1) Class A, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one year;

(2) class B, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed six months;

(3) class C, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one month; and

(4) unclassified misdemeanors, which shall include all crimes declared to be misdemeanors without specification as to class, the sentence for which shall be in accordance with the sentence specified in the statute that defines the crime; if no penalty is provided in such law, the sentence shall be the same penalty as provided herein for a class C misdemeanor.

(b) Upon conviction of a misdemeanor, a person may be punished by a fine, as provided in K.S.A. 2013 Supp. 21-6611, and amendments thereto, instead of or in addition to confinement, as provided in this section.

(c) In addition to or in lieu of any other sentence authorized by law, whenever there is evidence that the act constituting the misdemeanor was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the court 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 for aging and disability services.

(d) Except as provided in subsection (e), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having committed, while under 21 years of age, a misdemeanor under K.S.A. 8-1599, 41-719 or 41-727 or K.S.A. 2013 Supp. 21-5701 through 21-5717, and amendments thereto, the court 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 court finds that the person is indigent, the fee may be waived.

(e) 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 (d) are permissive and not mandatory.

Sec. 24. K.S.A. 2013 Supp. 21-6702 is hereby amended to read as follows: 21-6702. (a) Whenever any person has been found guilty of a crime and the court finds that an adequate presentence investigation cannot be conducted by resources available within the judicial district, including mental health centers and mental health clinics, the court may require that a presentence investigation be conducted by the Topeka correctional facility or by the state security hospital. If the offender is sent to the Topeka correctional facility or the state security hospital for a presentence investigation under this section, the correctional facility or hospital may keep the offender confined for a maximum of 60 days, except that an inmate may be held for a longer period of time on order of the secretary, or until the court calls for the return of the offender. While held at the Topeka correctional facility or the state security hospital the defendant may be treated the same as any person committed to the secretary of corrections or secretary of social and rehabilitation for aging and disability services for purposes of maintaining security and control, discipline, and emergency medical or psychiatric treatment, and general population management except that no such person shall be transferred out of the state or to a federal institution or to any other location unless the transfer is between the correctional facility and the state security hospital. The correctional facility or the state security hospital shall compile a complete mental and physical evaluation of such offender and shall make its findings and recommendations known to the court in the presentence report.

(b) Except as provided in subsection (c), 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 or, if confinement is for a term less than one year, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution. In felony cases, 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;

(4) suspend the imposition of the sentence subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution. In felony cases, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of suspension of sentence;

(5) assign the defendant to a community correctional services program subject to the provisions of K.S.A. 75-5291, and amendments thereto, and such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(6) assign the defendant to a conservation camp for a period not to exceed six months;

(7) assign the defendant to a house arrest program pursuant to K.S.A. 2013 Supp. 21-6609, and amendments thereto;

(8) order the defendant to attend and satisfactorily complete an alcohol or drug

education or training program as provided by subsection (c) of K.S.A. 2013 Supp. 21-6602, and amendments thereto;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court; or

(10) impose any appropriate combination of subsections (b)(1) through (b)(9).

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 K.S.A. 2013 Supp. 21-6602, and amendments thereto.

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.

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 or conditional release.

The court in committing a defendant to the custody of the secretary of corrections shall fix a maximum term of confinement within the limits provided by law. In those cases where the law does not fix a maximum term of confinement for the crime for which the defendant was convicted, the court shall fix the maximum term of such confinement. In all cases where the defendant is committed to the custody of the secretary of corrections, the court shall fix the minimum term within the limits provided by law.

(c) Whenever any juvenile felon, as defined in K.S.A. 38-16,112, prior to its repeal, has been found guilty of a class A or B felony, the court shall commit the defendant to the custody of the secretary of corrections and may impose the fine applicable to the offense.

(d) (1) Except when an appeal is taken and determined adversely to the defendant as provided in subsection (d)(2), at any time within 120 days after a sentence is imposed, after probation or assignment to a community correctional services program has been revoked, the court may modify such sentence, revocation of probation or assignment to a community correctional services program by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits and shall

modify such sentence if recommended by the Topeka correctional facility unless the court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the inmate will not be served by such modification.

(2) If an appeal is taken and determined adversely to the defendant, such sentence may be modified within 120 days after the receipt by the clerk of the district court of the mandate from the supreme court or court of appeals.

(e) The court shall modify the sentence at any time before the expiration thereof when such modification is recommended by the secretary of corrections unless the court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the inmate will not be served by such modification. The court shall have the power to impose a less severe penalty upon the inmate, including the power to reduce the minimum below the statutory limit on the minimum term prescribed for the crime of which the inmate has been convicted. The recommendation of the secretary of corrections, the hearing on the recommendation and the order of modification shall be made in open court. Notice of the recommendation of modification of sentence and the time and place of the hearing thereon shall be given by the inmate, or by the inmate's legal counsel, at least 21 days prior to the hearing to the county or district attorney of the county where the inmate was convicted. After receipt of such notice and at least 14 days prior to the hearing, the county or district attorney shall give notice of the recommendation of modification of sentence and the time and place of the hearing thereon to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's next of kin if the next of kin's address is known to the county or district attorney. Proof of service of each notice required to be given by this subsection shall be filed with the court.

(f) After such defendant has been assigned to a conservation camp but prior to the end of 180 days, the chief administrator of such camp shall file a performance report and recommendations with the court. The court shall enter an order based on such report and recommendations modifying the sentence, if appropriate, by sentencing the defendant to any of the authorized dispositions provided in subsection (b), except to reassign such person to a conservation camp as provided in subsection (b)(6).

(g) 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.

(h) An application for or acceptance of probation, suspended sentence 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) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(j) The provisions of this section shall apply to crimes committed before July 1, 1993.

Sec. 25. K.S.A. 2013 Supp. 21-6708 is hereby amended to read as follows: 21-6708. The presumptive sentence for a person who has never before been convicted of

a felony, but has now been convicted of a class D or E felony or convicted of an attempt to commit a class D felony shall be probation, unless the conviction is of a crime or of an attempt to commit a crime specified in article 34, 35 or 36 of chapter 21 of Kansas Statutes Annotated, prior to their repeal, or in the uniform controlled substances act or the person convicted is a juvenile offender in the custody of the department of social and rehabilitation services Kansas department for children and families. In determining whether to impose the presumptive sentence, the court shall consider any prior record of the person's having been convicted or having been adjudicated to have committed, while a juvenile, an offense which would constitute a felony if committed by an adult. If the presumptive sentence provided by this section is not imposed, the provisions of section 278, and amendments thereto, shall apply. The provisions of this section shall not apply to crimes committed on or after July 1, 1993.

Sec. 4. K.S.A. 2013 Supp. 22-2410, as amended by section 24 of 2014 Senate Substitute for House Bill No. 2338, 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 \$176. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial personnel. The petition shall state:

- (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
- (3) the petitioner's sex, race and date of birth;
- (4) the crime for which the petitioner was arrested;
- (5) the date of the petitioner's arrest; and
- (6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-6107, 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 Kansas department for aging and disability 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.

(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.

(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.

(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.

Sec. 27. K.S.A. 22-3723 is hereby amended to read as follows: 22-3723. Whenever a treaty is in force between the United States and a foreign country providing for the transfer of offenders between the United States and such foreign country, the governor is authorized to give the approval of the state of Kansas to a transfer as provided in the treaty, upon the application of a person under the jurisdiction of the secretary of corrections or the secretary of social and rehabilitation for aging and disability services.

Sec. 28. K.S.A. 2013 Supp. 22-4612 is hereby amended to read as follows: 22-4612. (a) Except as otherwise provided in this section, a county, a city, a county or city law enforcement agency, a county department of corrections or the Kansas highway patrol shall be liable to pay a health care provider for health care services rendered to persons in the custody of such agencies the lesser of the actual amount billed by such health care provider or the medicaid rate. The provisions of this section shall not apply if a person in the custody of a county or city law enforcement agency, a county department of corrections or the Kansas highway patrol is covered under a current individual or group accident and health insurance policy, medical service plan contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization contract.

(b) Nothing in this section shall prevent a county or city law enforcement agency, a county department of corrections, the Kansas highway patrol or such agencies authorized vendors from entering into agreements with health care providers for the provision of health care services at terms, conditions and amounts which are different than the medicaid rate.

(c) It shall be the responsibility of the custodial county or city law enforcement agency, county department of corrections or the Kansas highway patrol or such agencies' agents, to determine, under agreement with the secretary of health and environment, the amount payable for the services provided and to communicate that determination along with the remittance advice and payment for the services provided.

(d) Nothing in this section shall be construed to create a duty on the part of a health care provider to render health care services to a person in the custody of a county or city law enforcement agency, a county department of corrections or the Kansas highway patrol.

(e) As used in this section:

(1) "County or city law enforcement agency" means a city police department, a county sheriff's department, a county law enforcement department as defined in K.S.A. 19-4401, and amendments thereto, or a law enforcement agency established pursuant to the consolidated city-county powers in K.S.A. 12-345, and amendments thereto.

(2) "Health care provider" means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a licensed physician assistant, a person licensed by the behavioral sciences regulatory board, a medical care facility licensed by the department of health and environment, a podiatrist licensed by the state board of healing arts, an optometrist licensed by the board of examiners in optometry, a registered nurse, and advanced nurse practitioner, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed practical nurse, a licensed physical therapist, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a Kansas limited liability company organized for the purpose of rendering professional services by its members who are health care providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized, a partnership of persons who are health care providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers as defined by this subsection, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto, a psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto, a licensed social worker or a mental health center or mental health clinic licensed by the secretary of social and rehabilitation for aging and disability services and any health care provider licensed by the appropriate regulatory body in another state that has a current approved provider agreement with the secretary of health and environment.

(3) "Medicaid rate" means the terms, conditions and amounts a health care provider would be paid for health care services rendered pursuant to a contract or provider agreement with the secretary of health and environment.

Sec. 29. K.S.A. 22a-243 is hereby amended to read as follows: 22a-243. (a) There is hereby established a state child death review board, which shall be composed of:

(1) One member appointed by each of the following officers to represent the officer's agency: The attorney general, the director of the Kansas bureau of investigation, the secretary of social and rehabilitation services for children and families, the secretary of health and environment and the commissioner of education;

(2) three members appointed by the state board of healing arts, one of whom shall be a district coroner and two of whom shall be physicians licensed to practice medicine and surgery, one specializing in pathology and the other specializing in pediatrics;

(3) one person appointed by the attorney general to represent advocacy groups which focus attention on child abuse awareness and prevention; and

(4) one county or district attorney appointed by the Kansas county and district attorneys association.

(b) The chairperson of the state review board shall be the member appointed by the attorney general to represent the office of the attorney general.

(c) The state child death review board shall be within the office of the attorney general as a part thereof. All budgeting, purchasing and related management functions of the board shall be administered under the direction and supervision of the attorney

general. All vouchers for expenditures and all payrolls of the board shall be approved by the chairperson of the board and by the attorney general. The state review board shall establish and maintain an office in Topeka.

(d) The state review board shall meet at least annually to review all reports submitted to the board. The chairperson of the state review board may call a special meeting of the board at any time to review any report of a child death.

(e) Within the limits of appropriations therefor, the state review board shall appoint an executive director who shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the state review board.

(f) Within the limits of appropriations therefor, the state review board may employ other persons who shall be in the classified service of the Kansas civil service act.

(g) Members of the state review board shall not receive compensation, subsistence allowances, mileage and expenses as provided by K.S.A. 75-3223, and amendments thereto, for attending meetings or subcommittee meetings of the board.

(h) The state review board shall develop a protocol to be used by the state review board. The protocol shall include written guidelines for coroners to use in identifying any suspicious deaths, procedures to be used by the board in investigating child deaths, methods to ensure coordination and cooperation among all agencies involved in child deaths and procedures for facilitating prosecution of perpetrators when it appears the cause of a child's death was from abuse or neglect. The protocol shall be adopted by the state review board by rules and regulations.

(i) The state review board shall submit an annual report to the governor and the legislature on or before October 1 of each year, commencing October 1993. Such report shall include the findings of the board regarding reports of child deaths, the board's analysis and the board's recommendations for improving child protection, including recommendations for modifying statutes, rules and regulations, policies and procedures.

(j) Information acquired by, and records of, the state review board shall be confidential, shall not be disclosed and shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding, except that such information and records may be disclosed to any member of the legislature or any legislative committee which has legislative responsibility of the enabling or appropriating legislation, carrying out such member's or committee's official functions. The legislative committee, in accordance with K.S.A. 75-4319, and amendments thereto, shall recess for a closed or executive meeting to receive and discuss information received by the committee pursuant to this subsection.

(k) The state review board may adopt rules and regulations as necessary to carry out the provisions of K.S.A. 22a-241 through 22a-244, and amendments thereto.

Sec. 30. K.S.A. 22a-244 is hereby amended to read as follows: 22a-244. (a) Within 72 hours after receipt of notification from a coroner pursuant to K.S.A. 22a-242, and amendments thereto, the chairperson of the state review board may activate the board to investigate and make a written report regarding the death.

(b) The state review board shall have access to all law enforcement investigative information regarding the death; any autopsy records and coroner's investigative records relating to the death; any medical records of the child; and any records of the department of social and rehabilitation services Kansas department for children and families or any other social service agency which has provided services to the child or the child's family within three years preceding the child's death.

(c) The state review board may apply to the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the board. Any books, records or papers received by the board pursuant to the subpoena shall be regarded as confidential and privileged information and not subject to disclosure.

(d) The state review board's report shall contain the circumstances leading up to the death and cause of death; any social service agency involvement prior to death, including the kinds of services delivered to the dead child or the child's parents, siblings or any other children in the home; the reasons for initial social service agency activity and the reasons for any termination of agency activities if involvement was terminated; whether court intervention had ever been sought and, if so, any action taken by the court; and recommendations for prevention of future death under similar circumstances.

(e) Within 15 days of its activation pursuant to this section, the state review board shall complete and transmit a copy of its written report to the county or district attorney of the county in which the child's death occurred. If the death of the child occurred in a different county than where the child resided, a copy of the report shall be sent to the county or district attorney of the county where the child resided or, if the child resided in another state, to the child protective services agency of that state.

(f) The state review board shall maintain permanent records of all written reports concerning child deaths.

(g) The state review board may disclose its conclusions regarding a report of a child death but shall not disclose any information received by the board which is not subject to public disclosure by the agency that provided the information to the board.

(h) Information, documents and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the state review board. A person who presented information before the board or who is a member of the board shall not be prevented from testifying about matters within the person's knowledge.

Sec. 31. K.S.A. 2013 Supp. 23-2202 is hereby amended to read as follows: 23-2202. As used in K.S.A. 2013 Supp. 23-2202 through 23-2204, and amendments thereto, except where the context otherwise requires:

(a) "Birthing hospital" means a hospital or facility as defined by rules and regulations of the secretary of social and rehabilitation services for children and families.

(b) "IV-D program" means a program for providing services pursuant to part D of title IV of the federal social security act (42 U.S.C. Sec. § 651 et seq.), and acts amendatory thereof or supplemental amendments thereto.

(c) "Unwed mother" means a mother who was not married at the time of conception, at the time of birth or at any time between conception and birth.

Sec. 32. K.S.A. 2013 Supp. 23-2203 is hereby amended to read as follows: 23-2203. (a) There is hereby established in this state a hospital based program for voluntary acknowledgment of paternity pursuant to K.S.A. 65-2409a, and amendments thereto, for newborn children of unwed mothers. Birthing hospitals shall participate in the program. Other hospitals and persons may participate in the program by agreement with the secretary of social and rehabilitation services for children and families.

(b) The secretary of social and rehabilitation services for children and families shall provide information and instructions to birthing hospitals for the hospital based program

for voluntary acknowledgment of paternity. The secretary of social and rehabilitation services for children and families may adopt rules and regulations establishing procedures for birthing hospitals under the program.

(c) Subject to appropriations, the secretary of social and rehabilitation services for children and families is authorized to establish in this state a physicians' office-based program for voluntary acknowledgment of paternity pursuant to K.S.A. 65-2409a, and amendments thereto, for newborn children of unwed mothers. The secretary shall provide information and instructions to physicians' offices for the program and may adopt rules and regulations establishing procedures for physicians' offices under the program.

(d) The secretary of health and environment shall provide services for the voluntary acknowledgment of paternity, in appropriate circumstances, through the office of the state registrar. The secretary of health and environment may adopt rules and regulations to carry out the requirements of this section.

Sec. 33. K.S.A. 2013 Supp. 23-2204 is hereby amended to read as follows: 23-2204. (a) The state registrar of vital statistics, in conjunction with the secretary of social and rehabilitation services for children and families, shall review and, as needed, revise acknowledgment of paternity forms for use under K.S.A. 2013 Supp. 23-2223 and K.S.A. 65-2409a, and amendments thereto. The acknowledgment of paternity forms shall include or have attached a written description pursuant to subsection (b) of the rights and responsibilities of acknowledging paternity.

(b) A written description of the rights and responsibilities of acknowledging paternity shall state the following:

(1) An acknowledgment of paternity creates a permanent father and child relationship which can only be ended by court order. A person who wants to revoke the acknowledgment of paternity must file the request with the court before the child is one year old, unless the person was under age 18 when the acknowledgment of paternity was signed. A person under age 18 when the acknowledgment was signed has until one year after his or her 18th birthday to file a request, but if the child is more than one year old then, the judge will first consider the child's best interests.

The person will have to show that the acknowledgment was based on fraud, duress (threat) or an important mistake of fact, unless the request is filed within 60 days of signing the acknowledgment or before any court hearing about the child, whichever is earlier;

(2) both the father and the mother are responsible for the care and support of the child. If necessary, this duty may be enforced through legal action such as a child support order, an order to pay birth or other medical expenses of the child or an order to repay government assistance payments for the child's care. A parent's willful failure to support the parent's child is a crime;

(3) both the father and the mother have rights of custody and parenting time with the child unless a court order changes their rights. Custody, residency and parenting time may be spelled out in a court order and enforced;

(4) both the father and the mother have the right to consent to medical treatment for the child unless a court order changes those rights;

(5) the child may inherit from the father and the father's family or from the mother and the mother's family. The child may receive public benefits, including, but not limited to, social security or private benefits, including, but not limited to, insurance or

workers compensation because of the father-child or mother-child relationship;

(6) the father or the mother may be entitled to claim the child as a dependent for tax or other purposes. The father or the mother may inherit from the child or the child's descendants; and

(7) each parent has the right to sign or not sign an acknowledgment of paternity. Each parent has the right to talk with an attorney before signing an acknowledgment of paternity. Each parent has the right to be represented by an attorney in any legal action involving paternity or their rights or duties as a parent. Usually each person is responsible for hiring the person's own attorney.

(c) Any duty to disclose rights or responsibilities related to signing an acknowledgment of paternity shall have been met by furnishing the written disclosures of subsection (b). Any duty to disclose orally the rights or responsibilities related to signing an acknowledgment of paternity may be met by means of an audio recording of the disclosures of subsection (b).

(d) An acknowledgment of paternity completed without the written disclosures of subsection (b) is not invalid solely for that reason and may create a presumption of paternity pursuant to K.S.A. 2013 Supp. 23-2208, and amendments thereto. Nothing in K.S.A. 2013 Supp. 23-2202 through 23-2204, and amendments thereto, shall decrease the validity, force or effect of an acknowledgment of paternity executed in this state prior to the effective date of this act.

(e) Upon request, the state registrar of vital statistics shall provide a certified copy of the acknowledgment of paternity to an office providing IV-D program services.

Sec. 34. K.S.A. 2013 Supp. 23-2209 is hereby amended to read as follows: 23-2209. (a) A child or any person on behalf of such a child, may bring an action:

(1) At any time to determine the existence of a father and child relationship presumed under K.S.A. 2013 Supp. 23-2208, and amendments thereto; or

(2) at any time until three years after the child reaches the age of majority to determine the existence of a father and child relationship which is not presumed under K.S.A. 2013 Supp. 23-2208, and amendments thereto.

(b) When authorized under K.S.A. 39-755 or 39-756, and amendments thereto, the secretary of social and rehabilitation services for children and families may bring an action at any time during a child's minority to determine the existence of the father and child relationship.

(c) This section does not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to the probate of estates or determination of heirship.

(d) Any agreement between an alleged or presumed father and the mother or child does not bar an action under this section.

(e) Except as otherwise provided in this subsection, if an acknowledgment of paternity pursuant to K.S.A. 2013 Supp. 23-2204, and amendments thereto, has been completed the man named as the father, the mother or the child may bring an action to revoke the acknowledgment of paternity at any time until one year after the child's date of birth. The legal responsibilities, including any child support obligation, of any signatory arising from the acknowledgment of paternity shall not be suspended during the action, except for good cause shown. If the person bringing the action was a minor at the time the acknowledgment of paternity was completed, the action to revoke the acknowledgment of paternity may be brought at any time until one year after that

person attains age 18, unless the court finds that the child is more than one year of age and that revocation of the acknowledgment of paternity is not in the child's best interest.

The person requesting revocation must show, and shall have the burden of proving, that the acknowledgment of paternity was based upon fraud, duress or material mistake of fact unless the action to revoke the acknowledgment of paternity is filed before the earlier of 60 days after completion of the acknowledgment of paternity or the date of a proceeding relating to the child in which the signatory is a party, including, but not limited to, a proceeding to establish a support order.

If a court of this state has assumed jurisdiction over the matter of the child's paternity or the duty of a man to support the child, that court shall have exclusive jurisdiction to determine whether an acknowledgment of paternity may be revoked under this subsection.

If an acknowledgment of paternity has been revoked under this subsection, it shall not give rise to a presumption of paternity pursuant to K.S.A. 2013 Supp. 23-2208, and amendments thereto. Nothing in this subsection shall prevent a court from admitting a revoked acknowledgment of paternity into evidence for any other purpose.

If there has been an assignment of the child's support rights pursuant to K.S.A. 39-709, and amendments thereto, the secretary of social and rehabilitation services for children and families shall be a necessary party to any action under this subsection.

Sec. 35. K.S.A. 2013 Supp. 23-2212 is hereby amended to read as follows: 23-2212. (a) Whenever the paternity of a child is in issue in any action or judicial proceeding in which the child, mother and alleged father are parties, the court, upon its own motion or upon motion of any party to the action or proceeding, shall order the mother, child and alleged father to submit to genetic tests. If an action is filed by the secretary of social and rehabilitation services for children and families under K.S.A. 39-755 or 39-756, and amendments thereto, the court shall order genetic tests on the motion of the secretary of social and rehabilitation services for children and families or any party to the action if paternity of the child is in issue. If any party refuses to submit to the tests, the court may resolve the question of paternity against the party or enforce its order if the rights of others and the interests of justice so require. The tests shall be made by experts qualified as genetic examiners who shall be appointed by the court.

(b) Parties to an action may agree to conduct genetic tests prior to or during the pendency of an action for support of a child. The verified written report of the experts shall be admitted into evidence as provided in subsection (c) unless the court finds that paternity of the child is not in issue.

(c) The verified written report of the experts shall be considered to be stipulated to by all parties unless written notice of intent to challenge the validity of the report is given to all parties not more than 20 days after receipt of a copy of the report but in no event less than 10 days before any hearing at which the genetic test results may be introduced into evidence. If such notice is given, the experts shall be called by the court as witnesses to testify as to their findings and shall be subject to cross-examination by the parties. Any party may demand that other experts, qualified as genetic examiners, perform independent tests under order of the court, the results of which may be offered in evidence. The number and qualification of the other experts shall be determined by the court. If no challenge is made, the genetic test results shall be admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy.

Sec. 36. K.S.A. 2013 Supp. 23-2213 is hereby amended to read as follows: 23-2213.

(a) Evidence relating to paternity may include any of the following:

(1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception.

(2) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy.

(3) Genetic test results of the statistical probability of the alleged father's paternity.

(4) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. The court may, and upon request of a party shall, require the child, the mother and the alleged father to submit to appropriate tests.

(5) Testimony, records and notes of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth. Such testimony, records and notes are not privileged.

(6) Any other evidence relevant to the issue of paternity of the child, including but not limited to voluntary acknowledgment of paternity made in accordance with K.S.A. 2013 Supp. 23-2204, and amendments thereto.

(b) Testimony relating to sexual access to the mother by a man at a time other than the probable time of the conception of the child is inadmissible in evidence.

(c) For any child whose weight at birth is equal to or greater than five pounds 12 ounces, or 2,608.2 grams, it shall be presumed that the child was conceived between 300 and 230 days prior to the date of the child's birth. A presumption under this section may be rebutted by clear and convincing evidence.

(d) Evidence consisting of the results of any genetic test that is of a type generally acknowledged as reliable by accreditation bodies designated by the secretary of social and rehabilitation services for children and families shall not be inadmissible solely on the basis of being performed by a laboratory approved by such an accreditation body.

(e) Evidence of expenses incurred for pregnancy, childbirth and genetic tests may be admitted as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of amounts incurred for such goods and services.

Sec. 37. K.S.A. 2013 Supp. 23-2219 is hereby amended to read as follows: 23-

2219. (a) If the petitioner is not represented by counsel, the petitioner in an action to determine paternity may apply for services from: (1) The court trustee of the judicial district in which the action is brought, if the office of court trustee has been established in the county; or (2) the department of social and rehabilitation services Kansas department for children and families or its contractor, if the action is brought pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.), as amended. At the request of a petitioner in an action to determine paternity, the county or district attorney of the county in which the action is brought shall proceed on the petitioner's behalf if the petitioner is not represented by counsel, the action is not brought pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.), as amended, and there is no court trustee in the county.

(b) The court shall appoint a guardian ad litem to represent the minor child if the court finds that the interests of the child and the interests of the petitioner differ. In any other case, the court may appoint such a guardian ad litem.

(c) The court shall appoint counsel for any other party to the action who is financially unable to obtain counsel.

(d) If a party is financially unable to pay the costs of a transcript, the court shall furnish on request a transcript for purposes of appeal.

Sec. 38. K.S.A. 2013 Supp. 23-3102 is hereby amended to read as follows: 23-3102. As used in the income withholding act:

(a) "Arrearage" means the total amount of unpaid support which is due and unpaid under an order for support, based upon the due date specified in the order for support or, if no specific date is stated in the order, the last day of the month in which the payment is to be made. If the order for support includes a judgment for reimbursement, an arrearage equal to or greater than the amount of support payable for one month exists on the date the order for support is entered.

(b) "Business day" means a day on which state offices in Kansas are open for regular business.

(c) "Health benefit plan" means any benefit plan, other than public assistance, which is able to provide hospital, surgical, medical, dental or any other health care or benefits for a child, whether through insurance or otherwise, and which is available through a parent's employment or other group plan.

(d) "Income" means any form of payment to an individual, regardless of source, including, but not limited to, wages, salary, trust, royalty, commission, bonus, compensation as an independent contractor, annuity and retirement benefits, workers compensation and any other periodic payments made by any person, private entity or federal, state or local government or any agency or instrumentality thereof. "Income" does not include: (1) Any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal and state taxes, social security tax and other retirement and disability contributions; (2) any amounts exempted by federal law; (3) public assistance payments; and (4) unemployment insurance benefits except to the extent otherwise provided by law. Any other state or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply. Workers compensation shall be considered income only for the purposes of child support and not for the purposes of maintenance. Unemployment insurance benefits shall be considered income for purposes of this act when such funds are sought by the secretary of the department for children and families, or the secretary's designee, in administration of the title IV-D program.

(e) "Income withholding agency" means the department for children and families.

(f) "Income withholding order" means an order issued under this act which requires a payor to withhold income to satisfy an order for support or to defray an arrearage.

(g) "Lump sum payment" means income in the form of a bonus, commission, an amount paid in lieu of vacation or other leave time, or any other payment to an obligor. "Lump sum payment" does not include payments made on regular paydays as compensation, reimbursement of expenses incurred by the obligor on behalf of the payor, or an amount paid as severance pay on termination of employment.

(h) "Medical child support order" means an order requiring a parent to provide coverage for a child under a health benefit plan and, where the context requires, may include an order requiring a payor to enroll a child in a health benefit plan.

(i) "Medical withholding order" means an income withholding order which requires an employer, sponsor or other administrator of a health benefit plan to enroll a child under the health coverage of a parent.

(j) "Nonparticipating parent" means, if one parent is a participating parent as

defined in this section, the other parent.

(k) "Obligee" means the person or entity to whom a duty of support is owed.

(l) "Obligor" means any person who owes a duty to make payments or provide health benefit coverage under an order for support.

(m) "Order for support" means any order of a court, or of an administrative agency authorized by law to issue such an order, which provides for payment of funds for the support of a child, or for maintenance of a spouse or ex-spouse, and includes an order which provides for modification or resumption of a previously existing order; payment of uninsured medical expenses; payment of an arrearage accrued under a previously existing order; a reimbursement order, including, but not limited to, an order established pursuant to K.S.A. 39-718a or 39-718b, and amendments thereto; an order established pursuant to K.S.A. 23-451 et seq., and amendments thereto; or a medical child support order.

(n) "Participating parent" means a parent who is eligible for single coverage under a health benefit plan as defined in this section, regardless of the type of coverage actually in effect, if any.

(o) "Payor" means any person or entity owing income to an obligor or any self-employed obligor and includes, with respect to a medical child support order, the sponsor or administrator of a health benefit plan.

(p) "Periodic payment" means wages, salary, royalties, trust payments, annuity payments, retirement payments and any other regularly occurring, scheduled payment to an obligor.

(q) "Public office" means any elected or appointed official of the state or any political subdivision or agency of the state, or any subcontractor thereof, who is or may become responsible by law for enforcement of, or who is or may become authorized to enforce, an order for support, including, but not limited to, the department of social and rehabilitation services Kansas department for children and families, court trustees, county or district attorneys and other subcontractors.

(r) "Title IV-D" means part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., and amendments thereto, as in effect on December 31, 2009. "Title IV-D cases" means those cases required by title IV-D to be processed by the Kansas department for children and families under the state's plan for providing title IV-D services.

Sec. 39. K.S.A. 2013 Supp. 23-3109 is hereby amended to read as follows: 23-3109. (a) If an obligee is receiving income withholding payments under this act, the obligee shall give written notice of any change of address, within seven days after the change to the public office, clerk of the district court or court trustee through which the obligee receives the payments.

(b) If any support rights are assigned to the secretary of social and rehabilitation services for children and families, the obligee shall serve on the secretary of social and rehabilitation services for children and families a copy of any order for support providing for immediate income withholding or any notice of intent to apply for issuance of an income withholding order. If any support rights are assigned to the secretary of social and rehabilitation services for children and families, payments pursuant to an income withholding order shall be disbursed as the notice of assignment directs.

(c) The obligee or public office shall provide written notice to the court trustee or

clerk of the court of any other support payments made, including but not limited to a setoff under federal or state law, a collection of unemployment compensation pursuant to K.S.A. 44-718, and amendments thereto, or a direct payment from the obligor. The clerk of the court issuing the order for support or other designated person shall record the amounts reported in such notices.

(d) Any public office and clerk of court which collects, disburses or receives payments pursuant to income withholding orders shall maintain complete, accurate and clear records of all payments and their disbursement. Certified copies of payment records maintained by a public office or clerk of court shall, without further proof, be admitted into evidence in any legal proceedings which concern the issue of support.

Sec. 40. K.S.A. 2013 Supp. 23-3113 is hereby amended to read as follows: 23-3113. (a) The judicial administrator and the secretary of social and rehabilitation services for children and families shall cooperate to design suggested legal forms and informational materials which describe procedures and remedies under this act for distribution to all parties in support actions.

(b) The judicial administrator of the courts and the secretary of social and rehabilitation services for children and families shall enter into a contract to develop and maintain an automated management information system which will monitor support payments, maintain accurate records of support payments and permit prompt notice of arrearages in support payments. District courts, including court trustees, shall be subcontractors in the management information system and payments for their services shall be disbursed as directed by the judicial administrator. Unless good cause is shown, the secretary of social and rehabilitation services for children and families shall contract with court trustees for enforcement services. Subcontractor employees determined necessary to the performance of the contract by the judicial administrator shall be state employees paid by county general funds. The provisions of K.S.A. 20-358 and 20-359, and amendments thereto, shall apply. County expenditures for compensation of subcontractor employees may be paid during any budget year even though the expenditures were not included in the budget for that year. County general funds shall be promptly reimbursed for subcontractor employee compensation cost from the subcontractor's payment plus a reasonable administrative fee for the county for acting as fiscal and reporting agent as determined necessary by the judicial administrator. The provisions of the Kansas court personnel rules, except for pay and classification plans, shall apply to subcontractor employees.

Sec. 41. K.S.A. 2013 Supp. 23-3114 is hereby amended to read as follows: 23-3114. (a) Whether or not a medical child support order has previously been entered, the court shall address the medical needs of the child, and if necessary, enter a medical child support order. Subject to any requirements in child support guidelines adopted by the supreme court pursuant to K.S.A. 20-165, and amendments thereto, the medical child support order may require either parent or both parents to furnish coverage under any health benefit plan as provided in this section, allocate between the parents responsibility for deductibles and copayments, allocate between the parents responsibility for medical costs not covered by any health benefit plan, include costs of coverage under a health benefit plan in the calculation of a current child support order, require cash medical support as an adjustment to a current support order, and make any other provision that justice may require. Before requiring either parent to provide coverage under any health benefit plan, the court shall consider whether the benefits of

the plan are accessible to the child and the cost of coverage, including deductibles and copayments, in relation to the overall financial circumstances. In no event shall the court consider as a factor the availability of medical assistance to any person. Nothing in this section shall prevent the court from prospectively ordering a parent to provide coverage under any health benefit plan which may become available to the parent.

(b) Except for good cause shown, if more than one health benefit plan is available for and accessible to a child, the court shall give preference to the plan: (1) Designated by court order or agreement of the parties, or, if none, then (2) in which the child already has benefits, or, if none, then (3) with terms closest to those designated by court order or agreement of the parties, or, if none, then (4) in which the parent or members of the parent's household have benefits, or, if none, then (5) in which the child will receive the greatest benefits.

(c) When a medical child support order has been entered, the obligor shall be deemed to have granted by operation of law a limited power of attorney to submit claims to a health benefit plan on the child's behalf and to endorse and negotiate any check or other negotiable instrument issued in full or partial payment of the child's claim. Except as otherwise provided in this subsection, the limited power of attorney shall be held by the obligee. If the child is receiving medical assistance from the secretary of social and rehabilitation for aging and disability services or the department of health and environment, the secretary of social and rehabilitation services for children and families shall be deemed the sole holder of the limited power of attorney with respect to payments subject to the secretary's claim for reimbursement. Upon termination of medical assistance in this state for the child, the secretary of social and rehabilitation services for children and families shall retain the limited power of attorney with respect to medical assistance already provided until the claim of the secretary for reimbursement is satisfied. If the child is receiving medical assistance under Title XIX of the federal social security act in another state or jurisdiction, the agency or official responsible for administering the Title XIX program in that state or jurisdiction shall be deemed the sole holder of the limited power of attorney with respect to payments subject to the claim of that agency or official for reimbursement. Upon termination of medical assistance in that state or jurisdiction for the child the agency or official administering the Title XIX program shall retain the limited power of attorney with respect to medical assistance already provided until the claim of that agency or official for reimbursement is satisfied.

(d) In any case in which a participating parent is required by a court or administrative order to provide health coverage for a child, the participating parent is eligible for family health coverage, and the child is otherwise eligible for family health coverage, without regard to any enrollment season restrictions the employer, sponsor or other administrator of a health benefit plan: (1) Shall permit the participating parent to enroll the child for coverage; or (2) if the participating parent is enrolled but has not applied for coverage for the child, shall permit the holder of a limited power of attorney pursuant to subsection (c) to enroll the child. A child enrolled under this subsection shall be treated, with regard to any preexisting condition, as though enrollment occurred during the normal open enrollment period.

(e) When a child has been enrolled for coverage pursuant to subsection (d), the employer, sponsor or other administrator of a health benefit plan shall not disenroll or eliminate coverage of the child unless the employer, sponsor or administrator is

provided: (1) Satisfactory written evidence that the court or administrative order requiring the parent to provide health coverage is no longer in effect for the child and either the participating parent has requested a change or discontinuance of the child's coverage, or the child is otherwise ineligible for continued coverage; or (2) satisfactory written evidence, signed by all holders of a limited power of attorney pursuant to subsection (c), that the child is or will be enrolled in comparable health coverage through another insurer or health benefit plan which will take effect no later than the effective date of the disenrollment. An employer may also disenroll or eliminate coverage for the child if the employer has eliminated family health coverage for all of its employees.

(f) The provisions of this section and the income withholding act and amendments thereto shall apply to all orders for support, including all medical child support orders, entered in this state regardless of the date the order was entered.

Sec. 42. K.S.A. 2013 Supp. 23-3121 is hereby amended to read as follows: 23-3121. (a) As used in this section, "consumer reporting agency" means any person which, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

(b) The secretary of social and rehabilitation services for children and families shall develop procedures for making information concerning support arrearages owed or assigned to the secretary or owed to any person who has applied for services pursuant to K.S.A. 39-756, and amendments thereto, available to consumer reporting agencies upon their request. The procedures shall provide for the information to be made available to such agencies in any case in which the support arrearage is \$1,000 or more unless the secretary determines that providing the information is not appropriate in a particular case. The procedures may additionally provide for the information to be available to such agencies if the amount of the support arrearage is less than \$1,000.

(c) The secretary may charge a consumer reporting agency requesting support arrearage information a fee not to exceed the actual cost to the secretary in providing such information.

(d) Prior to providing any information concerning an obligor's arrearage to a consumer reporting agency, the secretary shall provide advance notice to the obligor who owes support by first-class mail to the obligor's last known address, concerning the proposed release of information to a consumer reporting agency and of the methods available for contesting the accuracy of the information as provided for in K.S.A. 50-710, and amendments thereto.

Sec. 43. K.S.A. 2013 Supp. 23-3210 is hereby amended to read as follows: 23-3210. (a) *Investigation and report.* In any proceeding in which legal custody, residency, visitation rights or parenting time are contested, the court may order an investigation and report concerning the appropriate legal custody, residency, visitation rights and parenting time to be granted to the parties. The investigation and report may be made by court services officers or any consenting person or agency employed by the court for that purpose. The court may use the department of social and rehabilitation services Kansas department for children and families to make the investigation and report if no other source is available for that purpose. The costs for making the investigation and

report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(b) *Consultation.* In preparing the report concerning a child, the investigator may consult any person who may have information about the child and the potential legal custodial arrangements. Upon order of the court, the investigator may refer the child to other professionals for diagnosis. The investigator may consult with and obtain information from medical, psychiatric or other expert persons who have served the child in the past. If the requirements of subsection (c) are fulfilled, the investigator's report may be received in evidence at the hearing.

(c) *Use of report and investigator's testimony.* The court shall make the investigator's report available prior to the hearing to counsel or to any party not represented by counsel. Upon motion of either party, the report may be made available to a party represented by counsel, unless the court finds that such distribution would be harmful to either party, the child or other witnesses. Any party to the proceeding may call the investigator and any person whom the investigator has consulted for cross-examination. In consideration of the mental health or best interests of the child, the court may approve a stipulation that the interview records not be divulged to the parties.

Sec. 44. K.S.A. 2013 Supp. 23-36,201 is hereby amended to read as follows: 23-36,201. In a proceeding to establish, enforce or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (a) The individual is personally served with notice within this state;
- (b) the individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (c) the individual resided with the child in this state;
- (d) the individual resided in this state and provided prenatal expenses or support for the child;
- (e) the child resides in this state as a result of the acts or directives of the individual;
- (f) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;
- (g) the individual asserted parentage in the putative father registry maintained in this state by the secretary of the department of social and rehabilitation services Kansas department for children and families; or
- (h) there is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

Sec. 45. K.S.A. 2013 Supp. 23-36,310 is hereby amended to read as follows: 23-36,310. (a) The department of social and rehabilitation services Kansas department for children and families is the state information agency under this act.

- (b) The state information agency shall:
 - (1) Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this act and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;
 - (2) maintain a register of tribunals and support enforcement agencies received from other states;
 - (3) forward to the appropriate tribunal in the place in this state in which the

individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this act received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, drivers' licenses and social security.

Sec. 46. K.S.A. 2013 Supp. 32-906 is hereby amended to read as follows: 32-906.

(a) Except as otherwise provided by law or rules and regulations of the secretary, a valid Kansas fishing license is required to fish or to take any bullfrog in this state.

(b) The provisions of subsection (a) do not apply to fishing by:

(1) A person, or a member of a person's immediate family domiciled with such person, on land owned by such person or on land leased or rented by such person for agricultural purposes;

(2) a person who is less than 16 years of age;

(3) a resident of this state who is 75 years of age or more;

(4) a person fishing in a private water fishing impoundment unless waived pursuant to K.S.A. 32-975, and amendments thereto;

(5) a resident of an adult care home, as defined by K.S.A. 39-923, and amendments thereto, licensed by the secretary of aging;

(6) a person on dates designated pursuant to subsection (f);

(7) a person fishing under a valid institutional group fishing license issued pursuant to subsection (g); or

(8) a participant in a fishing clinic sponsored or cosponsored by the department, during the period of time that the fishing clinic is being conducted.

(c) The fee for a fishing license shall be the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto.

(d) Unless otherwise provided by law or rules and regulations of the secretary, a fishing license is valid throughout the state.

(e) Unless otherwise provided by law or rules and regulations of the secretary, a fishing license is valid from the date of issuance and expires on December 31 following its issuance, except that the secretary may issue a:

(1) Permanent license pursuant to K.S.A. 32-929, and amendments thereto;

(2) lifetime license pursuant to K.S.A. 32-930, and amendments thereto;

(3) nonresident fishing license valid for a period of five days; and

(4) resident or nonresident fishing license valid for a period of 24 hours.

(f) The secretary may designate by resolution two days each calendar year during which persons may fish by legal means without having a valid fishing license.

(g) The secretary shall issue an annual institutional group fishing license to each facility operating under the jurisdiction of or licensed by the secretary of social and rehabilitation for aging and disability services and to any veterans administration medical center in the state of Kansas upon application by such facility or center to the secretary of wildlife, parks and tourism for such license.

All applications for facilities under the jurisdiction of the secretary of social and

rehabilitation for aging and disability services shall be made with the approval of the secretary of social and rehabilitation for aging and disability services and shall provide such information as the secretary of wildlife, parks and tourism requires. All applications for any veterans administration medical center shall be made with the approval of the director of such facility and shall provide such information as the secretary of wildlife, parks and tourism requires. Persons who have been admitted to and are currently residing at the facility or center, not to exceed 20 at any one time, may fish under an institutional group fishing license within the state while on a group trip, group outing or other group activity which is supervised by the facility or center. Persons fishing under an institutional group fishing license shall not be required to obtain a fishing license but shall be subject to all other laws and to all rules and regulations relating to fishing.

The staff personnel of the facility or center supervising the group trip, group outing or other group activity shall have in their possession the institutional license when engaged in supervising any activity requiring the license. Such staff personnel may assist group members in all aspects of their fishing activity.

(h) The secretary may issue a special nonprofit group fishing license to any community, civic or charitable organization which is organized as a not-for-profit corporation, for use by such community, civic or charitable organization for the sole purpose of conducting group fishing activities for handicapped or developmentally disabled individuals. All applications for a special nonprofit group fishing license shall be made to the secretary or the secretary's designee and shall provide such information as required by the secretary.

Handicapped or developmentally disabled individuals, not to exceed 20 at any one time, may fish under a special nonprofit group fishing license while on a group trip, outing or activity which is supervised by the community, civic or charitable organization. Individuals fishing under a special nonprofit group fishing license shall not be required to obtain a fishing license but shall be subject to all other laws and rules and regulations relating to fishing.

The staff personnel of the community, civic or charitable organization supervising the group trip, outing or activity shall have in their possession the special nonprofit group fishing license when engaged in supervising any activity requiring the special nonprofit group fishing license. Such staff personnel may assist group members in all aspects of their fishing activity.

(i) The provisions of paragraph (b)(3) shall expire on June 30, 2020.

Sec. 47. K.S.A. 2013 Supp. 32-918 is hereby amended to read as follows: 32-918. (a) Upon request of the secretary of social and rehabilitation services for children and families, the secretary of wildlife, parks and tourism shall not allow any license, permit, stamp, tag or other issue of the Kansas department of wildlife, parks and tourism to be purchased by any applicant except as provided in this section. The secretary of social and rehabilitation services for children and families may make such a request by providing the secretary of wildlife, parks and tourism, on a quarterly basis, a listing of names and other information sufficient to allow the secretary of wildlife, parks and tourism to match applicants against the list with reasonable accuracy. The secretary of social and rehabilitation services for children and families may include an individual on the listing if, at the time the listing is compiled, the individual owes arrearages under a support order in a title IV-D case or has failed, after appropriate notice, to comply with

an outstanding warrant or subpoena directed to the individual in a title IV-D case. The secretary of social and rehabilitation services for children and families shall include an individual on the listing if, at the time the listing is compiled, the individual owes arrearages under a support order, as reported to the secretary of social and rehabilitation services for children and families by the court trustee or has failed, after appropriate notice, to comply with a subpoena directed to the individual by the court trustee and as reported to the secretary of social and rehabilitation services for children and families by the court trustee.

(b) If any applicant for a license, permit, stamp, tag or other issue of the Kansas department of wildlife, parks and tourism is not allowed to complete a purchase pursuant to this section, the vendor of the license, permit, stamp, tag or other issue of the Kansas department of wildlife, parks and tourism shall immediately deliver to the applicant a written notice, furnished by the state of Kansas, stating the basis for the action and how the applicant may dispute the action or request other relief. Such notice shall inform the applicant who owes arrearages in an IV-D case to contact social and rehabilitation services the department for children and families and in a non-IV-D case to contact the court trustee.

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

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

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

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

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

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

(5) the court trustee notifies the secretary of social and rehabilitation services for children and families that the applicant has paid the arrearages in full or has complied with the subpoena or the subpoena has been quashed or withdrawn.

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

(f) Nothing in this section shall be construed to require or permit the secretary of wildlife, parks and tourism to determine any issue related to a child support order or related to the title IV-D case, including questions of mistaken identity or the adequacy of any notice provided pursuant to this section. In a title IV-D case, the secretary of

social and rehabilitation services for children and families shall provide an opportunity for fair hearing pursuant to K.S.A. 75-3306, and amendments thereto, to any person who has been denied any license, permit, stamp, tag or other issue of the Kansas department of wildlife, parks and tourism pursuant to this section, provided that the person complies with the requirements of the secretary of social and rehabilitation services for children and families for requesting such fair hearing. In a non-IV-D case, the applicant shall contact the court trustee.

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

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

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

(j) Upon receipt of such list, the secretary of wildlife, parks and tourism shall send by first class mail, a letter to any new individual on the listing who has a current license, permit, stamp, tag or other issue of the Kansas department of wildlife, parks and tourism informing such individual of the provisions of this section.

Sec. 48. K.S.A. 2013 Supp. 32-930 is hereby amended to read as follows: 32-930.

(a) Except as provided in subsection (c), the secretary or the secretary's designee is authorized to issue to any Kansas resident a lifetime fishing, hunting or furharvester or combination hunting and fishing license upon proper application made therefor to the secretary or the secretary's designee and payment of a license fee as follows: (1) A total payment made at the time of purchase in the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto; or (2) payment may be made over a two-year period in eight quarter-annual installments in the amount prescribed pursuant to K.S.A. 32-988, and amendments thereto. If payment is in installments, the license shall not be issued until the final installment has been paid. A person making installment payments shall not be required to obtain the appropriate annual license, and each installment payment shall be deemed to be such an annual license for a period of one year following the date of the last installment payment made. If an installment payment is not received within 30 days after it is due and owing, the secretary may consider the payments in default and may retain any payments previously received. Any lifetime license issued to a Kansas resident shall not be made invalid by reason of the holder thereof subsequently residing outside the state of Kansas. Any nonresident holder of a Kansas lifetime hunting or combination hunting and fishing license shall be eligible under the same conditions as a Kansas resident for a big game or wild turkey permit upon proper application to the secretary. Any nonresident holder of a lifetime fishing license issued before July 1, 1989, shall be eligible under the same conditions as a Kansas resident for a big game or wild turkey permit upon proper application to the secretary.

(b) For the purposes of subsection (a), the term "resident" shall have the meaning defined in K.S.A. 32-701, and amendments thereto, except that a person shall have maintained that person's place of permanent abode in this state for a period of not less than one year immediately preceding the person's application for a lifetime fishing, hunting or furharvester or combination hunting and fishing license.

(c) (1) Upon request of the secretary of social and rehabilitation services for

children and families, the secretary of wildlife, parks and tourism shall not issue a lifetime fishing, hunting or furharvester or combination hunting and fishing license to an applicant except as provided in this subsection. The secretary of social and rehabilitation services for children and families may make such a request if, at the time of the request, the applicant:

(A) Owed arrearages under a support order in a title IV-D case being administered by the secretary of social and rehabilitation services for children and families;

(B) had outstanding a warrant or subpoena, directed to the applicant, in a title IV-D case being administered by the secretary of social and rehabilitation services for children and families;

(C) owes arrearages under a support order, as reported to the secretary of social and rehabilitation services for children and families by the court trustee; or

(D) has failed, after appropriate notice, to comply with a subpoena directed to the individual by the court trustee as reported to the secretary of social and rehabilitation services for children and families by the court trustee.

(2) Upon receiving a release from an authorized agent of the secretary of social and rehabilitation services for children and families or the court trustee, the secretary of wildlife, parks and tourism may issue the lifetime fishing, hunting or furharvester or combination hunting and fishing license. The applicant shall have the burden of obtaining and delivering the release.

(3) The secretary of social and rehabilitation services for children and families shall issue a release upon request if, as appropriate:

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

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

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

(D) the applicant has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn; or

(E) the court trustee notifies the secretary of social and rehabilitation services for children and families that the applicant has paid the arrearages in full or has complied with the subpoena or the subpoena has been quashed or withdrawn.

(d) (1) Upon request of the secretary of social and rehabilitation services for children and families, the secretary of wildlife, parks and tourism shall suspend a lifetime fishing, hunting or furharvester or combination hunting and fishing license to a licensee as provided in this subsection. The secretary of social and rehabilitation services for children and families may make such a request if, at the time of the request, the applicant owed arrearages under a support order or had outstanding a warrant or subpoena as stated in subsection (c)(1).

(2) Upon receiving a release from an authorized agent of the secretary of social and rehabilitation services for children and families or the court trustee, the secretary of wildlife, parks and tourism may reinstate the lifetime fishing, hunting or furharvester or combination hunting and fishing license. The licensee shall have the burden of obtaining and delivering the release.

(3) The secretary of social and rehabilitation services for children and families shall

issue a release upon request if the requirements of subsection (c)(3) are met.

(e) Nothing in subsection (c) or (d) shall be construed to require or permit the secretary of wildlife, parks and tourism to determine any issue related to a child support order or related to the title IV-D case including to resolve questions of mistaken identity or determine the adequacy of any notice relating to subsection (c) or (d) that the secretary of wildlife, parks and tourism provides to the applicant.

(f) "Title IV-D" means part D of title IV of the federal social security act (,42 U.S.C. § 651 et seq.), and amendments thereto, as in effect on December 31, 2001, relating to child support enforcement services.

(g) The secretary, in accordance with K.S.A. 32-805, and amendments thereto, may adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 49. K.S.A. 38-134 is hereby amended to read as follows: 38-134. (a) As used in this section:

(1) "Child" means a person under 18 years of age who has been removed from the home of a relative as a result of judicial determination and whose placement and care is the responsibility of the secretary.

(2) "Family foster home" means a private home in which care is given for 24 hours a day for children away from their parent or guardian and which is licensed under K.A.R. 28-4-311 et seq.

(3) "Foster family" means all persons living in the foster home other than foster children.

(4) "Foster parent" means the licensee who is responsible for the care of foster children.

(5) "Secretary" means the secretary of social and rehabilitation services for children and families.

(b) In order to assist the foster family to make an informed decision regarding their acceptance of a particular child, to help the foster family anticipate problems which may occur during the child's placement and to help the foster family meet the needs of the child in a constructive manner, the secretary shall seek to obtain and shall provide the following information to the foster parent as the information becomes available to the secretary:

(1) Strengths, needs and general behavior of the child;

(2) circumstances which necessitated placement;

(3) information about the child's family and the child's relationship to the family which may affect the placement;

(4) important life experiences and relationships which may affect the child's feelings, behavior, attitudes or adjustment;

(5) medical history of the child, including third-party coverage which may be available to the child; and

(6) education history, to include present grade placement, special strengths and weaknesses.

Sec. 50. K.S.A. 2013 Supp. 38-143 is hereby amended to read as follows: 38-143. As used in the grandparents as caregivers act:

(a) "Program" means the grandparents as caregivers program.

(b) "Secretary" means the secretary of the department of social and rehabilitation services for children and families.

(c) "Department" means the department of social and rehabilitation services Kansas

department for children and families.

Sec. 51. K.S.A. 2013 Supp. 38-144 is hereby amended to read as follows: 38-144. (a) In accordance with the provisions of the grandparents as caregivers act and subject to the provisions of appropriation acts, the secretary shall establish a grandparents as caregivers program within the department of social and rehabilitation services Kansas department for children and families. The program shall be administered in a manner which recognizes that:

- (1) The relationship between a child and a parent differs from the relationship between a child and a grandparent;
- (2) society and the demands and needs of the members of society change between the time a person raises a child and the time the same person raises a grandchild;
- (3) caring for a grandchild often places additional financial, social and psychological strain on grandparents with fixed incomes;
- (4) different parenting skills are necessary when raising a grandchild, and many grandparents do not possess such skills, are not aware of how to obtain such skills and cannot afford access to the services necessary to obtain such skills;
- (5) grandparents acting as caregivers need a support structure, including counseling for both the grandparent and grandchild, respite care, transportation assistance and child care; and
- (6) grandparents are often unaware of medical and other assistance, including cash assistance for which they may be eligible.

Sec. 52. K.S.A. 38-320 is hereby amended to read as follows: 38-320. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein:

- (a) "Department" means the state department of social and rehabilitation services Kansas department for children and families or any division thereof.
- (b) "Secretary" means the secretary of the social and rehabilitation services or his for children and families or the secretary's designee.

Sec. 53. K.S.A. 38-1808 is hereby amended to read as follows: 38-1808. (a) There is hereby established in the state treasury the family and children investment fund. The family and children investment fund shall be administered as provided in this section.

(b) There shall be credited to the family and children investment fund appropriations, gifts, grants, contributions, matching funds and participant payments.

(c) (1) There is hereby created the family and children trust account in the family and children investment fund. The secretary of social and rehabilitation services for children and families shall administer the family and children trust account.

(2) Moneys credited to the family and children trust account shall be used for the following purposes: (A) Matching federal moneys to purchase services relating to community-based programs for the broad range of child abuse and neglect prevention activities; (B) providing start-up or expansion grants for community-based prevention projects for the broad range of child abuse and neglect prevention activities; (C) studying and evaluating community-based prevention projects for the broad range of child abuse and neglect prevention activities; (D) preparing, publishing, purchasing and disseminating educational material dealing with the broad range of child abuse and neglect prevention activities; and (E) payment of the administrative costs of the family and children trust account and of that portion of the Kansas children's cabinet, established pursuant to K.S.A. 38-1901, and amendments thereto, which are attributable

to the family and children trust account, and that portion of the administrative costs of the board of trustees, of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto, which are attributable to the family and children endowment account of the family and children investment fund. No moneys in the family and children trust account shall be used for the purpose of providing services for the voluntary termination of pregnancy.

(3) Expenditures from the family and children trust account shall be subject to the approval of the Kansas children's cabinet established pursuant to K.S.A. 38-1901, and amendments thereto. All expenditures from the family and children trust account 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 social and rehabilitation services for children and families or a person designated by the secretary.

(d) (1) There is hereby created the permanent families account in the family and children investment fund. The judicial administrator of the courts shall administer this account.

(2) Moneys credited to the permanent families account shall be used for the following purposes: (A) Not more than 12% of the amount credited to the permanent families account during the fiscal year may be used to provide technical assistance to district courts or local groups wanting to establish a local citizen review board or a court-appointed special advocate program, including but not limited to such staff as necessary to provide such assistance, and to provide services necessary for the administration of such board or program, including but not limited to grants administration, accounting, data collection, report writing and training of local citizen review board staff; (B) grants to court-appointed special advocate programs, upon application approved by the chief judge of the judicial district where the program is located; and (C) grants to district courts, upon application of the chief judge of the judicial district, for expenses of establishment, operation and evaluation of local citizen review boards in the judicial district, including costs of: (i) Employing local citizen review board coordinators and clerical staff; (ii) telephone, photocopying and office equipment and supplies for which there are shown to be no local funds available; (iii) mileage of staff and board members; and (iv) training staff and board members.

(3) In addition to the other duties and powers provided by law, in administering the permanent families account, the judicial administrator shall:

(A) Accept and receive grants, loans, gifts or donations from any public or private entity in support of programs administered by the judicial administrator and assist in the development of supplemental funding sources for local and state programs;

(B) consider applications for and make such grants from the permanent families account as authorized by law; and

(C) receive reports from local citizen review boards established pursuant to K.S.A. 38-1812 38-2207, and amendments thereto, regarding the status of children under the supervision of the district courts and regarding systemic barriers to permanence for children, assure that appropriate data is maintained regularly and compiled at least once a year by such boards on all cases reviewed and assure that the effectiveness of such boards is evaluated on an ongoing basis, using, where possible, random selection of local citizen review boards and cases for the evaluation and including client outcome data to determine effectiveness.

(4) All expenditures from the permanent families account shall be made in

accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the judicial administrator or a person designated by the judicial administrator.

(e) The family and children endowment account of the family and children investment fund shall constitute and shall be administered as an endowment for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund. The family and children endowment account of the family and children investment fund shall be invested by the board of trustees of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto. All interest or other income of the investments of the moneys in the family and children trust endowment account of the family and children investment fund, after payment of any management and administrative fees, shall be considered income of the family and children trust account of the family and children investment fund and shall be deposited in the state treasury to the credit of the family and children trust account of the family and children investment fund.

(f) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the family and children investment fund interest earnings based on:

(1) The average daily balance of moneys in the family and children investment fund for the preceding month, excluding all amounts credited to the family and children endowment account of the family and children investment fund; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 54. K.S.A. 38-1817 is hereby amended to read as follows: 38-1817. On and after July 1, 1997:

(a) Whenever the corporation for change, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference relates to the family and children trust account of the family and children investment fund, such reference or designation shall be deemed to apply to the department of social and rehabilitation services Kansas department for children and families.

(b) Whenever the executive director or the chairperson of the board of directors of the corporation for change, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference relates to the family and children trust account of the family and children investment fund, such reference or designation shall be deemed to apply to the secretary of social and rehabilitation services for children and families.

(c) All orders and directives of the corporation for change or of the executive director or the chairperson of the board of directors of the corporation for change which are in existence on the effective date of this act and which relate to the family and children trust account of the family and children investment fund, shall continue to be effective and shall be deemed to be orders and directives of the department of social and rehabilitation services Kansas department for children and families until revised, amended or nullified pursuant to law.

(d) The department of social and rehabilitation services Kansas department for children and families shall succeed to whatever right, title or interest the corporation for change has acquired in any real property in this state with moneys from the family and

children trust account of the family and children investment fund, and the department of social and rehabilitation services Kansas department for children and families shall hold the same for and in the name of the state of Kansas. On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the corporation for change or of the executive director or the chairperson of the board of directors of the corporation for change to acquire, hold or dispose of real property or any interest therein and such power or authority relates to the children and family trust account of the family and children investment fund or to real property or any interest therein acquired with moneys from such account prior to the effective date of this act, the department of social and rehabilitation services Kansas department for children and families shall succeed to such power or authority.

Sec. 55. K.S.A. 38-1819 is hereby amended to read as follows: 38-1819. On and after July 1, 1997:

(a) Except as otherwise provided in this act, officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the corporation for change, which relate to the family and children trust account of the family and children investment fund prior to the effective date of this act and which are transferred to the department of social and rehabilitation services Kansas department for children and families, and who, in the opinion of the secretary of social and rehabilitation services for children and families, are necessary to perform the powers, duties and functions of the department of social and rehabilitation services Kansas department for children and families, shall be transferred to and shall become officers and employees of the department of social and rehabilitation services Kansas department for children and families. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to the effective date of this section. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

(b) Except as otherwise provided in this act, officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the corporation for change, which relate to the permanent families account of the family and children investment fund prior to the effective date of this act and which are transferred by this act to the judicial administrator of the courts, and who, in the opinion of the judicial administrator of the courts, are necessary to perform the powers, duties and functions of the office of judicial administration under this act, shall be transferred to, and shall become officers and employees of the office of judicial administration. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to the effective date of this section. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

Sec. 56. K.S.A. 38-1820 is hereby amended to read as follows: 38-1820. On and after July 1, 1997:

(a) When any conflict arises as to the disposition of any power, function or duty or

the unexpended balance of any appropriation as a result of any abolition, transfer, attachment or change made by or under authority of this act, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The department of social and rehabilitation services Kansas department for children and families shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the department of social and rehabilitation services Kansas department for children and families by this act. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or attachment of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

(c) The judicial administrator of the courts shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the judicial administrator of the courts. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or attachment of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

Sec. 57. K.S.A. 38-1821 is hereby amended to read as follows: 38-1821. On and after July 1, 1997:

(a) The department of social and rehabilitation services Kansas department for children and families shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the corporation for change which relates to the family and children trust account of the family and children investment fund transferred to the department of social and rehabilitation services Kansas department for children and families under this act.

(b) The judicial administrator of the courts shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the corporation for change which relates to the permanent families account of the family and children investment fund transferred to the judicial administrator of the courts under this act.

(c) 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 act, 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 act. 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.

(d) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

Sec. 58. K.S.A. 38-1822 is hereby amended to read as follows: 38-1822. On and after July 1, 1997:

(a) The balance of all funds received by the corporation for change and maintained in interest-bearing accounts in Kansas banks or Kansas savings and loan associations pursuant to K.S.A. 38-1809, prior to its repeal, shall be transferred to and deposited in the state treasury and credited to the family and children investment fund.

(b) The liability for all accrued compensation or salaries of officers and employees

who are transferred to the department of social and rehabilitation services Kansas department for children and families as provided for by this act and who become a part of the department of social and rehabilitation services Kansas department for children and families, shall be assumed and paid by the department of social and rehabilitation services Kansas department for children and families.

(c) The liability for all accrued compensation or salaries of officers and employees who are transferred to the office of judicial administration as provided for by this act and who become part of the office of judicial administration, shall be assumed and paid by the judicial administrator of the courts.

Sec. 59. K.S.A. 38-1901 is hereby amended to read as follows: 38-1901. On and after the effective date of this act:

(a) The advisory committee on children and families is hereby redesignated and shall be known and referred to as the Kansas children's cabinet.

(b) The Kansas children's cabinet shall consist of 15 members as follows: (1) The secretary of health and environment, or the secretary's designee; (2) the secretary of social and rehabilitation services for children and families, or the secretary's designee; (3) a member of the state board of regents selected by the state board of regents, or such member's designee; (4) the commissioner of education, or the commissioner's designee; (5) the commissioner of juvenile justice, or the commissioner's designee; (6) a member of the Kansas supreme court selected by the Kansas supreme court, or such member's designee; (7) five members of the public who are interested in and knowledgeable about the needs of children and families shall be appointed by the governor, which, subject to the provisions of subsection (e), may include persons who are children's advocates, members of organizations with experience in programs that benefit children or other individuals who have experience with children's programs and services; (8) one person appointed by the speaker of the house of representatives; (9) one person appointed by the minority leader of the house of representatives; (10) one person appointed by the president of the senate; and (11) one person appointed by the minority leader of the senate. The members designated by clauses (1), (2), (3), (4), (5) and (6) of this subsection shall be nonvoting members of the Kansas children's cabinet. All other members shall be voting members.

(c) (1) Except as provided in paragraph (2) of this subsection, the members of the Kansas children's cabinet appointed by the governor, speaker, president and minority leaders shall serve for terms of four years and until their successors are appointed and qualified. The governor shall appoint a chairperson of the committee from among the members appointed by the governor. The chairperson shall serve in such office throughout such member's current term of office and until a successor is appointed and qualified. The members of the Kansas children's cabinet may elect any additional officers from among its members necessary to carry out the duties and functions of the Kansas children's cabinet.

(2) Of the members first appointed by the governor, two shall be appointed for terms of two years, two shall be appointed for terms of three years and the member selected by the governor to be the chairperson shall be appointed for a term of four years. The member first appointed by the speaker of the house of representatives shall be appointed for a term of one year, the member first appointed by the minority leader of the house of representatives shall be appointed for a term of two years, the member first appointed by the president of the senate shall be appointed for a term of three years

and the member first appointed by the minority leader of the senate shall be appointed for a term of four years. The governor shall designate the term for which each of the members first appointed by the governor shall serve.

(3) All members appointed to fill vacancies in the membership of the Kansas children's cabinet and all members appointed to succeed members appointed to membership on the Kansas children's cabinet shall be appointed in like manner as that provided for the original appointment of the member succeeded. All members appointed to fill vacancies of a member of the Kansas children's cabinet appointed by the governor, the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate or the minority leader of the senate shall be appointed to fill the unexpired term of such member.

(d) Not more than three members of the Kansas children's cabinet appointed by the governor under subsection (b)(7) shall be members of the same political party.

(e) (1) No person shall serve on the Kansas children's cabinet if such person has knowingly acquired a substantial interest in any business. Any such person who knowingly acquires such an interest shall vacate such member's position on the Kansas children's cabinet.

(2) For purposes of this subsection, "substantial interest" means any of the following:

(A) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

(B) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

(C) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in that business, irrespective of that amount of compensation received by the individual or the individual's spouse.

(D) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

(3) As used in this subsection, "client or customer" means a business or combination of businesses.

(4) As used in this subsection, "business" means any entity which is eligible to receive funds from the children's initiatives fund, as provided in K.S.A. 38-2102, and amendments thereto, from the children's initiatives accountability fund, established by K.S.A. 38-2103, and amendments thereto, or from the family and children trust account of the family and children investment fund, as provided in K.S.A. 38-1808, and

amendments thereto.

(f) The Kansas children's cabinet shall meet upon the call of the chairperson as necessary to carry out the duties and functions of the Kansas children's cabinet. A quorum of the Kansas children's cabinet shall be five voting members.

(g) The Kansas children's cabinet shall have and perform the following functions:

(1) Assist the governor in developing and implementing a coordinated, comprehensive service delivery system to serve the children and families of Kansas;

(2) identify barriers to service and gaps in service due to strict definitions of boundaries between departments and agencies;

(3) facilitate interagency and interdepartmental cooperation toward the common goal of serving children and families;

(4) investigate and identify methodologies for the combining of funds across departmental boundaries to better serve children and families;

(5) propose actions needed to achieve coordination of funding and services across departmental lines;

(6) encourage and facilitate joint planning and coordination between the public and private sectors to better serve the needs of children and families; and

(7) perform the duties and functions prescribed by K.S.A. 38-2103, and amendments thereto.

(h) Members of the Kansas children's cabinet shall not be paid compensation, but shall receive subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223, and amendments thereto. The subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, shall be paid from available appropriations of the department of social and rehabilitation services Kansas department for children and families except that expenses of members who are employed by a state agency shall be reimbursed by that state agency.

(i) On the effective date of this act, the advisory committee on children and families is hereby abolished and all powers, duties, functions, records and other property of the advisory committee on children and families are hereby transferred to the Kansas children's cabinet created by this section. Except as otherwise specifically provided by this act, the Kansas children's cabinet shall be a continuation of the advisory committee on children and families as it existed prior to the effective date of this act.

Sec. 60. K.S.A. 2013 Supp. 38-2222 is hereby amended to read as follows: 38-2222. The secretary shall conduct a continuing public information and educational program concerning the reporting of suspected abuse or neglect for local staff of the department of social and rehabilitation services Kansas department for children and families, for persons required to report under this code and for other appropriate persons.

Sec. 61. K.S.A. 2013 Supp. 38-2223 is hereby amended to read as follows: 38-2223. (a) *Persons making reports.* (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

(A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry, persons engaged in postgraduate training programs approved by the state board of healing arts, licensed professional or practical nurses and chief administrative officers of medical care facilities;

(B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators or other employees of an educational institution which the child is attending and persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child;

(D) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections officers, case managers appointed under K.S.A. 2013 Supp. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 2013 Supp. 23-3502, and amendments thereto; and

(E) any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance.

(2) In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).

(b) *Form of report.* (1) The report may be made orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse or neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.

(2) When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.

(c) *To whom made.* Reports made pursuant to this section shall be made to the secretary, except as follows:

(1) When the department of social and rehabilitation services Kansas department for children and families is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to K.S.A. 2013 Supp. 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.

(2) Reports of child abuse or neglect occurring in an institution operated by the secretary of social and rehabilitation Kansas department for aging and disability services or the commissioner of juvenile justice shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of

persons employed by the department of social and rehabilitation Kansas department for aging and disability services and the Kansas department for children and families shall be made to the appropriate law enforcement agency.

(d) *Death of child.* Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) *Violations.* (1) Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report.

(2) Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.

(3) Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

(f) *Immunity from liability.* Anyone who, without malice, participates in the making of a report to the secretary or a law enforcement agency relating to a suspicion a child may be a child in need of care or who participates in any activity or investigation relating to the report or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might otherwise be incurred or imposed.

Sec. 62. K.S.A. 2013 Supp. 38-2226 is hereby amended to read as follows: 38-2226. (a) *Investigation for child abuse or neglect.* The secretary and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect for the purpose of determining whether the report is valid and whether action is required to protect a child. Any person or agency which maintains records relating to the involved child which are relevant to any investigation conducted by the secretary or law enforcement agency under this code shall provide the secretary or law enforcement agency with the necessary records to assist in investigations. In order to provide such records, the person or agency maintaining the records shall receive from the secretary or law enforcement: (1) A written request for information; and (2) a written notice that the investigation is being conducted by the secretary or law enforcement. If the secretary and such officers determine that no action is necessary to protect the child but that a criminal prosecution should be considered, such law enforcement officers shall make a report of the case to the appropriate law enforcement agency.

(b) *Joint investigations.* When a report of child abuse or neglect indicates: (1) That there is serious physical harm to, serious deterioration of or sexual abuse of the child; and (2) that action may be required to protect the child, the investigation shall be conducted as a joint effort between the secretary and the appropriate law enforcement agency or agencies, with a free exchange of information between them pursuant to K.S.A. 2013 Supp. 38-2210, and amendments thereto. If a statement of a suspect is obtained by either agency, a copy of the statement shall be provided to the other.

(c) *Investigation of certain cases.* Suspected child abuse or neglect which occurs in an institution operated by the secretary shall be investigated by the attorney general. Any other suspected child abuse or neglect by persons employed by the department of social and rehabilitation services Kansas department for children and families shall be investigated by the appropriate law enforcement agency.

(d) *Coordination of investigations by county or district attorney.* If a dispute develops between agencies investigating a reported case of child abuse or neglect, the appropriate county or district attorney shall take charge of, direct and coordinate the investigation.

(e) *Investigations concerning certain facilities.* Any investigation involving a facility subject to licensing or regulation by the secretary of health and environment shall be promptly reported to the state secretary of health and environment.

(f) *Cooperation between agencies.* Law enforcement agencies and the secretary shall assist each other in taking action which is necessary to protect a child regardless of which agency conducted the initial investigation.

(g) *Cooperation between school personnel and investigative agencies.* (1) Educational institutions, the secretary and law enforcement agencies shall cooperate with each other in the investigation of reports of suspected child abuse or neglect. The secretary and law enforcement agencies shall have access to a child in a setting designated by school personnel on the premises of an educational institution. Attendance at an interview conducted on such premises shall be at the discretion of the agency conducting the interview, giving consideration to the best interests of the child. To the extent that safety and practical considerations allow, law enforcement officers on such premises for the purpose of investigating a report of suspected child abuse or neglect shall not be in uniform.

(2) The secretary or a law enforcement officer may request the presence of school personnel during an interview if the secretary or officer determines that the presence of such person might provide comfort to the child or facilitate the investigation.

Sec. 63. K.S.A. 2013 Supp. 38-2247 is hereby amended to read as follows: 38-2247. (a) *Adjudication.* Proceedings prior to and including adjudication under this code shall be open to attendance by any person unless the court determines that closed proceedings or the exclusion of that person would be in the best interests of the child or is necessary to protect the privacy rights of the parents.

(1) The court may not exclude the guardian ad litem, parties and interested parties.

(2) Members of the news media shall comply with supreme court rule 10.01 1001.

(b) *Disposition.* Proceedings pertaining to the disposition of a child adjudicated to be in need of care shall be closed to all persons except the parties, the guardian ad litem, interested parties and their attorneys, officers of the court, a court appointed special advocate and the custodian.

(1) Other persons may be permitted to attend with the consent of the parties or by order of the court, if the court determines that it would be in the best interests of the child or the conduct of the proceedings, subject to such limitations as the court determines to be appropriate.

(2) The court may exclude any person if the court determines that such person's exclusion would be in the best interests of the child or the conduct of the proceedings.

(c) Notwithstanding subsections (a) and (b) of this section, the court shall permit the attendance at the proceedings of up to two people designated by the parent of the child, both of whom have participated in a parent ally orientation program approved by the judicial administrator.

(1) Such parent ally orientation program shall include, but not be limited to, information concerning the confidentiality of the proceedings; the child and parent's right to counsel; the definitions and jurisdiction pursuant to the Kansas code for care of

children; the types and purposes of the hearings; options for informal supervision and dispositions; placement options; the parents' obligation to financially support the child while the child is in the state's custody; obligations of the secretary of social and rehabilitation services for children and families; obligations of entities that contract with the department of social and rehabilitation services Kansas department for children and families for family preservation, foster care and adoption; the termination of parental rights; the procedures for appeals; and the basic rules regarding court procedure.

(2) The court may remove the parent's ally or allies from a proceeding if such ally becomes disruptive in the present proceeding or has been found disruptive in a prior proceeding.

(d) *Preservation of confidentiality.* If information required to be kept confidential by K.S.A. 2013 Supp. 38-2209, and amendments thereto, is to be introduced into evidence and there are persons in attendance who are not authorized to receive the information, the court may exclude those persons during the presentation of the evidence or conduct an in camera inspection of the evidence.

Sec. 64. K.S.A. 2013 Supp. 38-2261 is hereby amended to read as follows: 38-2261. The secretary shall notify the foster parent or parents that the foster parent or parents have a right to submit a report. Copies of the report shall be available to the parties and interested parties. The report made by foster parents shall be on a form created and provided by the department of social and rehabilitation services Kansas department for children and families.

Sec. 65. K.S.A. 2013 Supp. 38-2282, as amended by section 1 of 2014 House Bill No. 2577, is hereby amended to read as follows: 38-2282. (a) This section shall be known and may be cited as the newborn infant protection act.

(b) A parent or other person having lawful custody of an infant which is 45 days old or younger and which has not suffered bodily harm may surrender physical custody of the infant to any employee who is on duty at a police station, sheriff's office, law enforcement center, fire station, city or county health department or medical care facility as defined by K.S.A. 65-425, and amendments thereto. Such employee shall take physical custody of an infant surrendered pursuant to this section. A parent or other person voluntarily surrendering an infant under this subsection shall not be required to reveal personally identifiable information, but may be offered the opportunity to provide information concerning the infant's familial or medical history.

(c) A person or facility to whom an infant is delivered pursuant to this subsection shall not reveal the name or other personally identifiable information of the person who delivered the infant unless there is a reasonable suspicion that the infant has been abused, and such person or such facility shall be immune from civil or criminal liability for any action taken pursuant to this subsection.

(d) As soon as possible after a person takes physical custody of an infant under this section, such person shall notify a local law enforcement agency that the person has taken physical custody of an infant pursuant to this section. Upon receipt of such notice a law enforcement officer from such law enforcement agency shall take custody of the infant as an abandoned infant. The law enforcement agency shall deliver the infant to a facility or person designated by the secretary pursuant to K.S.A. 2013 Supp. 38-2232, and amendments thereto.

(e) Any person, city or county or agency thereof or medical care facility taking physical custody of an infant surrendered pursuant to this section shall perform any act

necessary to protect the physical health or safety of the infant, and shall be immune from liability for any injury to the infant that may result therefrom.

(f) Upon request, all medical records of the infant shall be made available to the department of social and rehabilitation services Kansas department for children and families and given to the person awarded custody of such infant. The medical facility providing such records shall be immune from liability for such records release.

Sec. 66. K.S.A. 2013 Supp. 38-2286 is hereby amended to read as follows: 38-2286. (a) Notwithstanding the provisions of other statutes, when a child is removed from the custody of a parent and not placed with the child's other parent, a grandparent who requests custody shall receive substantial consideration when evaluating what custody, visitation or residency arrangements are in the best interests of the child. Such evaluation of custody, visitation or residency arrangements shall be stated on the record.

(b) In deciding whether to give custody to a grandparent, the court should be guided by the best interests of the child and should consider all relevant factors including, but not limited to, the following:

- (1) The wishes of the parents, child and grandparent;
- (2) the extent to which the grandparent has cared for, nurtured and supported the child;
- (3) the intent and circumstances under which the child is placed with the grandparent, including whether domestic violence is a factor and whether the child is placed to allow the parent to seek work or attend school; and
- (4) the physical and mental health of all individuals involved.

(c) If the court does not give custody of a child to a grandparent pursuant to subsection (b) and the child is placed in the custody of the secretary of social and rehabilitation services for children and families, a grandparent who requests placement of the child in such grandparent's home shall receive substantial consideration in the evaluation of the secretary's placement of the child. The secretary shall consider all relevant factors, including, but not limited to, all factors listed in subsection (b) in deciding whether to place the child in the home of such grandparent. If the secretary decides that the child is not to be placed in the home of such grandparent, the secretary shall prepare and maintain a written report providing the specific reasons for such finding.

(d) The provisions of this section shall not apply to actions filed under the Kansas adoption and relinquishment act, K.S.A. 59-2111 et seq., and amendments thereto.

(e) This section shall be part of and supplemental to the revised Kansas code for care of children.

Sec. 67. K.S.A. 2013 Supp. 38-2304 is hereby amended to read as follows: 38-2304. (a) Except as provided in K.S.A. 2013 Supp. 38-2347, and amendments thereto, proceedings concerning a juvenile shall be governed by the provisions of this code.

(b) The district court shall have original jurisdiction to receive and determine proceedings under this code.

(c) When a complaint is filed under this code, the juvenile shall be presumed to be subject to this code, unless the contrary is proved.

(d) Once jurisdiction is acquired by the district court over an alleged juvenile offender, except as otherwise provided in subsection (e), jurisdiction shall continue until one of the following occurs:

- (1) The complaint is dismissed;

- (2) the juvenile is adjudicated not guilty at trial;
- (3) the juvenile, after being adjudicated guilty and sentenced:
 - (i) Successfully completes the term of probation or order of assignment to community corrections;
 - (ii) is discharged by the commissioner pursuant to K.S.A. 2013 Supp. 38-2376, and amendments thereto;
 - (iii) reaches the juvenile's 21st birthday and no exceptions apply that extend jurisdiction beyond age 21;
 - (4) the court terminates jurisdiction; or
 - (5) the offender is convicted of a new felony 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. 2013 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony.
- (e) Once jurisdiction is acquired by the district court over an alleged juvenile offender, it shall continue beyond the juvenile offender's 21st birthday but no later than the juvenile offender's 23rd birthday if either or both of the following conditions apply:
 - (1) The juvenile offender is sentenced pursuant to K.S.A. 2013 Supp. 38-2369, and amendments thereto, and the term of the sentence including successful completion of aftercare extends beyond the juvenile offender's 21st birthday; or
 - (2) the juvenile offender is sentenced pursuant to an extended jurisdiction juvenile prosecution and continues to successfully serve the sentence imposed pursuant to the revised Kansas juvenile justice code.
- (f) Termination of jurisdiction pursuant to this section shall have no effect on the juvenile offender's continuing responsibility to pay restitution ordered.
- (g) (1) If a juvenile offender, at the time of sentencing, is in an out of home placement in the custody of the secretary of social and rehabilitation services for children and families under the Kansas code for care of children, the sentencing court may order the continued placement of the juvenile offender as a child in need of care unless the offender was adjudicated for a felony or a second or subsequent misdemeanor. If the adjudication was for a felony or a second or subsequent misdemeanor, the continued placement cannot be ordered unless the court finds there are compelling circumstances which, in the best interest of the juvenile offender, require that the placement should be continued. In considering whether compelling circumstances exist, the court shall consider the reports and recommendations of the foster placement, the contract provider, the secretary of social and rehabilitation services for children and families, the presentence investigation and all other relevant factors. If the foster placement refuses to continue the juvenile in the foster placement the court shall not order continued placement as a child in need of care.
 - (2) If a placement with the secretary of social and rehabilitation services for children and families is continued after sentencing, the secretary shall not be responsible for any costs of sanctions imposed under this code.
 - (3) If the juvenile offender is placed in the custody of the juvenile justice authority, the secretary of social and rehabilitation services for children and families shall not be responsible for furnishing services ordered in the child in need of care proceeding during the time of the placement pursuant to the revised Kansas juvenile justice code. Nothing in this subsection shall preclude the juvenile offender from accessing other services provided by the department of social and rehabilitation services Kansas

department for children and families or any other state agency if the juvenile offender is otherwise eligible for the services.

(h) A court's order issued in a proceeding pursuant to this code, shall take precedence over such orders in a proceeding under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, a proceeding under article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, protection from abuse act, a proceeding under article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, a proceeding under article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators, or a comparable case in another jurisdiction, except as provided by K.S.A. 2013 Supp. 23-37,101 et seq., and amendments thereto, uniform child custody jurisdiction and enforcement act.

Sec. 68. K.S.A. 2013 Supp. 38-2310 is hereby amended to read as follows: 38-2310. (a) All records of law enforcement officers and agencies and municipal courts concerning an offense committed or alleged to have been committed by a juvenile under 14 years of age shall be kept readily distinguishable from criminal and other records and shall not be disclosed to anyone except:

(1) The judge of the district court and members of the staff of the court designated by the judge;

(2) parties to the proceedings and their attorneys;

(3) the department of social and rehabilitation services Kansas department for children and families;

(4) the juvenile's court appointed special advocate, any officer of a public or private agency or institution or any individual having custody of a juvenile under court order or providing educational, medical or mental health services to a juvenile;

(5) any educational institution, to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees;

(6) any educator, to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils;

(7) law enforcement officers or county or district attorneys, or their staff, when necessary for the discharge of their official duties;

(8) the central repository, as defined by K.S.A. 22-4701, and amendments thereto, for use only as a part of the juvenile offender information system established under K.S.A. 2013 Supp. 38-2326, and amendments thereto;

(9) juvenile intake and assessment workers;

(10) the juvenile justice authority;

(11) juvenile community corrections officers;

(12) any other person when authorized by a court order, subject to any conditions imposed by the order; and

(13) as provided in subsection (c).

(b) The provisions of this section shall not apply to records concerning:

(1) A violation, by a person 14 or more years of age, of any provision of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, or of any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind;

(2) a violation, by a person 16 or more years of age, of any provision of chapter 32 of the Kansas Statutes Annotated, and amendments thereto; or

(3) an offense for which the juvenile is prosecuted as an adult.

(c) All records of law enforcement officers and agencies and municipal courts concerning an offense committed or alleged to have been committed by a juvenile 14 or more years of age shall be subject to the same disclosure restrictions as the records of adults. Information identifying victims and alleged victims of sex offenses, as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6419 through 21-6421, and amendments thereto, shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or any alleged victim of any sex offense from voluntarily disclosing such victim's identity.

(d) Relevant information, reports and records, shall be made available to the department of corrections upon request and a showing that the former juvenile has been convicted of a crime and placed in the custody of the secretary of corrections.

(e) All records, reports and information obtained as a part of the juvenile intake and assessment process for juveniles shall be confidential, and shall not be disclosed except as provided by statutory law and rules and regulations promulgated by the commissioner thereunder.

(1) Any court of record may order the disclosure of such records, reports and other information to any person or entity.

(2) The head of any juvenile intake and assessment program, certified by the commissioner of juvenile justice, may authorize disclosure of such records, reports and other information to:

(A) A person licensed to practice the healing arts who has before that person a juvenile whom the person reasonably suspects may be abused or neglected;

(B) a court-appointed special advocate for a juvenile or an agency having the legal responsibility or authorization to care for, treat or supervise a juvenile;

(C) a parent or other person responsible for the welfare of a juvenile, or such person's legal representative, with protection for the identity of persons reporting and other appropriate persons;

(D) the juvenile, the attorney and a guardian ad litem, if any, for such juvenile;

(E) the police or other law enforcement agency;

(F) an agency charged with the responsibility of preventing or treating physical, mental or emotional abuse or neglect or sexual abuse of children, if the agency requesting the information has standards of confidentiality as strict or stricter than the requirements of the Kansas code for care of children or the revised Kansas juvenile justice code, whichever is applicable;

(G) members of a multidisciplinary team under this code;

(H) an agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect;

(I) any individual, or public or private agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a juvenile who is the subject of a report or record of child abuse or neglect, specifically including the following: Physicians, psychiatrists, nurses, nurse practitioners, psychologists, licensed social workers, child development specialists, physicians' assistants, community mental health workers, alcohol and drug abuse counselors and licensed or registered child care providers;

(J) a citizen review board pursuant to K.S.A. 2013 Supp. 38-2207, and amendments thereto;

(K) an educational institution to the extent necessary to enable such institution to provide the safest possible environment for pupils and employees of the institution;

(L) any educator to the extent necessary for the protection of the educator and pupils; and

(M) any juvenile intake and assessment worker of another certified juvenile intake and assessment program.

Sec. 69. K.S.A. 2013 Supp. 38-2319 is hereby amended to read as follows: 38-2319. (a) The court shall order child support unless good cause is shown why such support should not be ordered. In determining the amount of a child support order under the revised Kansas juvenile justice code, the court shall apply the Kansas child support guidelines adopted pursuant to K.S.A. 20-165, and amendments thereto.

(b) If necessary to carry out the intent of this section, the court may refer the matter to the secretary of social and rehabilitation services for children and families for child support enforcement.

Sec. 70. K.S.A. 2013 Supp. 38-2326 is hereby amended to read as follows: 38-2326. (a) In order to properly advise the three branches of government on the operation of the juvenile justice system, there is hereby established within and as a part of the central repository, a juvenile offender information system. The system shall serve as a repository of juvenile offender information which is collected by juvenile justice agencies and reported to the system.

(b) Except as otherwise provided by this subsection, every juvenile justice agency shall report juvenile offender 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 section. A juvenile 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.

(c) Reporting methods may include:

(1) Submission of juvenile offender information by a juvenile justice agency directly to the central repository;

(2) if the information can readily be collected and reported through the court system, submission to the central repository by the office of judicial administrator; or

(3) if the information can readily be collected and reported through juvenile justice agencies that are part of a geographically based information system, submission to the central repository by the agencies.

(d) The director may determine, by rules and regulations, the statutorily required reportable events to be reported by each juvenile justice agency, in order to avoid duplication in reporting.

(e) Juvenile offender information maintained in the juvenile offender information system is confidential and shall not be disseminated or publicly disclosed in a manner which enables identification of any individual who is a subject of the information, except that the information shall be open to inspection by law enforcement agencies of this state, by the department of social and rehabilitation services Kansas department for children and families if related to an individual in the secretary's custody or control, by the juvenile justice authority if related to an individual in the commissioner's custody or control, by the department of corrections if related to an individual in the custody and

control of the secretary of corrections, by educational institutions to the extent necessary to provide the safest possible environment for pupils and employees, by any educator to the extent necessary for the protection of the educator and pupils, by the officers of any public institution to which the individual is committed, by county and district attorneys, by attorneys for the parties to a proceeding under this code, by an intake and assessment worker or upon order of a judge of the district court or an appellate court. Such information shall reflect the offense level and whether such offense is a person or nonperson offense.

(f) Any journal entry of a trial of adjudication shall state the number of the statute under which the juvenile is adjudicated to be a juvenile offender and specify whether each offense, if done by an adult, would constitute a felony or misdemeanor, as defined in K.S.A. 2013 Supp. 21-5102, and amendments thereto.

(g) Any law enforcement agency that willfully fails to make any report required by this section shall be liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in an amount not exceeding \$500 for each report not made. Any civil penalty recovered under this subsection shall be paid into the state general fund.

(h) The director shall adopt any rules and regulations necessary to implement, administer and enforce the provisions of this section.

(i) The director shall develop incentives to encourage the timely entry of juvenile offender information into the central repository.

Sec. 71. K.S.A. 2013 Supp. 38-2335 is hereby amended to read as follows: 38-

2335. (a) The court shall not issue the first warrant or enter an order removing a juvenile from the custody of a parent pursuant to this section unless the court first finds probable cause that: (1) (A) The juvenile is likely to sustain harm if not immediately removed from the home;

(B) allowing the juvenile to remain in home is contrary to the welfare of the juvenile; or

(C) immediate placement of the juvenile is in the juvenile's best interest; and

(2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the juvenile from the juvenile's home or that an emergency exists which threatens the safety of the juvenile. The court shall enter its determination in the warrant or order.

(3) If the juvenile is in the custody of the commissioner, the commissioner shall prepare a report for the court documenting such reasonable efforts.

(4) If the juvenile is in the custody of the secretary of social and rehabilitation services for children and families under the Kansas code for the care of children, the secretary shall prepare a report for the court documenting such reasonable efforts.

(5) In all other cases, the person preparing the predisposition report shall include documentation of such reasonable efforts in the report.

(b) If the court determines that reasonable efforts to maintain the family unit and prevent unnecessary removal of a juvenile were not made, the court shall determine whether such reasonable efforts were unnecessary because:

(1) A court of competent jurisdiction has determined that the parent has subjected the juvenile to aggravated circumstances;

(2) a court of competent jurisdiction has determined that the parent has been convicted of a murder of another child of the parent; voluntary manslaughter of another

child of the parent; aiding or abetting, attempting, conspiring or soliciting to commit such a murder or such a voluntary manslaughter; or a felony assault that results in serious bodily injury to the juvenile or another child of the parent;

(3) the parental rights of the parent with respect to a sibling have been terminated involuntarily; or

(4) an emergency exists requiring protection of the juvenile and efforts to maintain the family unit and prevent unnecessary removal of the juvenile from the home were not possible.

(c) Nothing in this section shall be construed to prohibit the court from issuing a warrant or entering an order authorizing or requiring removal of the juvenile from the home if the juvenile presents a risk to public safety.

(d) When the juvenile has been in foster care and has been placed at home or allowed a trial home visit for a period of six months or more and is again removed from the home, the court shall again make a determination pursuant to subsections (a) and (b).

Sec. 72. K.S.A. 2013 Supp. 38-2350 is hereby amended to read as follows: 38-2350. (a) If, after proceedings as required by K.S.A. 2013 Supp. 38-2349, and amendments thereto, it is determined that a juvenile who has been found incompetent is not a mentally ill person subject to involuntary commitment for care and treatment as defined in subsection (f) of K.S.A. 59-2946, and amendments thereto, the juvenile shall remain in the institution where committed pursuant to K.S.A. 2013 Supp. 38-2348, and amendments thereto. The secretary of social and rehabilitation services for children and families shall promptly notify the court in which the proceedings are pending and the commissioner of the result of the proceedings. The court shall then proceed pursuant to subsection (c).

(b) If a juvenile has been found to be a mentally ill person and committed to a state psychiatric hospital for evaluation and treatment pursuant to K.S.A. 2013 Supp. 38-2349, and amendments thereto, but thereafter is to be discharged because such juvenile is not a mentally ill person subject to involuntary commitment for care and treatment as defined in subsection (f) of K.S.A. 59-2946, and amendments thereto, the treatment facility shall promptly notify the court in which the proceedings are pending that the juvenile is to be discharged. The court shall then proceed pursuant to subsection (c).

(c) Unless the court finds pursuant to subsection (c) of K.S.A. 2013 Supp. 38-2348, and amendments thereto, that the proceedings shall be resumed, within seven days after receiving notice pursuant to subsection (a) or (b), the court shall order the juvenile to be discharged from commitment and shall dismiss the charges without prejudice. The period of limitation for the prosecution for the crime charged shall not continue to run until the juvenile has been determined to have attained competency pursuant to subsection (e) of K.S.A. 2013 Supp. 38-2348, and amendments thereto.

Sec. 73. K.S.A. 2013 Supp. 38-2356 is hereby amended to read as follows: 38-2356. (a) If the court finds that the evidence fails to prove an offense charged or a lesser included offense as defined in subsection (b) of K.S.A. 2013 Supp. 21-5109, and amendments thereto, the court shall enter an order dismissing the charge.

(b) If the court finds that the juvenile committed the offense charged or a lesser included offense as defined in subsection (b) of K.S.A. 2013 Supp. 21-5109, and amendments thereto, the court shall adjudicate the juvenile to be a juvenile offender and may issue a sentence as authorized by this code.

(c) If the court finds that the juvenile committed the acts constituting the offense charged or a lesser included offense as defined in subsection (b) of K.S.A. 2013 Supp. 21-5109, and amendments thereto, but is not responsible because of mental disease or defect, the juvenile shall not be adjudicated as a juvenile offender and shall be committed to the custody of the secretary of social and rehabilitation for aging and disability services and placed in a state hospital. The juvenile's continued commitment shall be subject to annual review in the manner provided by K.S.A. 22-3428a, and amendments thereto, for review of commitment of a defendant suffering from mental disease or defect, and the juvenile may be discharged or conditionally released pursuant to that section. The juvenile also may be discharged or conditionally released in the same manner and subject to the same procedures as provided by K.S.A. 22-3428, and amendments thereto, for discharge of or granting conditional release to a defendant found suffering from mental disease or defect. If the juvenile violates any conditions of an order of conditional release, the juvenile shall be subject to contempt proceedings and returned to custody as provided by K.S.A. 22-3428b, and amendments thereto.

(d) A copy of the court's order shall be sent to the school district in which the juvenile offender is enrolled or will be enrolled.

Sec. 74. K.S.A. 2013 Supp. 38-2361 is hereby amended to read as follows: 38-2361. (a) Upon adjudication as a juvenile offender pursuant to K.S.A. 2013 Supp. 38-2356, and amendments thereto, modification of sentence pursuant to K.S.A. 2013 Supp. 38-2367, and amendments thereto, or violation of a condition of sentence pursuant to K.S.A. 2013 Supp. 38-2368, and amendments thereto, and subject to subsection (a) of K.S.A. 2013 Supp. 38-2365, and amendments thereto, the court may impose one or more of the following sentencing alternatives. In the event that any sentencing alternative chosen constitutes an order authorizing or requiring removal of the juvenile from the juvenile's home and such findings either have not previously been made or the findings are not or may no longer be current, the court shall make determinations as required by K.S.A. 2013 Supp. 38-2334 and 38-2335, and amendments thereto.

(1) Place the juvenile on probation through court services or community corrections for a fixed period, subject to terms and conditions the court deems appropriate consistent with juvenile justice programs in the community.

(2) Order the juvenile to participate in a community based program available in such judicial district subject to the terms and conditions the court deems appropriate. This alternative shall not be ordered with the alternative in paragraph (12) and when ordered with the alternative in paragraph (10) shall constitute a recommendation. Requirements pertaining to child support may apply if custody is vested with other than a parent.

(3) Place the juvenile in the custody of a parent or other suitable person, subject to terms and conditions consistent with juvenile justice programs in the community. This alternative shall not be ordered with the alternative in paragraph (10) or (12). Requirements pertaining to child support may apply if custody is vested with other than a parent.

(4) Order the juvenile to attend counseling, educational, mediation or other sessions, or to undergo a drug evaluation pursuant to subsection (b).

(5) Suspend or restrict the juvenile's driver's license or privilege to operate a motor vehicle on the streets and highways of this state pursuant to subsection (c).

(6) Order the juvenile to perform charitable or community service work.

(7) Order the juvenile to make appropriate reparation or restitution pursuant to subsection (d).

(8) Order the juvenile to pay a fine not exceeding \$1,000 pursuant to subsection (e).

(9) Place the juvenile under a house arrest program administered by the court pursuant to K.S.A. 2013 Supp. 21-6609, and amendments thereto.

(10) Place the juvenile in the custody of the commissioner as provided in K.S.A. 2013 Supp. 38-2365, and amendments thereto. This alternative shall not be ordered with the alternative in paragraph (3) or (12). Except for a mandatory drug and alcohol evaluation, when this alternative is ordered with alternatives in paragraphs (2), (4) and (9), such orders shall constitute a recommendation by the court. Requirements pertaining to child support shall apply under this alternative.

(11) Commit the juvenile to a sanctions house for a period no longer than 28 days subject to the provisions of subsection (f).

(12) Commit the juvenile directly to the custody of the commissioner for a period of confinement in a juvenile correctional facility and a period of aftercare pursuant to K.S.A. 2013 Supp. 38-2369, and amendments thereto. The provisions of K.S.A. 2013 Supp. 38-2365, and amendments thereto, shall not apply to juveniles committed pursuant to this provision, provided however, that 21 days prior to the juvenile's release from a juvenile correctional facility, the commissioner or designee shall notify the court of the juvenile's anticipated release date. The court shall set and hold a permanency hearing pursuant to K.S.A. 2013 Supp. 38-2365, and amendments thereto, within seven days after the juvenile's release. This alternative may be ordered with the alternative in paragraph (7). Requirements pertaining to child support shall apply under this alternative.

(b) If the court orders the juvenile to attend counseling, educational, mediation or other sessions, or to undergo a drug and alcohol evaluation pursuant to subsection (a) (4), the following provisions apply:

(1) The court may order the juvenile offender to participate in counseling or mediation sessions or a program of education, including placement in an alternative educational program approved by a local school board. The costs of any counseling or mediation may be assessed as expenses in the case. No mental health center shall charge a fee for court-ordered counseling greater than what the center would have charged the person receiving the counseling if the person had requested counseling on the person's own initiative. No mediator shall charge a fee for court-ordered mediation greater than what the mediator would have charged the person participating in the mediation if the person had requested mediation on the person's own initiative. Mediation may include the victim but shall not be mandatory for the victim; and

(2) if the juvenile has been adjudicated to be a juvenile by reason of a violation of a statute that makes such a requirement, the court shall order and, if adjudicated for any other offense, the court may order the juvenile to submit to and complete a drug and alcohol evaluation by a community-based drug and alcohol 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. The court may waive the mandatory evaluation if the court finds that the juvenile completed a drug and alcohol evaluation, approved by the community-based alcohol and drug safety action program, within 12 months before sentencing. If the evaluation occurred more than 12 months before sentencing, the court shall order the juvenile to resubmit to and complete the

evaluation and program as provided herein. If the court finds that the juvenile and those legally liable for the juvenile's support are indigent, the court may waive the fee. In no event shall the fee be assessed against the commissioner or the juvenile justice authority nor shall the fee be assessed against the secretary of the department for children and families or the Kansas department for children and families if the juvenile is in the secretary's care, custody and control.

(c) If the court orders suspension or restriction of a juvenile offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state pursuant to subsection (a)(5), the following provisions apply:

(1) The duration of the suspension ordered by the court shall be for a definite time period to be determined by the court. Upon suspension of a license pursuant to this subsection, the court shall require the juvenile offender to surrender the license to the court. The court 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 juvenile offender 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 juvenile offender's privilege to operate a motor vehicle is in effect. As used in this subsection, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments thereto. Any juvenile offender who does not have a driver's license may have driving privileges revoked. No Kansas driver's license shall be issued to a juvenile offender whose driving privileges have been revoked pursuant to this section for a definite time period to be determined by the court; and

(2) in lieu of suspending a juvenile offender's driver's license or privilege to operate a motor vehicle on the highways of this state, the court may enter an order which places conditions on the juvenile offender's privilege of operating a motor vehicle on the streets and highways of this state, a certified copy of which the juvenile offender shall be required to carry any time the juvenile offender is operating a motor vehicle on the streets and highways of this state. The order shall prescribe a definite time period for the conditions imposed. Upon entering an order restricting a juvenile offender's license, the court shall require the juvenile offender to surrender such juvenile offender's license to the court. The court shall transmit the license 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 the juvenile offender's privilege of operating a motor vehicle and that a certified copy of the order imposing the conditions is required to be carried by the juvenile offender when operating a motor vehicle on the streets and highways of this state. If the juvenile offender is a nonresident, the court 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 the juvenile offender's state of issuance. The court shall furnish to any juvenile offender whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until the division issues the restricted license provided for in this subsection. Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the juvenile offender may apply to the division for the return of the license previously surrendered by the juvenile offender. In the event the license has expired, the

juvenile offender 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 juvenile offender's privilege to operate a motor vehicle on the streets and highways of this state has been suspended or revoked prior thereto. If any juvenile offender violates any of the conditions imposed under this subsection, the juvenile offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be revoked for a period as determined by the court in which the juvenile offender is convicted of violating such conditions.

(d) The following provisions apply to the court's determination of whether to order reparation or restitution pursuant to subsection (a)(7):

(1) The court shall order the juvenile to make reparation or restitution to the aggrieved party for the damage or loss caused by the juvenile offender's offense unless it finds compelling circumstances that would render a plan of reparation or restitution unworkable. If the court finds compelling circumstances that would render a plan of reparation or restitution unworkable, the court shall enter such findings with particularity on the record. In lieu of reparation or restitution, the court may order the juvenile to perform charitable or social service for organizations performing services for the community; and

(2) restitution may include, but shall not be limited to, the amount of damage or loss caused by the juvenile's offense. Restitution may be made by payment of an amount fixed by the court or by working for the parties sustaining loss in the manner ordered by the court. An order of monetary restitution shall be a judgment against the juvenile that may be collected by the court by garnishment or other execution as on judgments in civil cases. Such judgment shall not be affected by the termination of the court's jurisdiction over the juvenile offender.

(e) If the court imposes a fine pursuant to subsection (a)(8), the following provisions apply:

(1) The amount of the fine may not exceed \$1,000 for each offense. The amount of the fine should be related to the seriousness of the offense and the juvenile's ability to pay. Payment of a fine may be required in a lump sum or installments;

(2) in determining whether to impose a fine and the amount to be imposed, the court shall consider that imposition of a fine is most appropriate in cases where the juvenile has derived pecuniary gain from the offense and that imposition of a restitution order is preferable to imposition of a fine; and

(3) any fine imposed by court shall be a judgment against the juvenile that may be collected by the court by garnishment or other execution as on judgments in civil cases. Such judgment shall not be affected by the termination of the court's jurisdiction over the juvenile.

(f) If the court commits the juvenile to a sanctions house pursuant to subsection (a)(11), the following provisions shall apply:

(1) The court may order commitment for up to 28 days for the same offense or violation of sentencing condition. The court shall review the commitment every seven days and, may shorten the initial commitment or, if the initial term is less than 28 days, may extend the commitment;

(2) if, in the sentencing order, the court orders a sanctions house placement for a verifiable probation violation and such probation violation occurs, the juvenile may

immediately be taken to a sanctions house and detained for no more than 48 hours, excluding Saturdays, Sundays, holidays, and days on which the office of the clerk of the court is not accessible, prior to court review of the placement. The court and all parties shall be notified of the sanctions house placement; and

(3) a juvenile over 18 years of age and less than 23 years of age at sentencing shall be committed to a county jail, in lieu of a sanctions house, under the same time restrictions imposed by paragraph (1), but shall not be committed to or confined in a juvenile detention facility.

(g) Any order issued by the judge pursuant to this section shall be in effect immediately upon entry into the court's minutes.

(h) In addition to the requirements of K.S.A. 2013 Supp. 38-2373, and amendments thereto, if a person is under 18 years of age and convicted of a felony or adjudicated as a juvenile offender for an offense if committed by an adult would constitute the commission of a felony, the court shall forward a signed copy of the journal entry to the commissioner within 30 days of final disposition.

(i) Except as further provided, if a juvenile has been adjudged to be a juvenile offender for an offense that if committed by an adult would constitute the commission of: (1) Aggravated human trafficking, as defined in subsection (b) of K.S.A. 2013 Supp. 21-5426, and amendments thereto, if the victim is less than 14 years of age; (2) rape, as defined in subsection (a)(3) of K.S.A. 2013 Supp. 21-5503, and amendments thereto; (3) aggravated indecent liberties with a child, as defined in subsection (b)(3) of K.S.A. 2013 Supp. 21-5506, and amendments thereto; (4) aggravated criminal sodomy, as defined in subsection (b)(1) or (b)(2) of K.S.A. 2013 Supp. 21-5504, and amendments thereto; (5) commercial sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-6422, and amendments thereto, if the victim is less than 14 years of age; (6) sexual exploitation of a child, as defined in subsection (a)(1) or (a)(4) of K.S.A. 2013 Supp. 21-5510, and amendments thereto, if the victim is less than 14 years of age; or (7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 2013 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an offense defined in parts (1) through (6); the court shall issue an order prohibiting the juvenile from attending the attendance center that the victim of the offense attends. If only one attendance center exists, for which the victim and juvenile are eligible to attend, in the school district where the victim and the juvenile reside, the court shall hear testimony and take evidence from the victim, the juvenile, their families and a representative of the school district as to why the juvenile should or should not be allowed to remain at the attendance center attended by the victim. After such hearing, the court may issue an order prohibiting the juvenile from attending the attendance center that the victim of the offense attends.

(j) The sentencing hearing shall be open to the public as provided in K.S.A. 2013 Supp. 38-2353, and amendments thereto.

Sec. 75. K.S.A. 39-110 is hereby amended to read as follows: 39-110. Any person who has not resided in the state of Kansas one year continuously prior to application for admission to a state hospital, state hospital and training center, or the Kansas neurological institute or sanatorium or hospital for tuberculosis, may be returned by the secretary of social and rehabilitation for aging and disability services either before or after his such person's admission to the state of which he such person is a resident: Provided, however, that. No such person shall be so returned unless arrangements to receive such person have been made in the state to which he such person is to be

returned. The cost of the return to the person's place of residence shall be paid: First, by the person if funds are available; second, by his such person's responsible relatives if funds are available; and third, by the state institution concerned if no other funds are available: Provided further, that. The secretary of social and rehabilitation for aging and disability services is hereby empowered, authorized and directed to enter into agreements with the authorities of other states which shall adopt legislation consistent with this act for the arbitration of disputed questions between such states and the state of Kansas respecting the residence of such persons.

Sec. 76. K.S.A. 39-111 is hereby amended to read as follows: 39-111. No person shall be admitted to a state hospital, a state hospital and training center, Kansas neurological institute, an institution for the education of the deaf, or an institution for the education of the blind, or to a state hospital or sanatorium for tuberculosis, who has not lived in the state of Kansas at least one year continuously immediately prior to application for admission thereto. The residence of a minor child shall follow and be the same as his the child's parents: Provided, however,. The secretary of social and rehabilitation services for children and families or the secretary for aging and disability services, as applies, may waive the residence requirement in cases where the residence cannot be ascertained, or where the particular circumstances of the case constitute a medical emergency so that in his the secretary's judgment a sufficient reason exists for the temporary suspension of the residence requirement.

Sec. 77. K.S.A. 39-708c is hereby amended to read as follows: 39-708c. (a) The secretary of social and rehabilitation services for children and families shall develop state plans, as provided under the federal social security act, whereby the state cooperates with the federal government in its program of assisting the states financially in furnishing assistance and services to eligible individuals. The secretary shall undertake to cooperate with the federal government on any other federal program providing federal financial assistance and services in the field of social welfare not inconsistent with this act. The secretary is not required to develop a state plan for participation or cooperation in all federal social security act programs or other federal programs that are available. The secretary shall also have the power, but is not required, to develop a state plan in regard to assistance and services in which the federal government does not participate.

(b) The secretary shall have the power and duty to determine the general policies relating to all forms of social welfare which are administered or supervised by the secretary and to adopt the rules and regulations therefor.

(c) The secretary shall hire, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the secretary, to carry out the provisions of this act. The secretary shall advise the governor and the legislature on all social welfare matters covered in this act.

(d) The secretary shall establish and maintain intake offices throughout the state. The secretary may establish and create area offices to coordinate and supervise the administration of the intake offices located within the area. The number and location of intake offices and area offices shall be within the discretion of the secretary. Each intake office shall be open at least 12 hours of each working week on a regularly scheduled basis. The secretary shall supervise all social welfare activities of the intake offices and area offices. The secretary may lease office or business space, but no lease or rental contract shall be for a period to exceed 10 years. A person desiring public assistance, or

if the person is incapable or incapacitated, a relative, friend, personal representative or conservator of the person shall make application at the intake office. When it is necessary, employees may take applications elsewhere at any time. The applications shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which the applicant may have at the time of the filing of the application and such other information as may be required by the secretary. When a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for assistance unless otherwise prohibited by law. The form of application, the procedure for the determination of eligibility and the amount and kind of assistance or service shall be determined by the secretary.

(e) The secretary shall provide special inservice training for employees of the secretary and may provide the training as a part of the job or at accredited educational institutions.

(f) The secretary shall establish an adequate system of financial records. The secretary shall make annual reports to the governor and shall make any reports required by federal agencies.

(g) The secretary shall sponsor, operate or supervise community work experience programs whereby recipients of assistance shall work out a part or all of their assistance and conserve work skills and develop new skills. The compensation credited to recipients for the programs shall be based upon an hourly rate equal to or in excess of the federal minimum wage hourly rate. The programs shall be administered by the secretary. In the programs, the secretary shall provide protection to the recipient under the workmen's compensation act or shall provide comparable protection and may enter into cooperative arrangements with other public officials and agencies or with private not-for-profit corporations providing assistance to needy persons in developing, subject to the approval of the secretary, the programs under this section.

(h) The secretary may receive, have custody of, protect, administer, disburse, dispose of and account for federal or private commodities, equipment, supplies and any kind of property, including food stamps or coupons, which are given, granted, loaned or advanced to the state of Kansas for social welfare works, and for any other purposes provided for by federal laws or rules and regulations or by private devise, grant or loan, or from corporations organized to act as federal agencies, and to do all things and acts which are necessary or required to perform the functions and carry out the provisions of federal laws, rules and regulations under which such commodities, equipment, supplies and other property may be given, granted, loaned or advanced to the state of Kansas, and to act as an agent of the federal government when designated as an agent, and do and perform all things and acts that may be required by the federal laws or rules and regulations not inconsistent with the act.

(i) The secretary may assist other departments, agencies and institutions of the state and federal government and of other states under interstate agreements, when so requested, by performing services in conformity with the purpose of this act.

(j) The secretary shall have authority to lease real and personal property whenever the property is not available through the state or a political subdivision of the state, for carrying on the functions of the secretary.

(k) All contracts shall be made in the name of "secretary of social and rehabilitation services," the secretary for children and families and in that name the secretary may sue

and be sued on such contracts. The grant of authority under this subsection shall not be construed to be a waiver of any rights retained by the state under the 11th amendment to the United States constitution and shall be subject to and shall not supersede the provisions of any appropriations act of this state.

(l) All moneys and property of any kind whatsoever received from the Kansas emergency relief committee or from any other state department or political subdivision of the state shall be used by the secretary in the administration and promotion of social welfare in the state of Kansas. The property may be given, loaned or placed at the disposal of any county, city or state agency engaged in the promotion of social welfare.

(m) The secretary shall prepare annually, at the time and in the form directed by the governor, a budget covering the estimated receipts and expenditures of the secretary for the ensuing year.

(n) The secretary shall have authority to make grants of funds, commodities or other needed property to local units of government under rules and regulations adopted by the secretary for the promotion of social welfare in local units of government.

(o) The secretary shall have authority to sell any property in the secretary's possession received from any source whatsoever for which there is no need or use in the administration or the promotion of social welfare in the state of Kansas.

(p) The secretary shall adopt a seal.

(q) The secretary shall initiate or cooperate with other agencies in developing programs for the prevention of blindness, the restoration of eyesight and the vocational rehabilitation of blind persons and shall establish a division of services for the blind. The secretary may initiate or cooperate with other agencies in developing programs for the prevention and rehabilitation of other handicapped persons.

(r) The secretary shall develop a children and youth service program and shall administer or supervise program activities including the care and protection of children who are deprived, defective, wayward, miscreant, delinquent or children in need of care. The secretary shall cooperate with the federal government through its appropriate agency or instrumentality in establishing, extending and strengthening such services and undertake other services to children authorized by law. Nothing in this act shall be construed as authorizing any state official, agent or representative, in carrying out any of the provisions of this act, to take charge of any child over the objection of either of the parents of such child or of the person standing in loco parentis to such child except pursuant to a proper court order.

(s) The secretary shall develop plans financed by federal funds or state funds or both for providing medical care for needy persons. The secretary, in developing the plan, may enter into an agreement with an agent or intermediary for the purpose of performing certain functions, including the making of medical payment reviews, determining the amount due the medical vendors from the state in accordance with standards set by the secretary, preparing and certifying to the secretary lists of medical vendors and the amounts due them and other related functions determined by the secretary. The secretary may also provide medical, remedial, preventive or rehabilitative care and services for needy persons by the payment of premiums to the federal social security system for the purchase of supplemental medical insurance benefits as provided by the federal social security act and amendments thereto. Medicaid recipients who were residents of a nursing facility on September 1, 1991, and who subsequently lost eligibility in the period September 1, 1991, through June 30, 1992, due to an increase in

income shall be considered to meet the 300% income cap eligibility test.

(t) The secretary shall carry on research and compile statistics relative to the entire social welfare program throughout the state, including all phases of dependency, defectiveness, delinquency and related problems; develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions giving rise to social welfare problems.

(u) The secretary may receive grants, gifts, bequests, money or aid of any character whatsoever, for state welfare work. All moneys coming into the hands of the secretary shall be deposited in the state social welfare fund provided for in this act.

(v) The secretary may enter into agreements with other states or the welfare department of other states, in regard to the manner of determining the state of residence in disputed cases, the manner of returning persons to the place of residence and the bearing or sharing of the costs.

(w) The secretary shall perform any other duties and services necessary to carry out the purposes of this act and promote social welfare in the state of Kansas, not inconsistent with the state law.

(x) The secretary shall establish payment schedules for each group of health care providers. Any payment schedules which are a part of the state medicaid plan shall conform to state and federal law. The secretary shall not be required to make any payments under the state medicaid plan which do not meet requirements for state and federal financial participation.

(1) The secretary shall consider budgetary constraints as a factor in establishing payment schedules so long as the result complies with state and federal law.

(2) The secretary shall establish payment schedules for providers of hospital and adult care home services under the medicaid plan that are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards. The secretary shall not be required to establish rates for any such facility that are in excess of the minimum necessary to efficiently and economically meet those standards regardless of any excess costs incurred by any such facility.

(y) The secretary shall maintain a system of centralized payment for all welfare expenditures.

Sec. 78. K.S.A. 39-708d is hereby amended to read as follows: 39-708d. Notwithstanding any of the provisions contained in subsection (d) of K.S.A. 39-708c, and amendments thereto, the secretary of social and rehabilitation services for children and families may lease office or business space for a period exceeding 10 years if the proposed lease has been presented to the joint committee on state building construction for advice and consultation.

Sec. 79. K.S.A. 39-711a is hereby amended to read as follows: 39-711a. The board of education of any school district may enter into an agreement with any private nonprofit organization or any public board, council or agency, which is authorized to provide meals for the aged by the secretary of social and rehabilitation for aging and disability services acting as an agent of the federal government in establishing and administering food service programs for the aged under any federal law, which agreement may provide for use of school lunch facilities to be used for preparation and service of meals for the aged. Such meals may be served on or off of school premises

and school district employees may participate in providing such services to the extent authorized by such an agreement. Nothing in this act shall be deemed to authorize diversion of any federal funds from the purpose for which the same are provided, nor to authorize the keeping of accounts of federal moneys in a manner contrary to any act of congress or rules or directives promulgated pursuant thereto.

Sec. 80. K.S.A. 2013 Supp. 39-717 is hereby amended to read as follows: 39-717. (a) Assistance granted under the provisions of this act shall not:

(1) Be sold or otherwise disposed of to others by the client or by anyone else except under the rules and regulations of the secretary of social and rehabilitation services for children and families or the secretary of health and environment; or

(2) knowingly be purchased, acquired or possessed by anyone unless the purchase, acquisition or possession is authorized by the rules and regulations of the secretary of social and rehabilitation services for children and families, the Kansas department of health and environment or the laws under which the assistance was granted.

(b) (1) Any person convicted of violating the provisions of this section shall be guilty of a class A nonperson misdemeanor if the value of the assistance sold or otherwise disposed of, purchased, acquired or possessed was less than \$1,000.

(2) Any person convicted of violating the provisions of this section shall be guilty of a severity level 9, nonperson felony if the value of the assistance sold or otherwise disposed of, purchased, acquired or possessed was at least \$1,000 but less than \$25,000.

(3) Any person convicted of violating the provisions of this section shall be guilty of a severity level 7, nonperson felony if the value of the assistance sold or otherwise disposed of, purchased, acquired or possessed was \$25,000 or more.

(c) None of the money paid, payable, or to be paid, or any tangible assistance received under this act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Sec. 81. K.S.A. 39-718b is hereby amended to read as follows: 39-718b. (a) Except as provided in subsection (b), a child's parent, parents or guardian shall be liable to repay to the secretary of social and rehabilitation services for children and families any assistance expended on the child's behalf, regardless of the specific program under which the assistance is or has been provided. When more than one person is legally obligated to support the child, liability to the secretary shall be joint and several. The secretary shall have the power and authority to file a civil action in the name of the secretary for repayment of the assistance, regardless of the existence of any other action involving the support of the child.

(b) With respect to an individual parent or guardian, the provisions of subsection (a) shall not apply to:

(1) Assistance provided on behalf of any person other than the child of the parent or guardian;

(2) assistance provided during a month in which the needs of the parent or guardian were included in the assistance provided to the child; or

(3) assistance provided during a month in which the parent or guardian has fully complied with the terms of an order of support for the child, if a court of competent jurisdiction has considered the issue of support. For the purposes of this subsection, if an order is silent on the issue of support, it shall not be presumed that the court has considered the issue of support. Amounts paid for a particular month pursuant to a judgment under this act shall be credited against the amount accruing for the same

month under any other order of support for the child, up to the amount of the current support obligation for that month.

(c) When the assistance provided during a month is on behalf of more than one person, the amount of assistance provided on behalf of one person for that month shall be determined by dividing the total assistance by the number of people on whose behalf assistance was provided.

(d) Except as provided in subsection (b), a child's parent, parents or guardian shall be liable to repay to an agency or subdivision of another state any assistance substantially similar to that defined in subsection (d) of K.S.A. 39-702, and amendments thereto, which has been expended in the other state on the child's behalf, regardless of the specific program under which the assistance is or has been provided. When more than one person is legally obligated to support the child, liability to the agency or subdivision shall be joint and several.

(e) Actions authorized herein are in addition to and not in substitution for any other remedies.

Sec. 82. K.S.A. 39-740 is hereby amended to read as follows: 39-740. The records relating to the blind, as filed in the office of the state board of health, shall be available to the secretary of social and rehabilitation services for children and families at all times.

Sec. 83. K.S.A. 39-744 is hereby amended to read as follows: 39-744. From and after January 1, 1974: (a) All the powers, duties and functions of the existing county social welfare boards and the existing county directors are hereby transferred to and conferred and imposed, respectively, upon the secretary of social and rehabilitation services for children and families and the director of social services.

(b) The secretary of social and rehabilitation services for children and families and the director of social services shall be the successors in every way, respectively to the powers, duties and functions of the county social welfare boards and county directors in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of social and rehabilitation services for children and families or the director of social services, respectively, shall be deemed to have the same force and effect as if performed by the county social welfare boards or county directors, respectively, in which such functions were vested prior to the effective date of this act.

(c) Whenever the county social welfare board, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of social and rehabilitation services for children and families.

(d) Whenever the county director, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the director of social services.

Sec. 84. K.S.A. 39-751 is hereby amended to read as follows: 39-751. The secretary of social and rehabilitation services for children and families shall hereby establish, maintain and improve, within the limits of funds appropriated therefor, including any grants or funds received from federal agencies and other sources, a program, the purpose of which shall be to aid the aged, the physically disabled and needy families in maintaining and repairing their respective homes. The secretary shall establish standards to determine the eligibility of persons to receive such aid. Such

program shall be initially implemented for a period of one year in any county having a population of more than one hundred fifty thousand (150,000) 150,000 and less than one hundred eighty thousand (180,000) 180,000.

Sec. 85. K.S.A. 39-753 is hereby amended to read as follows: 39-753. For the purpose of providing title IV-D child support enforcement services, the secretary of social and rehabilitation services for children and families shall:

- (a) Enter into contracts or agreements necessary to administer title IV-D services.
- (b) Maintain and operate a central registry, within the organizational unit of the department of social and rehabilitation services Kansas department for children and families responsible for providing child support services, for the location of absent parents.
- (c) Develop guidelines for coordinating activities of any governmental department, board, commission, bureau or agency in providing information necessary for the location of absent parents.
- (d) Coordinate any activity on a state level in searching for an absent parent.
- (e) Assist in the location of any parent or other person as required or permitted under title IV-D.
- (f) Initiate and maintain legal actions necessary to implement the requirements of title IV-D.
- (g) Assist in establishing paternity and in securing and enforcing orders for support in title IV-D cases.
- (h) Utilize, in appropriate cases, support enforcement and collection and location services available through the federal department of health and human services, including but not limited to the services of federal courts, the federal parent locator services and the treasury department, if authorized or required by federal law.
- (i) Accept, on behalf of the state, assignment of support rights pursuant to K.S.A. 39-709 or 39-756, and amendments thereto.
- (j) Adopt rules and regulations necessary to provide title IV-D services and to enable the state to meet requirements set forth in title IV-D.
- (k) Maintain and operate an automated system to manage title IV-D information and to perform such activities as may be required or permitted by title IV-D. The automated system shall include a registry, to be known as the "state case registry," that contains such records with respect to each title IV-D case as may be required by title IV-D.

Sec. 86. K.S.A. 2013 Supp. 39-754 is hereby amended to read as follows: 39-754.

(a) If an assignment of support rights is deemed to have been made pursuant to K.S.A. 39-709 or 39-756, and amendments thereto, support payments shall be made to the department of social and rehabilitation services Kansas department for children and families.

(b) If a court has ordered support payments to be made to an applicant for or recipient of financial assistance or other person whose support rights are assigned, the secretary of social and rehabilitation services for children and families shall file a notice of the assignment with the court ordering the payments without the requirement that a copy of the notice be provided to the obligee or obligor. The notice shall not require the signature of the applicant, recipient or obligee on any accompanying assignment document. The notice shall include:

- (1) A statement that the assignment is in effect;

(2) the name of any child and the caretaker or other adult for whom support has been ordered by the court;

(3) the number of the case in which support was ordered; and

(4) a request that the payments ordered be made to the secretary of social and rehabilitation services for children and families.

(c) Upon receipt of the notice and without the requirement of a hearing or order, the court shall forward all support payments, including those made as a result of any garnishment, contempt, attachment, income withholding, income assignment or release of lien process, to the secretary of social and rehabilitation services for children and families until the court receives notification of the termination of the assignment.

(d) If the claim of the secretary for repayment of the unreimbursed portion of aid to families with dependent children, medical assistance or the child's share of the costs of care and custody of a child under K.S.A. 2013 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, is not satisfied when such aid is discontinued, the secretary shall file a notice of partial termination of assignment of support rights with the court which will preserve the assignment in regard to unpaid support rights which were due and owing at the time of the discontinuance of such aid. A copy of the notice of the partial termination of the assignment need not be provided to the obligee or obligor. The notice shall include:

(1) A statement that the assignment has been partially terminated;

(2) the name of any child and the caretaker or other adult for whom support has been ordered by the court;

(3) the number of the case in which support was ordered; and

(4) the date the assignment was partially terminated.

(e) Upon receipt of the notice and without the requirement of a hearing or order, the court shall forward all payments made to satisfy support arrearages due and owing as of the date the assignment of support rights was partially terminated to the secretary of social and rehabilitation services for children and families until the court receives notification of the termination of the assignment.

(f) If the secretary of social and rehabilitation services for children and families or the secretary's designee has on file with the court ordering support payments, a notice of assignment of support rights pursuant to subsection (b) or a notice of partial termination of assignment of support rights pursuant to subsection (d), the secretary shall be considered a necessary party in interest concerning any legal action to enforce, modify, settle, satisfy or discharge an assigned support obligation and, as such, shall be given notice by the party filing such action in accordance with the rules of civil procedure.

(g) Upon written notification by the secretary's designee that assigned support has been collected pursuant to K.S.A. 44-718 or 75-6201 et seq., and amendments thereto, or section 464 of title IV, part D, of the federal social security act, or any other method of direct payment to the secretary, the clerk of the court or other record keeper where the support order was established, shall enter the amounts collected by the secretary of social and rehabilitation services for children and families in the court's payment ledger or other record to insure that the obligor is credited for the amounts collected.

Sec. 87. K.S.A. 39-755 is hereby amended to read as follows: 39-755. (a) In cases where the secretary of social and rehabilitation services for children and families is deemed to have an assignment of support rights in accordance with the provisions of K.S.A. 39-709, and amendments thereto, the secretary is authorized to bring a civil

action in the name of the state of Kansas or of the obligee whose support rights are assigned to enforce such support rights, establish an order for medical support and, when appropriate or necessary, to establish the parentage of a child. The secretary may also enforce any assigned support order or file a motion to modify any such order.

(b) The secretary of social and rehabilitation services for children and families shall be deemed to hold the interests of all persons, officials and agencies having an interest in the assignment. The court shall determine, in accordance with applicable provisions of law, the parties necessary to the proceeding and whether independent counsel should be appointed to represent any party to the assignment or any other person having an interest in the support right. In any action or proceeding brought by the secretary of social and rehabilitation services for children and families to establish paternity or to establish, modify or enforce a support obligation, the social and rehabilitation services' department for children and families' attorney or the attorneys with whom the agency contracts to provide legal services shall represent the state department of social and rehabilitation services Kansas department for children and families. Nothing in this section shall be construed to modify any statutory mandate, authority or confidentiality required by any governmental agency. Any representation by such attorney shall not be construed to create an attorney-client relationship between the attorney and any party other than the state department of social and rehabilitation services Kansas department for children and families.

(c) Any support order made by the court in such a proceeding shall direct that payments be made to the secretary of social and rehabilitation services for children and families so long as there is in effect an assignment of support rights to the secretary and, upon notification by the secretary to the court that the assignment is terminated, that payments be made to the person or family.

(d) The provisions of this section shall also apply to cases brought by the secretary on behalf of persons who have applied for services pursuant to K.S.A. 39-756, and amendments thereto.

(e) In all child support actions initiated before the effective date of the governor's 2012 executive reorganization order 41, whenever the department of social and rehabilitation services, or words of like effect, are referred to or designated in case names and captions, pleadings, and all filings of any kind used by the department for children and families in the ordinary course of business with any court, business, agency, person or political subdivision of this state, such reference or designation shall be deemed to apply to the Kansas department for children and families.

Sec. 88. K.S.A. 2013 Supp. 39-756 is hereby amended to read as follows: 39-756.

(a) (1) The secretary of social and rehabilitation services for children and families shall make support enforcement services required under part D of title IV of the federal social security act (, 42 U.S.C. § 651 et seq.), or acts amendatory thereof or supplemental thereto, and federal regulations promulgated pursuant thereto, including, but not limited to, the location of parents, the establishment of paternity and the enforcement of child support obligations, available to persons not subject to the requirements of K.S.A. 39-709, and amendments thereto, and not receiving support enforcement services pursuant to subsection (b). Persons who previously received public assistance but who are not receiving support enforcement services pursuant to subsection (b) may apply for or receive support enforcement services pursuant to this subsection.

(2) By applying for or receiving support enforcement services pursuant to

subsection (a)(1), the applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in behalf of any family member, including the applicant, for whom the applicant is applying for or receiving support enforcement services. The assignment shall automatically become effective upon the date of application for or receipt of support enforcement services, whichever is earlier, and shall remain in full force and effect so long as the secretary provides support enforcement services on behalf of the applicant, recipient or child. By applying for or receiving support enforcement services pursuant to subsection (a)(1), the applicant, recipient or obligee is also deemed to have appointed the secretary or the secretary's designee as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person for whom the secretary is providing support enforcement services. This limited power of attorney shall be effective from the date support rights are assigned and shall remain in effect until the assignment is terminated in full.

(3) Nothing in this subsection shall affect or limit any existing assignment or claim for repayment of any unreimbursed portion of assistance pursuant to K.S.A. 39-709, and amendments thereto, or affect or limit any subsequent assignment of support rights.

(b) (1) Upon discontinuance of all public assistance giving rise to an assignment of support rights pursuant to K.S.A. 39-709, and amendments thereto, the secretary shall continue to provide all appropriate support enforcement services required under title IV-D of the federal social security act for the persons who were receiving assistance, unless the recipient requests that support enforcement services be discontinued.

(2) When support enforcement services are provided pursuant to subsection (b)(1), the assignment of support rights and limited power of attorney pursuant to K.S.A. 39-709, and amendments thereto, shall remain in full force and effect. When the secretary is no longer providing support enforcement services related to support obligations accruing after the date assistance was discontinued, the assignment of support rights shall remain in effect to the extent provided in K.S.A. 39-756a, and amendments thereto.

(3) Nothing in this subsection shall affect or limit any existing assignment or claim for repayment of any unreimbursed portion of assistance pursuant to K.S.A. 39-709, and amendments thereto, or affect or limit any subsequent assignment of support rights.

(c) The secretary shall fix by rules and regulations fees for services rendered pursuant to this section. Such fees shall conform to the requirements of title IV-D of the federal social security act. Any fees imposed by the secretary upon a person required to make payments under a support order shall be in addition to any amount the person is required to pay as support.

(d) Except as otherwise provided in this subsection, assigned support that is collected while a person is receiving services pursuant to subsection (a) or (b) shall be distributed as required by title IV-D of the federal social security act. If federal law authorizes the secretary to elect to distribute more support to any families than would otherwise be permitted, the secretary may make such election by adopting rules and regulations for that purpose.

(e) If any attorney provides legal services on behalf of the secretary in any case in which the secretary is furnishing title IV-D services, such attorney shall have an

attorney-client relationship only with the secretary. The provisions of this subsection shall apply whether the attorney is an employee of the state, a contractor subject to the requirements of K.S.A. 75-5365, and amendments thereto, or an employee of such a contractor. Nothing in this subsection shall be construed to modify any statutory mandate, authority or confidentiality required by any governmental agency. No action by such attorney shall be construed to create an attorney-client relationship between the attorney and any person, other than the secretary.

Sec. 89. K.S.A. 2013 Supp. 39-757 is hereby amended to read as follows: 39-757. (a) The secretary of social and rehabilitation services for children and families shall remit all moneys received by or for the secretary from the enforcement of rights assigned to the secretary under subsection (b) of K.S.A. 39-709, 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 as follows: (1) Amounts to be distributed pursuant to part D of title IV of the federal social security act (, 42 U.S.C. § 651 et seq.), or acts amendatory thereof or supplemental thereto, to the state shall be credited to the title IV-D aid to families with dependent children fee fund, and 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 secretary or by a person or persons designated by the secretary; and (2) amounts to be distributed pursuant to part D of title IV of the federal social security act (, 42 U.S.C. § 651 et seq.), or acts amendatory thereof or supplemental thereto, to applicants for or recipients of aid under subsection (b) of K.S.A. 39-709, and amendments thereto, shall be credited to the title IV-D aid to families with dependent children claims fund, and all expenditures from such fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

(b) The secretary of social and rehabilitation services for children and families shall remit all moneys received by or for the secretary under K.S.A. 39-756, 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 as follows: (1) Amounts to be distributed pursuant to part D of title IV of the federal social security act (, 42 U.S.C. § 651 et seq.), or acts amendatory thereof or supplemental thereto, to the state shall be credited to the title IV-D fee fund, and all expenditures from such fund shall be made in accordance with appropriate acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary; and (2) amounts to be distributed pursuant to part D of title IV of the federal social security act (, 42 U.S.C. § 651 et seq.), or acts amendatory thereof or supplemental thereto, to persons who under K.S.A. 39-756, and amendments thereto, are eligible for services specified in such section shall be credited to the title IV-D claims fund, and all expenditures from such fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

(c) Money shall be deposited in the funds established by subsections (a) and (b) of this section and shall be distributed from such funds in accordance with the provisions of part D of title IV of the federal social security act (, 42 U.S.C. § 651 et seq.), or acts

amendatory thereof or supplemental thereto.

Sec. 90. K.S.A. 39-758 is hereby amended to read as follows: 39-758. (a) State, county and local units of government, their officers and employees, shall cooperate with the secretary of social and rehabilitation services for children and families in locating absent parents or their assets and shall on request supply the secretary of social and rehabilitation services for children and families with available information about an absent parent or the absent parent's assets including but not limited to the location, employment status, income, date of birth and social security number of the absent parent or any information concerning medical or health insurance coverage for dependents.

(b) Upon written request, federal and state agencies conducting locator activities under title IV-D shall be eligible to receive information leading to the location of an individual if the information is contained within any system used by this state to locate an individual for purposes relating to motor vehicles or law enforcement.

(c) Information received by the secretary of social and rehabilitation services for children and families under this section shall be available upon request to persons authorized to receive such information.

Any person receiving such information shall be subject to the provisions of K.S.A. 39-759, and amendments thereto. Information of the department of revenue shall be subject to the limitations of K.S.A. 79-3234, and amendments thereto.

(d) Any person or entity providing access to information pursuant to this section, including but not limited to access by automated processes, shall not be liable to any person for good faith actions in providing the access or information. The provisions of this subsection shall not apply to information of the department of revenue.

(e) Notwithstanding any prohibition to the contrary which may apply to information of the department of revenue, the secretary may enter into an agreement with any agency or official in this state to permit the secretary and the secretary's designees access to information for the purposes of this section. Such an agreement shall not be construed to be a contract for the performance of support enforcement services pursuant to K.S.A. 75-5365, and amendments thereto.

Sec. 91. K.S.A. 2013 Supp. 39-760 is hereby amended to read as follows: 39-760.

(a) The secretary of health and environment and the secretary of social and rehabilitation services for children and families are hereby directed to establish a system for the reporting of suspected abuse or fraud in connection with state welfare or medical assistance programs, either by recipients or health care providers. The system shall be designed to permit any person in the state at any time to place a toll-free call into the system and report suspected cases of welfare abuse or suspected cases of health care provider fraud.

(b) The secretary of health and environment and the secretary of social and rehabilitation services for children and families are further directed to publicize the system throughout the state.

(c) Notice of the existence of the system established pursuant to this section shall be displayed prominently in the office or facility of every health care provider who provides services under the state medical assistance program.

(d) The secretary of health and environment shall notify annually each recipient of state medical assistance of the toll-free number of the system established pursuant to this section and the purpose thereof. If possible, such notice shall be printed on the

medical cards issued to recipients by the secretary.

Sec. 92. K.S.A. 39-782 is hereby amended to read as follows: 39-782. Prior to certifying an adult care home for participation in the state medical assistance program as an intermediate care facility for mental health, the secretary of social and rehabilitation for aging and disability services shall hold a public hearing in the area in which the facility is located. At least 10 days prior to the hearing, the secretary of social and rehabilitation for aging and disability services shall give notice in a newspaper of general circulation in the area in which the facility is located that the facility has applied for certification for participation in the state medical assistance program as an intermediate care facility for mental health and that a public hearing is to be held to obtain public comment in regard to such application. In addition, the notice shall state the time and place of the public hearing and the manner in which interested parties may present their views at the hearing. The secretary of social and rehabilitation for aging and disability services shall consider the public comments at the hearing in determining whether to grant such certification.

Sec. 93. K.S.A. 39-783 is hereby amended to read as follows: 39-783. The secretary of social and rehabilitation for aging and disability services or the Kansas department of health and environment shall mail a written notice to all affected health care provider groups of each reduction in the scope or reimbursement of services provided under the medical assistance program of the Kansas department of social and rehabilitation for aging and disability services or the Kansas department of health and environment at least 10 days prior to the effective date of any such reduction. The written notice shall include a complete and accurate description of the proposed reductions. The secretary of social and rehabilitation for aging and disability services or the Kansas department of health and environment shall not implement any such reduction in the medical assistance program until 10 days after the date that the written notice prescribed by this section is mailed to the affected provider groups. The failure to give notice as prescribed by this section shall not constitute or provide grounds for any cause of action concerning the medical assistance program and no such failure to give notice shall invalidate any action of the secretary of social and rehabilitation for aging and disability services or the Kansas department of health and environment concerning the medical assistance program.

Sec. 94. K.S.A. 2013 Supp. 39-784 is hereby amended to read as follows: 39-784.

(a) The secretary of social and rehabilitation for aging and disability services is hereby authorized to fix, charge and collect reasonable fees for providing home care services to recipients served under the medicaid home and community based services program.

(b) All moneys received for fees collected pursuant to subsection (a) 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 SRS Kansas department for aging and disability services temporary deposit fund.

Sec. 95. K.S.A. 2013 Supp. 39-785 is hereby amended to read as follows: 39-785. As used in K.S.A. 2013 Supp. 21-5606, K.S.A. 39-709 and K.S.A. 39-785 to 39-790, inclusive, and amendments thereto:

(a) "Adult care home" means a nursing facility licensed under the adult care home licensure act.

(b) "Excess shelter allowance" means, for the applicant or recipient's spouse, the

amount by which the sum of (1) the spouse's expense for rent or mortgage payment, including principal and interest, taxes and insurance and, in the case of a condominium or cooperative, required maintenance charges excluding utilities, for the spouse's principal residence, and (2) the standard utility allowance under section 5(e) of the food stamp act of 1977, exceeds 30% of the maximum amount of income allowed under K.S.A. 39-787, and amendments thereto.

(c) "Home and community based services" means those services provided under the state medical assistance program under waivers as defined in title XIX of the federal social security act in accordance with the plan adopted under subsection (s) of K.S.A. 39-708c, and amendments thereto, to recipients who would require admission to an adult care home if such services were not otherwise provided.

(d) "Income" means earned income and unearned income as defined under the state medical assistance program in accordance with the plan adopted under subsection (s) of K.S.A. 39-708c, and amendments thereto, to determine eligibility of applicants for medical assistance.

(e) "Institution" means an adult care home or a long-term care unit of a medical care facility.

(f) "Medical assistance" has the meaning provided under K.S.A. 39-702, and amendments thereto.

(g) "Qualified applicant" means a person who (1) applies for medical assistance and (2) is receiving long-term care in an institution or would be eligible for home and community based services if receiving medical assistance.

(h) "Qualified recipient" means a person who (1) receives medical assistance and (2) is receiving long-term care in an institution or is receiving home and community based services.

(i) "Resources" means cash or other liquid assets or any real or personal property that an individual or spouse owns and could convert to cash to be used for such individual's support and maintenance. If the individual has the right, authority or power to liquidate the property, or such individual's share of the property, it is a resource. If a property right cannot be liquidated, the property will not be considered a resource of the individual or spouse.

(j) "Secretary" means the secretary of social and rehabilitation for aging and disability services.

(k) "Exempt income" means income which is not considered in determining eligibility for medical assistance under the plan adopted under subsection (s) of K.S.A. 39-708c, and amendments thereto.

(l) "Nonexempt income" means income which is considered in determining eligibility for medical assistance under the plan adopted under subsection (s) of K.S.A. 39-708c, and amendments thereto.

(m) "Exempt resources" means resources which are not considered in determining eligibility for medical assistance under the plan adopted under subsection (s) of K.S.A. 39-708c, and amendments thereto.

(n) "Nonexempt resources" means resources which are considered in determining eligibility for medical assistance under the plan adopted under subsection (s) of K.S.A. 39-708c, and amendments thereto.

(o) "Long-term care" means care which exceeds or is projected to exceed three months, including the month care begins.

Sec. 96. K.S.A. 39-786 is hereby amended to read as follows: 39-786. (a) For the purpose of determining medical assistance eligibility pursuant to K.S.A. 39-709, and amendments thereto, and the right to and obligation of medical support for the purposes of K.S.A. 39-709 and 39-719a, and amendments thereto, a qualified applicant or qualified recipient and such applicant's or recipient's spouse may divide their aggregate resources, whether owned jointly or singly, into separate shares as provided by this section. Subject to the provisions of subsection (g), if a qualified applicant or qualified recipient and such applicant's or recipient's spouse so divide their aggregate resources:

(1) Only the separate nonexempt resources of the applicant or recipient shall be considered in determining eligibility for medical assistance: (A) If the applicant's or recipient's spouse is not applying for or receiving medical assistance, in the month following the month in which the applicant or recipient enters an institution to receive long-term care or begins to receive home and community based services, or at any time thereafter; or (B) if the applicant's or recipient's spouse is applying for or receiving medical assistance, in the seventh month following the month in which the applicant or recipient enters an institution to receive long-term care or begins to receive home and community based services, or at any time thereafter;

(2) the secretary of social and rehabilitation services Kansas department for children and families, in determining the eligibility of the applicant or recipient for long-term institutional care or home and community based services, shall not take into account the separate nonexempt resources of the applicant's or recipient's spouse and shall not require proof of adequate consideration for any transfer made in dividing resources in accordance with this section;

(3) the resources received by the qualified applicant's or qualified recipient's spouse pursuant to this section shall not be considered to be available to the applicant or recipient for future medical support and the qualified applicant's or qualified recipient's spouse shall have no duty of future medical support of the qualified applicant or qualified recipient from such resources;

(4) except as otherwise provided in this section, neither the secretary nor the state may recover from the resources received by the qualified applicant's or qualified recipient's spouse pursuant to this section any amounts paid for future medical assistance provided to the qualified applicant or qualified recipient; and

(5) neither the secretary nor the state shall be subrogated to or assigned any future right of the qualified applicant or qualified recipient to medical support from the resources of the qualified applicant's or qualified recipient's spouse.

(b) If a qualified applicant or qualified recipient and such applicant's or recipient's spouse choose to divide their aggregate resources pursuant to this section, the division shall be in such a manner that the qualified applicant's or qualified recipient's spouse owns singly aggregate nonexempt resources with a value which is the greater of: (A) \$12,000, subject to adjustment under subsection (i); or (B) the lesser of (i) the spousal share computed under subsection (c) or (ii) four times the amount described in clause (A).

(c) There shall be computed, as of the beginning of a continuous period of long-term care of the qualified applicant or qualified recipient: (A) The total value of the nonexempt resources to the extent the qualified applicant or qualified recipient or such applicant's or recipient's spouse has an ownership interest; and (B) a spousal share which is equal to $\frac{1}{2}$ of such total value.

(d) A division of resources pursuant to this section shall be evidenced by a written interspousal agreement, signed by both spouses or their personal representatives, to divide the resources as provided by this section and to make any transfers necessary to carry out the division. In the case of a qualified applicant, a notice of intent to divide resources shall be filed with the secretary at the time of application. In the case of a qualified recipient, such notice shall be filed with the secretary at the time the recipient and the recipient's spouse desire to divide resources. The division shall apply to resources owned on the date the notice of intent is filed and the division shall be presumed to take place on that date if a copy of the agreement to divide resources and evidence, satisfactory to the secretary, of completion of any transfers necessary to effect the division are filed with the secretary within 90 days after the notice of intent is filed or within such additional time as permitted by the secretary, in the secretary's discretion, for good cause shown.

(e) Once a qualified applicant for or qualified recipient of medical assistance has divided resources with a spouse pursuant to this section, such applicant or recipient may not thereafter again divide resources under this section with such spouse or any subsequent spouse.

(f) The secretary of social and rehabilitation services Kansas department for children and families shall furnish to each qualified applicant or qualified recipient and such applicant's or recipient's spouse, and any personal representative thereof, a clear and simple written statement that:

(1) The total resources of the qualified applicant or qualified recipient and of the applicant's or recipient's spouse may be divided hereunder;

(2) upon such a division, the spouse's nonexempt resources will not be considered in determining eligibility of the applicant or recipient for long-term institutional care or home and community based services and the spouse shall not be required to use the resources received by the spouse pursuant to this section to provide future medical support to the qualified applicant or qualified recipient;

(3) a lien for medical assistance paid may be imposed against the property of the qualified applicant or qualified recipient and the property of the applicant's or recipient's spouse but only to the extent authorized under this section.

(g) If a qualified recipient of medical assistance and such recipient's spouse have divided their resources as provided by this section, the secretary, may establish, enforce and foreclose a lien for any amount of medical assistance provided the recipient but only to the extent authorized under 42 U.S.C. § 1396p, as in effect on the effective date of this act.

(h) The secretary shall adopt such rules and regulations as necessary to implement and enforce the provisions of this section.

(i) The dollar amounts specified in subsection (b) and K.S.A. 39-787(a), and amendments thereto, shall be increased by the same percentage as the percentage increase in the consumer price index for all urban consumers, all items, the United States city average, between September, 1987, and the September before the calendar year involved.

Sec. 97. K.S.A. 39-787 is hereby amended to read as follows: 39-787. (a) For the purpose of determining medical assistance eligibility pursuant to K.S.A. 39-709, and amendments thereto, and the right to and obligation of medical support for the purposes of K.S.A. 39-709 and 39-719a, and amendments thereto, a qualified applicant or

qualified recipient and such applicant's or recipient's spouse may divide their aggregate income, whether received jointly or singly, into separate shares as provided by this section so that the spouse retains the first \$9,000 plus any allowable excess shelter allowance up to a maximum total of \$14,400 of the aggregate nonexempt income. If a qualified applicant or qualified recipient and such applicant's or recipient's spouse so divide their aggregate income:

(1) Only the separate nonexempt income of the qualified applicant or qualified recipient shall be considered in determining eligibility for medical assistance: (A) If the applicant's or recipient's spouse is not applying for or receiving medical assistance, in the month following the month in which the applicant or recipient enters an institution to receive long-term care or begins to receive home and community based services, or at any time thereafter; or (B) if the applicant or recipient and the applicant's or recipient's spouse share the same residence and the applicant's or recipient's spouse is applying for or receiving medical assistance, in the seventh month following the month in which the applicant or recipient enters an institution to receive long-term care or begins to receive home and community based services, or at any time thereafter;

(2) the secretary of social and rehabilitation services for children and families, in determining the eligibility of the applicant or recipient for long-term institutional care or home and community based services, shall not take into account the separate nonexempt income of the applicant's or recipient's spouse and shall not require proof of adequate consideration for any assignment made in dividing income;

(3) of the annual income of the qualified applicant's or qualified recipient's spouse, only that portion exceeding \$9,000 plus any allowable excess shelter allowance up to a maximum total of \$14,400 shall be considered to be available to the qualified applicant or qualified recipient for future medical support and the qualified applicant's or qualified recipient's spouse shall have a duty of future medical support of the qualified applicant or qualified recipient only to the extent that such spouse's annual income exceeds \$9,000 plus any allowable excess shelter allowance up to a maximum total of \$14,400;

(4) neither the secretary nor the state may recover from the income of the qualified applicant's or qualified recipient's spouse, for future medical assistance provided to the qualified applicant or qualified recipient: (A) Any amount in any calendar year when the income of such spouse is less than \$9,000 plus any allowable excess shelter allowance up to a maximum total of \$14,400; or (B) an amount in any calendar year which would reduce such spouse's income to less than \$9,000 plus any allowable excess shelter allowance up to a maximum total of \$14,400 for such calendar year; and

(5) the secretary's subrogation rights on behalf of the state shall be subject to the limitation of subsection (a)(4).

(b) A division of income pursuant to this section shall be evidenced by a written interspousal agreement, signed by both spouses or their personal representatives, to divide income as provided by this section and to carry out the division. In the case of a qualified applicant, a notice of intent to divide income shall be filed with the secretary at the time of application. In the case of a qualified recipient, such notice shall be filed with the secretary.

(c) The secretary of social and rehabilitation services for children and families shall furnish to each qualified applicant or qualified recipient and such applicant's or recipient's spouse, and any personal representative thereof, a clear and simple written

statement that the total income of the qualified applicant or qualified recipient and of the applicant's or recipient's spouse may be divided hereunder and that, upon such a division, the spouse's income will not be considered in determining eligibility of the applicant or recipient for long-term institutional care or home and community based services and the spouse shall be required to use only that portion of the spouse's annual income which exceeds \$9,000 plus any allowable excess shelter allowance up to a maximum total of \$14,400 to provide future medical support to the applicant or recipient.

(d) The secretary shall adopt such rules and regulations as necessary to implement and enforce the provisions of this section.

Sec. 98. K.S.A. 39-788 is hereby amended to read as follows: 39-788. (a) No provision of this act shall be considered to be in conflict with any federal statute or regulation until after a final determination by the secretary of the United States department of health and human services finding such a conflict.

(b) If the secretary of the United States department of health and human services makes an initial determination that any provision of this act is in conflict with any federal statute or regulation, the secretary of social and rehabilitation for aging and disability services or the department of health and environment, or both, shall take all available and necessary steps to obtain a final determination reversing that decision. If a final determination is made that this act conflicts with federal law, the secretary of social and rehabilitation for aging and disability services or the department of health and environment, or both, shall immediately request that the attorney general seek judicial review of the determination and shall immediately notify the appropriate policy and fiscal committees of the legislature.

Sec. 99. K.S.A. 39-7,100 is hereby amended to read as follows: 39-7,100. (a) As used in this section:

(1) "Home and community based services programs" mean the programs established under the state medical assistance program under plans or waivers as defined in the federal social security act in accordance with the plans or waivers adopted by the secretary of social and rehabilitation services and the secretary of aging, either separately or jointly, for aging and disability services to provide attendant care services to individuals in need of in-home care who would require admission to an institution if the attendant care services were not otherwise provided.

(2) "Secretary" means either the secretary of social and rehabilitation services or the secretary of aging for aging and disability services.

(b) The secretary as part of the home and community based services programs, subject to social security act grant requirements, shall provide that:

(1) Priority recipients of attendant care services shall be those individuals in need of in-home care who are at the greatest risk of being placed in an institutional setting;

(2) individuals in need of in-home care who are recipients of attendant care services and the parents or guardians of individuals who are minors at least 16 years of age and who are in need of in-home care shall have the right to choose the option to make decisions about, direct the provisions of and control the attendant care services received by such individuals including, but not limited to, selecting, training, managing, paying and dismissing of an attendant;

(3) any proposals to provide attendant care services solicited by the secretary shall be selected based on service priorities developed by the secretary, except that priority

shall be given to proposals that will serve those at greatest risk of being placed in an institution as determined by the secretary;

(4) providers, where appropriate, shall include individuals in need of in-home care in the planning, startup, delivery and administration of attendant care services and the training of personal care attendants; and

(5) within the limits of appropriations therefor, the home and community based services programs shall serve eligible individuals in need of in-home care throughout this state.

(c) Within the limits of appropriations therefor, the secretary may initiate demonstration projects to test new ways of providing attendant care services and may conduct specific research into ways to best provide attendant care services in both urban and rural environments.

Sec. 100. K.S.A. 39-7,100a is hereby amended to read as follows: 39-7,100a. The secretary of social and rehabilitation for aging and disability services shall apply for appropriate waivers to applicable federal medicaid provisions to permit an expansion of home and community based services to include the services provided under the Kansas senior care act and to obtain medicaid funding therefor.

Sec. 101. K.S.A. 39-7,102 is hereby amended to read as follows: 39-7,102. As used in the KanWork act, unless the context clearly requires otherwise:

(a) "Committee" means the KanWork interagency coordinating committee established under K.S.A. 39-7,108 and amendments thereto.

(b) "KanWork program" means the work experience and training program for public assistance recipients established under the KanWork act.

(c) "Participant" means a public assistance recipient who participates in the KanWork program.

(d) "Secretary" means the secretary of social and rehabilitation services for children and families.

(e) "State child care center" means a child care center licensed under K.S.A. 65-501 et seq., and amendments thereto.

(f) The terms defined in K.S.A. 39-702, and amendments thereto, and used in the KanWork act have the meanings provided by K.S.A. 39-702, and amendments thereto.

Sec. 102. K.S.A. 39-7,103 is hereby amended to read as follows: 39-7,103. (a) The secretary of social and rehabilitation services for children and families shall be responsible for the planning, integration and coordination of employment and related services for public assistance recipients. All appropriate state and local agencies shall cooperate with the secretary in the planning, integration and coordination of employment and related services as provided under the KanWork act.

(b) Within the limits of appropriations therefor, the secretary shall establish and administer the KanWork program for recipients of public assistance which shall consist of the following components: Evaluation for eligibility and services; job preparation, training and education; support services; and transitional services.

(c) The secretary shall adopt rules and regulations which establish KanWork program requirements for eligibility for the receipt of public assistance and which establish penalties to be imposed when an assignment under a KanWork program requirement is not completed without good cause. The secretary may adopt rules and regulations establishing exemptions from any such KanWork program requirements, except that no person shall be exempt solely because such person provides care for a

child three years of age or older unless federal law or rules and regulations specifically provide that such a person be exempt and a waiver of such requirement cannot be obtained. Requirements, exemptions and penalties established under this subsection (c) shall be consistent with the provisions of any state or federal law, rules and regulations or waiver granted under federal law or rules and regulations which relate thereto.

(d) In carrying out the duties specified under the KanWork act, the secretary shall seek the advice of and consult with the KanWork interagency coordinating committee. The secretary may enter into contracts as may be necessary to carry out the provisions of the KanWork act.

(e) The secretary shall monitor and evaluate periodically the KanWork program and shall track job retention rates of participants for not more than 15 months after a participant is employed and is no longer eligible for cash assistance. Within the limits of appropriations therefor, the secretary may enter into contracts for marketing and publishing information concerning the KanWork program and may enter into contracts for assistance in monitoring and evaluating the KanWork program and in tracking job retention rates of applicants.

(f) The secretary may seek waivers from program requirements of the federal government as may be needed to carry out the provisions of the KanWork act and to maximize federal matching and other funds with respect to the programs established under such act.

Sec. 103. K.S.A. 39-7,104 is hereby amended to read as follows: 39-7,104. (a) The secretary of social and rehabilitation services for children and families shall provide for the evaluation of public assistance recipients to determine whether such persons are required to participate in the KanWork program and whether such persons are employable. All public assistance recipients not required to participate in the KanWork program who are employable shall be encouraged to participate in such program. The secretary also shall provide for the evaluation of KanWork participants to assess the appropriate level of services needed by such participants under the KanWork program; shall provide initial employability screening, goal setting, identification of support service needs and development of initial timeline goals for completion of activities; and shall establish and enter into with such participants written contracts of participant self-sufficiency. The secretary shall also develop a set of performance standards by which the effectiveness of the KanWork program may be evaluated.

(b) The secretary of social and rehabilitation services for children and families may enter into agreements with public, private and community-based providers for services including but not limited to the following: Determination and provision of employment occupational assessment, goal setting, training services, job development and placement and such other services as the secretary may deem appropriate within the provisions of this act.

(c) A KanWork participant who is determined to be employable shall not be eligible to participate in the KanWork program for more than 30 months, inclusive of any educational program under the KanWork program. Except as otherwise provided in this subsection, a KanWork participant under the KanWork program shall not be eligible to receive any cash assistance for three years subsequent to the time participation in the KanWork program ceases. The secretary of social and rehabilitation services for children and families may adopt by rules and regulations exceptions to such limitations on participation in the KanWork program, on participation in any educational program

thereunder, or on eligibility for cash assistance, in cases of undue hardship. Notwithstanding the foregoing provisions of this subsection, a KanWork participant who fails to become employed while participating in the KanWork program is authorized to receive support services as defined in K.S.A. 39-7,106, and amendments thereto, for a period not to exceed six months while a person is seeking employment. If the person obtains employment, the person is authorized to receive transitional services under K.S.A. 39-7,107, and amendments thereto.

(d) KanWork participants may bring grievances and appeal decisions of the secretary under the KanWork program in accordance with grievance and appeal procedures established by the secretary by rules and regulations.

Sec. 104. K.S.A. 39-7,105 is hereby amended to read as follows: 39-7,105. (a) Within the limits of appropriations therefor and to the extent allowed under any applicable federal law or rule and regulation adopted pursuant thereto, the secretary shall establish and make available to eligible public assistance recipients the job preparation, training and education component of the KanWork program.

(b) The job preparation element of the job preparation, training and education component includes, but is not limited to, the following:

(1) Unsupervised job search, in which the participant individually seeks work and makes periodic progress reports to the secretary or an agency contracting with the secretary.

(2) Supervised job search which includes, but is not limited to, access to telephones to contact prospective employers, job orders, direct referrals to employers, or other organized methods of seeking work which are overseen, reviewed and critiqued by the secretary or an agent of the secretary. The amount and type of activity required during this supervised job search period shall be determined by the secretary and the participant, based on the participant's employment history and need for supportive services and shall be consistent with rules and regulations adopted by the secretary.

(3) Job club workshops, including group or individual training sessions, where participants learn various job finding and job retention skills. Workshops shall be conducted by persons trained in employment counseling. The skills taught in job clubs shall include preparation of an application, writing a resume, interviewing techniques, understanding employer requirements and expectations, telephone canvassing for job leads, proper dress and conduct on the job and ways to enhance self-esteem, self-image and confidence.

(4) Job referral and placement services.

(5) Employment counseling to assist persons to reach informed decisions on appropriate employment goals.

(c) The training and education element of the job preparation, training and education component includes, but is not limited to, the following:

(1) Job training which includes, but is not limited to, training in industry-specific job skills in a classroom or onsite setting, including training provided by private industry, universities, community colleges, state and local agencies and school districts.

(2) Community work experience for a public or nonprofit agency that provides the participant the opportunity to develop basic work skills, practice and improve existing skills and acquire on-the-job experience established in accordance with the provisions of subsection (g) of K.S.A. 39-708c, and amendments thereto, or subsection (d)(B)(3) of K.S.A. 39-709, and amendments thereto, or both such sections.

(3) Work experience through a grant diversion program which the secretary is hereby authorized to implement in which an employer receives a wage subsidy from money diverted in accordance with law from public assistance grants. Grant diversion shall be implemented through a contract entered into by the secretary and the employer.

(4) Work experience through employment with state government or local governmental units in work which otherwise would have gone undone, if the participant is unable to be placed in other employment. The state government and local governmental units may cooperate with the secretary of social and rehabilitation services for children and families in developing and making available such employment opportunities.

(5) Remedial education, which shall include adult basic education, high school completion and general equivalency diploma instruction. Only participants deemed able to become substantially more employable for an educational experience shall be placed in remedial education.

(6) College and community college education, when that education provides sufficient employment skills training which can be expected to lead to employment based on a labor market needs assessment. Only participants deemed capable of becoming substantially more employable from such an educational experience shall be placed in this education component.

(7) Vocational training in a community college, vocational technical school or local school district program which can be expected to lead to employment based upon a labor market needs assessment.

(8) English language instruction for non-English speaking participants.

(9) Other programs that may be made available through federal legislation authorizing employment and training programs for public assistance recipients.

(10) No participant who has graduated from high school shall participate in any educational program under the KanWork act for more than 30 months. A participant who has not graduated from high school but who the secretary determines is able to obtain general educational development credentials within nine months after becoming a KanWork participant may participate in the educational program under the KanWork act, but such educational program participation under the KanWork program shall be limited to 30 months, less the period of time required for the participant to obtain general educational development credentials, after the participant has received the general educational development credentials. The secretary of social and rehabilitation services for children and families may adopt by rules and regulations exceptions to such limitations on participation in any such educational program in cases of undue hardship.

(d) Workers assigned to state agencies under the KanWork program may participate in classified civil service examinations equivalent to the position occupied, as well as any other civil service examination for which the participant is qualified, and experience in the position occupied by the participant shall be included in determining whether the participant meets the experience requirements for the particular position under the Kansas civil service act.

(e) The secretary may enter into contracts with community service providers for job development and service provision.

Sec. 105. K.S.A. 2013 Supp. 39-7,108 is hereby amended to read as follows: 39-7,108. (a) There is hereby created the KanWork interagency coordinating committee which shall consist of the following members: (1) No more than 10 members appointed

by the governor; (2) the secretary of social and rehabilitation services for children and families; (3) the secretary of labor; (4) the secretary of administration or the secretary's designee; (5) the secretary of commerce or the secretary's designee; (6) a faculty member engaged in teaching social welfare courses or other relevant academic disciplines at a college or university located in this state appointed by the chairperson of the state board of regents; and (7) a representative of the state department of education who is knowledgeable in the area of vocational-technical education or community colleges, or both, appointed by the chairperson of the state board of education. Individuals appointed to the committee by the governor shall include: A representative of the Kansas league of municipalities; a representative of the Kansas association of counties; a representative of a local school district; a representative of the financial community; a representative of the business community; a representative of organized labor; a representative of the child support enforcement program of the judicial branch; and a social services advocacy representative.

(b) The member of the committee appointed by the chairperson of the state board of regents, the member of the committee appointed by the chairperson of the state board of education and the members of the committee appointed by the governor shall be appointed for two-year terms and until their successors are appointed and qualified. Upon the vacancy of a position on the committee, the person appointing the member whose position is vacant, or the successor to the position of the person appointing such member, shall appoint a person to fill such vacancy.

(c) The secretary of social and rehabilitation services for children and families shall serve as chairperson of the committee. The committee shall meet on the call of the chairperson. A majority of all the members of the committee shall constitute a quorum.

(d) The committee shall provide oversight of the KanWork program to insure cooperation at all levels of government, to avoid duplication among agencies and programs, insure cooperation and smooth implementation of the program, encourage involvement by the public, private and nonprofit sectors in the state and provide ongoing planning for the program. In addition, the committee shall review periodically the use of funds under the federal job training and partnership act and other federal funds available for any similar programs and may issue reports as necessary.

(e) The secretary of social and rehabilitation services for children and families shall provide staff assistance and clerical services to the committee. Other state agencies shall cooperate with the committee by providing information and other assistance as may be helpful to the committee in carrying out its duties under this section.

(f) The members of the committee who are not state officers or employees and who are attending meetings of such committee, or attending a subcommittee meeting thereof authorized by such committee, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto. Amounts paid under this subsection (f) shall be from appropriations to the department of social and rehabilitation services Kansas department for children and families upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services for children and families or a person designated by the secretary.

Sec. 106. K.S.A. 39-7,109 is hereby amended to read as follows: 39-7,109. (a) The secretary of social and rehabilitation services for children and families shall establish state child care centers and may operate such centers or enter into contracts with private providers for the operation of such centers. State child care centers shall be licensed

under the provisions of K.S.A. 65-501 et seq., and amendments thereto. The secretary of social and rehabilitation services for children and families and the secretary of health and environment are hereby authorized to enter into joint agreements as may be necessary to facilitate the establishment and operation of state child care centers.

(b) A state child care center shall provide child care services for children of KanWork participants. A state child care center may provide child care services for children of state employees; children of employees of local governments and other agencies participating in the KanWork program which have entered into agreements with the secretary authorizing their employees to utilize state child care center services; and children of teenage parents who have not yet completed high school if the parent is working to complete high school or is working for a high school equivalency certificate and if the school district has entered into an agreement with the secretary that such teenage parents will be allowed to continue attending school.

(c) The secretary by rules and regulations shall establish a sliding fee scale based upon ability to pay for child care services provided by a state child care center. All persons whose children are utilizing such child care services, other than persons whose children are receiving such child care services under subsection (b) of K.S.A. 39-7,106, and amendments thereto, shall pay a fee for the services based upon such sliding fee scale.

Sec. 107. K.S.A. 39-7,122 is hereby amended to read as follows: 39-7,122. (a) The secretary of social and rehabilitation services health and environment shall provide transitional medical care services, including extended medical care services under KanWork, under the medical care plan for medical assistance adopted by the secretary. The transitional medical care services shall be provided for not to exceed 24 months after a recipient of assistance becomes employed and is no longer eligible for cash assistance unless the recipient is otherwise covered by health benefits. Such transitional medical care services shall be provided with a 25% copayment requirement during the 13th month through the 24th month.

(b) As used in this section, terms have the meanings provided by K.S.A. 39-702, and amendments thereto.

Sec. 108. K.S.A. 39-7,123 is hereby amended to read as follows: 39-7,123. (a) As used in this section: "Individual assistance support trust" means a trust created by a not-for-profit corporation which is a 501(c)(3) organization under the federal internal revenue code of 1986 and which was organized for the purpose of receiving money pursuant to an agreement under this section.

(b) There is hereby established in the state treasury the state individual assistance support trust fund.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the state individual assistance support trust fund interest earnings based on:

(1) The average daily balance of moneys in the state individual assistance support trust fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) The secretary of social and rehabilitation services for children and families may accept moneys from an individual assistance support trust for deposit in the state individual assistance support trust fund pursuant to an agreement with the individual

assistance support trust for purposes of matching federal funds. The individual assistance support trust may retain 5% of any grant it receives for purposes of this section. The secretary shall deposit 10% of such moneys in the state general fund and 5% of such moneys shall be deposited in the state general fund and credited to the social welfare fund. The balance of such moneys shall be deposited in a separate account in the state individual assistance support trust fund for each grant so received. The moneys in each such account shall be expended by the secretary, in accordance with rules and regulations of the secretary, only for the purpose of matching federal funds in accordance with the terms of the agreement. Interest earned on moneys in the trust fund and transferred to the trust fund under subsection (c) shall be prorated in accordance with procedures approved by the director of accounts and reports and credited monthly to each such account.

(e) If the secretary determines that the moneys cannot be used for the purpose of matching federal funds in a manner consistent with the rules and regulations of the secretary and the agreement, or upon the request of the individual assistance support trust, the remaining moneys in such account, together with any accumulated interest thereon, shall be paid to the individual assistance support trust which deposited such moneys in the state individual assistance support trust fund.

(f) The secretary shall adopt rules and regulations and procedures as may be necessary or useful for the administration of the trust fund. All payments and disbursements from the trust fund shall be made 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.

Sec. 109. K.S.A. 39-7,125 is hereby amended to read as follows: 39-7,125. (a) (1) In determining the amount of aid to families with dependent children for a family with fewer than three dependent children at the beginning of any period of time such assistance is received by such family, the secretary of social and rehabilitation services for children and families shall revise the schedule of benefits to be paid to such recipient family by eliminating: (A) In the case of the birth of the third dependent child born to such family while receiving aid to families with dependent children, 50% of the increment in aid to families with dependent children benefits for which that family would otherwise be eligible as a result of such birth; and (B) in the case of the birth of the fourth or subsequent dependent child, 100% of the increment in aid to families with dependent children benefits for which that family would otherwise be eligible as a result of such birth.

(2) The secretary of social and rehabilitation services for children and families shall provide instead that a recipient family with fewer than three dependent children at the time such assistance is first received by such family, may receive additional benefits only pursuant to subsection (a)(3) or subsection (c).

(3) Each such family shall benefit from any general increase in the amount of aid to families with dependent children benefits which is provided to all program recipients.

(b) (1) In determining the amount of aid to families with dependent children to a recipient family with three or more dependent children at the beginning of any period of time such assistance is received by such family, the secretary of social and rehabilitation services for children and families shall revise the schedule of benefits to be paid to such recipient family by eliminating: (A) In the case of the birth of the first child born to such family while receiving aid to families with dependent children, 50% of the

increment in benefits under the program for which that family would otherwise be eligible as a result of such birth; and (B) in the case of the birth of each subsequent dependent child, 100% of the increment in benefits under the program for which that family would otherwise be eligible as a result of such birth.

(2) The secretary of social and rehabilitation services for children and families shall provide instead that a recipient family with three or more dependent children at the time such assistance is first received by such family may receive additional benefits only pursuant to subsection (b)(3) or subsection (c).

(3) Each such family shall benefit from any general increase in the amount of aid to families with dependent children benefits which is provided to all program recipients.

(c) The secretary of social and rehabilitation services for children and families shall provide: (1) That in computing the amount of aid to families with dependent children available to any family in which one or more adults have earned income from bona fide employment, as defined by rules and regulations of the secretary of social and rehabilitation services for children and families, the provisions of subsection (a)(1) and subsection (b)(1), which limit the amount of assistance a family can receive, shall not apply; (2) in the case of a family with two adults and only one of whom is employed, the monthly earned income disregard shall increase by an amount equal to not more than 100% of that which the family would have otherwise received by parenting an additional child; and (3) in any family each employed individual shall receive the earnings disregards specified in K.S.A. 39-7,127, and amendments thereto.

(d) For purposes of this section: (1) Any child born to an adult while that adult is ineligible for aid to families with dependent children pursuant to a penalty imposed by the secretary of social and rehabilitation services for children and families for failure to comply with benefit eligibility requirements shall be considered to be born while the adult is a recipient of aid to families with dependent children; (2) each child in a multiple birth shall be entitled to receive the same incremental increase in benefits as the first child in such birth; and (3) the birth of any child which results from a pregnancy which exists at the time aid to families with dependent children is first received after June 30, 1994, shall not be considered to be the birth of a third or subsequent child for the purpose of applying the provisions of subsection (a)(1) or subsection (b)(1) which limit the amount of assistance a family can receive for aid to families with dependent children.

Sec. 110. K.S.A. 39-7,127 is hereby amended to read as follows: 39-7,127. (a) The secretary of social and rehabilitation services for children and families shall make program modifications to the aid to families with dependent children program of the department of social and rehabilitation services Kansas department for children and families, to include a work-and-earn incentive program containing provisions such that:

(1) If an individual's earned income is considered, the individual shall be allowed a work-and-earn incentive adjustment to assistance which shall be determined in accordance with policies prescribed by rules and regulations adopted by the secretary of social and rehabilitation services for children and families and shall include an incentive disregard of the amount equal to a \$90 work expense plus 40% of the gross monthly earned income above the \$90 with (A) the individual's eligibility continuing until the family's total income exceeds the maximum income limit established by the secretary of social and rehabilitation services for children and families in rules and regulations, (B) no time limit on the incentive disregard, and (C) no application of any other time-

limited, work-related income disregard when the work-and-earn incentive program is applicable; and

(2) if an individual's earned income is considered, the individual shall be allowed the work expense deduction referenced in paragraph (1) of this subsection from the earned income, which shall include, as provided in rules and regulations of the secretary of social and rehabilitation services for children and families, generally all work-related expenses, other than day care, and includes specifically: Taxes, transportation expenses, meal expenses and acquisition and maintenance expense for required uniforms.

(b) The secretary of social and rehabilitation services for children and families shall seek waivers from program requirements of the federal government as may be needed to carry out the provisions of this section and to maximize federal matching and other funds with respect to the provisions of this section. The secretary of social and rehabilitation services for children and families shall implement the provisions of this section only if such waivers to federal program requirements have been obtained from the federal government.

Sec. 111. K.S.A. 39-7,128 is hereby amended to read as follows: 39-7,128. In determining eligibility for aid to families with dependent children or grant determinations relating thereto, the secretary of social and rehabilitation services for children and families shall exclude from income and resources any income earned by a minor and saved by the minor for educational purposes for the minor. This earned income shall be income earned by the minor and saved for educational purposes in accordance with rules and regulations of the secretary of social and rehabilitation services for children and families which define earned income for the purposes of this section and specify the method by which such income may be dedicated to educational purposes to ensure that such income is used in a manner to comply with the provisions of this section.

Sec. 112. K.S.A. 2013 Supp. 39-7,129 is hereby amended to read as follows: 39-7,129. The secretary of social and rehabilitation services for children and families shall adjust, by rules and regulations, the program requirements for aid to families with dependent children provided through the department of social and rehabilitation services Kansas department for children and families to include requirements that, as a condition for continued eligibility for aid to families with dependent children, the family comply with laws providing for immunization and vaccination of children attending school or a child care facility. The secretary of health and environment shall provide to the secretary of social and rehabilitation services for children and families current information on the requirements of these laws which relate to the immunization and vaccination of children.

Sec. 113. K.S.A. 39-7,130 is hereby amended to read as follows: 39-7,130. (a) The secretary of social and rehabilitation services for children and families shall seek a waiver under federal law to allow two-parent families otherwise eligible for aid to families with dependent children to be eligible even though the principal wage earner may be working more than the allowable hours per month and have not worked in the required quarters of the year or earned less than required in such quarters of the year, or both; to allow pregnant women otherwise eligible for aid to families with dependent children to be eligible for aid to families with dependent children from the first month of pregnancy; and to allow children otherwise eligible for aid to families with

dependent children foster care to be eligible even though the child's family does not meet aid to families with dependent children criteria.

(b) As used in this section, terms have the meanings provided by K.S.A. 39-702, and amendments thereto.

Sec. 114. K.S.A. 39-7,131 is hereby amended to read as follows: 39-7,131. Where required, the secretary of social and rehabilitation services for children and families shall apply for waiver of federal law or regulation as necessary to implement the provisions of this act. The secretary of social and rehabilitation services for children and families shall not implement any provision of this act if the secretary determines that implementing such provision would have the effect of spending more state general funds than appropriated or reducing or eliminating federal matching funds or other federal funds.

Sec. 115. K.S.A. 2013 Supp. 39-7,132 is hereby amended to read as follows: 39-7,132. (a) Any person who agrees to provide financial support to a person who would otherwise be eligible to receive aid to families with dependent children and who has entered into an agreement with the secretary of social and rehabilitation services for children and families for this purpose, in accordance with rules and regulations adopted by the secretary of social and rehabilitation services for children and families establishing the terms and conditions of such agreement, shall receive a credit against the tax liability imposed under the Kansas income tax act as provided under K.S.A. 79-32,200, and amendments thereto.

(b) Moneys received by the secretary under this section shall be used to match available federal moneys for providing aid to families with dependent children in the following manner: (1) The portion equal to 80% of such moneys shall be credited to the state general fund; (2) the portion equal to 15% of such moneys shall be used by the secretary to match available federal moneys and shall be added by the secretary to the grant of the recipient family; and (3) the remaining portion equal to 5% of such moneys shall be credited to the social welfare fund for administrative expenses and one-time grants.

(c) For tax year 2013 and all tax years thereafter, the income tax credit provided by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability.

Sec. 116. K.S.A. 2013 Supp. 39-7,134 is hereby amended to read as follows: 39-7,134. The secretary of social and rehabilitation services for children and families is hereby directed to establish a system for disseminating information and advice to and making referrals of persons seeking to enforce child support orders, whether or not the person or child is receiving public assistance.

Sec. 117. K.S.A. 2013 Supp. 39-7,135 is hereby amended to read as follows: 39-7,135. (a) The department of social and rehabilitation services Kansas department for children and families, the title IV-D agency for the state, shall maintain a central unit for collection and disbursement of support payments to meet the requirements of title IV-D and this section. Such central unit shall be known as the Kansas payment center. The name "Kansas payment center" shall be reserved for use by the state of Kansas for the functions of the central unit and shall not be used by any entity without the consent of the secretary of social and rehabilitation services for children and families.

The department may contract with another entity for development, enhancement or

operation, in whole or in part, of such central unit. The Kansas payment center shall be subject to the following conditions and limitations:

(1) The Kansas payment center shall be subject to the Kansas supreme court rule concerning official child support and maintenance records established pursuant to subsection (c).

(2) No contract shall include provisions allowing the contractor to be paid, in whole or in part, on the basis of an amount per phone call received by the center nor allowing the contractor to be paid an amount per check issued for checks that were issued in error by the center. Nothing in this paragraph shall be construed to prevent the secretary of social and rehabilitation services for children and families from compensating on the basis of an amount per phone call any contractor that does not process receipts or disbursements under this section.

(3) Any contract for processing receipts or disbursements under this section shall include penalty provisions for noncompliance with federal regulations relating to the timeliness of collections and disbursements and shall include a monetary penalty of \$100 for each erroneous transaction, whether related to collection or disbursement. Penalties shall be collected as and when assessed. Of the penalty, \$25 shall be allocated to the obligee and \$75 shall be allocated to the department of social and rehabilitation services Kansas department for children and families.

(4) Designees of the secretary of social and rehabilitation services for children and families and designees of the office of judicial administration shall have full access to all data, subject to the provisions of title IV-D of the federal social security act, 42 U.S.C. § 651 et seq. Designees of the secretary of social and rehabilitation services for children and families, all district court clerks and court trustees shall have access to records of the Kansas payment center sufficient to allow them to assist in the process of matching support payments to the correct accounts.

(5) The Kansas payment center shall provide sufficient customer service staff during regular business hours. Obligors and obligees shall be provided 24-hour access to information about the status of receipts and disbursements, including, but not limited to, date of receipt by the center, date of processing by the center and date of disbursement to the obligee.

(b) The Kansas payment center shall have, by operation of law, a limited power of attorney to perform the specific act of endorsing and negotiating all drafts, checks, money orders or other negotiable instruments representing support payments received by the center. Nothing in this subsection shall be construed as affecting the property rights or interests of any person in such negotiable instruments. The provisions of this subsection shall apply to any negotiable instrument received by the center on or after October 1, 2000.

(c) The Kansas supreme court, by court rule, shall establish the procedure for the creation, maintenance and correction of official child support and maintenance records for use as official court records.

(d) The department shall collaborate with the Kansas supreme court to maintain the Kansas payment center, which shall include all support payments subject to the requirements of title IV-D of the federal social security act, 42 U.S.C. § 651 et seq., and, except as specifically directed otherwise by the court pursuant to K.S.A. 2013 Supp. 23-2712 and 23-2802 and articles 29, 30 and 31 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, all other support payments due under a court order

entered in this state.

(e) Any provision in any support order or income withholding order entered in this state which requires remittance of support payments to the clerk of the district court or district court trustee shall be deemed to require remittance of support payments to the Kansas payment center, regardless of the date the support or income withholding order was entered.

(f) (1) Except as otherwise provided in this subsection, payments received by the Kansas payment center which cannot be matched to any account nor returned to the payor shall be transferred to the state treasurer in accordance with the unclaimed property act.

(2) Except as otherwise provided in this subsection, disbursements which cannot be delivered to the payee after a good faith effort to locate the payee shall be transferred to the state treasurer in accordance with the unclaimed property act.

(3) To the extent that the secretary of social and rehabilitation services for children and families would be required to treat as federal program income any amount transferable to the state treasurer pursuant to this subsection or the unclaimed property act, such amount shall not be presumed abandoned but shall be held by the secretary until the amount may be delivered to the true owner. The secretary and the state treasurer shall collaborate on procedures for locating the true owner and confirming claims to amounts so held.

Sec. 118. K.S.A. 2013 Supp. 39-7,138 is hereby amended to read as follows: 39-7,138. The following definitions shall apply in any IV-D administrative proceeding related to K.S.A. 39-7,137 through 39-7,152, and amendments thereto, except where the context requires otherwise.

(a) "Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account or money-market mutual fund account.

(b) "Arrearages" means past due support under any support order of any tribunal of this or any other state, including but not limited to the unpaid balance of any costs awarded, public assistance debt or accrued interest.

(c) "Business day" means a day on which state offices in Kansas are open for regular business.

(d) "Cash asset" means any intangible property that consistently maintains a fair market value of one dollar per unit. It shall be presumed that any account held by a financial institution and from which the obligor may make cash withdrawals, with or without penalty, consists entirely of cash assets.

(e) "Current support" includes but is not limited to the duty to provide for a child's ongoing medical needs through cash, insurance coverage or other means. "Current support" does not include any periodic amount specified to defray arrearages.

(f) "Custodial parent" means the parent or other person receiving IV-D services on the child's behalf and may include an agency acting in loco parentis, a guardian, or a blood or adoptive relative with whom the child resides.

(g) "Duty of support" means any duty to support another person that is imposed or imposed by law or by any order, decree or judgment of any tribunal, whether interlocutory or final or whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise, including but not limited to the duty to provide current support, the duty to provide medical support, the duty to pay birth

expenses, the duty to pay a public assistance debt and the duty to pay arrearages.

(h) "Financial institution" means any financial institution as defined in 469A of the federal social security act, 42 U.S.C. § 469A, and amendments thereto.

(i) "Holder" means any person who is or may be in possession or control of any cash asset of the responsible parent.

(j) "IV-D" or "title IV-D" means part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., and amendments thereto, as in effect on May 1, 1997. "IV-D services" means those services the secretary provides pursuant to title IV-D.

(k) "Party" means the secretary, the responsible parent, the custodial parent or the child or any assignee or other successor in interest to any of them.

(l) "Public assistance debt" means the obligation to reimburse public assistance as described in K.S.A. 39-718b or 39-719, and amendments thereto, or in any similar law of this or any other state.

(m) "Responsible parent" means, if a child is receiving or has received IV-D services from the secretary, the mother, father or alleged father of the child.

(n) "Secretary" means the secretary of social and rehabilitation services for children and families or a designee of the secretary.

(o) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian tribe and includes any jurisdiction declared a foreign reciprocating country by the United States secretary of state and any foreign jurisdiction that has established procedures for issuance and enforcement of child support orders which are substantially similar to the procedures of this state. It shall be presumed that a foreign jurisdiction which is the subject of an unrevoked declaration by the attorney general pursuant to K.S.A. 2013 Supp. 23-3601, and amendments thereto, is a state as defined in this subsection.

(p) "Support order" means any order by which a person's duty of support is established, including but not limited to any order modifying a prior support order.

(q) "Tribunal" means any court, administrative agency or quasi-judicial entity authorized to establish, modify or enforce support orders or to determine parentage. With respect to support orders entered in this state, the courts are the tribunals in Kansas.

Sec. 119. K.S.A. 39-7,139 is hereby amended to read as follows: 39-7,139. (a) The powers and remedies provided in this section are cumulative and do not affect any other powers of the secretary or the availability of remedies under other law.

(b) In any case for which the secretary is providing IV-D services, the secretary, subject to de novo court review as provided in subsection (c), may:

- (1) Obtain access to information as authorized by law;
- (2) subpoena records pursuant to K.S.A. 39-7,144, and amendments thereto;
- (3) order genetic tests pursuant to K.S.A. 39-7,145, and amendments thereto;
- (4) order minimum payments to defray arrearages pursuant to K.S.A. 39-7,146, and amendments thereto;
- (5) enforce any duty of support by income withholding pursuant to the income withholding act and K.S.A. 39-7,147 et seq., and amendments thereto;
- (6) enforce any duty of support by administrative levy pursuant to K.S.A. 39-7,150, and amendments thereto;
- (7) perfect any lien against property;

(8) order executions against property pursuant to K.S.A. 60-2401, and amendments thereto; and

(9) change the payee of any support order pursuant to K.S.A. 39-7,151, and amendments thereto.

(c) In any action by the secretary pursuant to subsection (b), an aggrieved person has the right to file a petition with the district court pursuant to chapter 60 of the Kansas Statutes Annotated, and amendments thereto, for de novo court review of such action by the secretary. An aggrieved person shall not be required to first exhaust administrative remedies that may be available to such person. If such person files a petition for de novo review and a request for an administrative hearing has already been docketed, such administrative hearing shall be stayed until the court has reviewed and rendered a decision on such petition. The secretary of social and rehabilitation services for children and families shall be a necessary party to the action. In any action under this subsection, the court may grant relief that would have been available to the parties in an administrative hearing conducted pursuant to K.S.A. 75-3306, and amendments thereto.

(d) In any action by the secretary pursuant to subsection (b), the secretary shall give written notice to the party, clearly and conspicuously, of the right to a de novo court review pursuant to subsection (c).

(e) The secretary may designate employees of the secretary to serve as authorized agents to exercise powers of the secretary in IV-D administrative proceedings. By written contract, the secretary may designate other persons to serve as authorized agents to exercise specific powers of the secretary in IV-D cases.

Sec. 120. K.S.A. 2013 Supp. 39-7,151 is hereby amended to read as follows: 39-7,151. (a) Nothing in this section shall be construed to prevent the secretary from redirecting support payments by filing a notice of assignment pursuant to K.S.A. 39-754, and amendments thereto, or to require the secretary to issue an order to change payee in lieu of filing such a notice of assignment.

(b) If a support order has been entered in any IV-D case, the secretary may enter an order to change the payee. The order may be directed to the clerk of court or any other payer under the support order and shall require payments to be made and disbursed as provided in the order to change payee until further notice. The order to change payee shall be served on the clerk of the court or other payer by only personal service or registered mail, return receipt requested. The secretary shall serve a copy of the order to change payee on the responsible parent and the custodial parent and, if the previous payee is a real party in interest, upon the previous payee by only personal service or registered mail, return receipt requested. An order to change payee may be entered pursuant to this section only if the payer is subject, or may be made subject, to the jurisdiction of the courts of this state. The jurisdiction of the secretary over the payer for purposes of this section shall commence when the payer is served with the order to change payee and shall continue so long as the order to change payee is in effect and has not been superseded.

(c) If an order to change payee is directed to any payer other than the clerk of court, a copy shall also be filed with the tribunal that issued the support order.

(d) If the underlying support order was entered or has been registered in this state, no order to change payee issued by any IV-D agency shall be effective to require any payer, other than a clerk of court, to send payments to any location other than to the clerk of court where the support order was entered or registered, a location specified in

the support order or a location specified by court rule. If the clerk of court receives an order to change payee from anyone other than the secretary and a notice of assignment pursuant to K.S.A. 39-754, and amendments thereto, or a conflicting order to change payee is still in effect, the clerk of court may at any time request an administrative hearing pursuant to K.S.A. 75-3306, and amendments thereto, by complying with procedures established by the secretary.

(e) If the underlying support order was not entered and has not been registered in this state, any person whose interest may be prejudiced by the order to change payee may request: (1) An administrative hearing pursuant to K.S.A. 75-3306, and amendments thereto, by complying with procedures established by the secretary within 10 days after entry of the order being contested; or (2) a de novo court review pursuant to K.S.A. 39-7,139, and amendments thereto. If the order is served on the person by mail, the person's time for requesting review shall be extended by three days.

(f) An order to change payee issued by a IV-D agency in another state shall have the same force and effect in this state, and be subject to the same limitations, as an order to change payee issued by the secretary under this section. Upon request of a IV-D agency in another state, the secretary may enforce such an order to change payee as though it had been issued by the secretary of social and rehabilitation services for children and families. By serving an order to change payee related to a support order entered in this state, such IV-D agency shall be deemed to have consented to the jurisdiction of this state to determine how payments will be directed to maintain accurate payment records and rapid disbursement of support collections.

(g) As used in this section, "clerk of court" includes any district court trustee generally designated to process support payments and includes any disbursement unit or entity that may be established by court rule to process support payments.

(h) In an administrative hearing pursuant to K.S.A. 75-3306, and amendments thereto, the effect of an order to change payee may be stayed only upon request and only if the new payee is a person or entity other than the clerk of the court.

(i) An order issued pursuant to this section whose effect has not been stayed may be enforced pursuant to the civil enforcement provisions of the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto, after the time for compliance with the order has expired.

Sec. 121. K.S.A. 2013 Supp. 39-7,155 is hereby amended to read as follows: 39-7,155. (a) The secretary of revenue shall restrict a person's driving privileges pursuant to K.S.A. 8-255, and amendments thereto, upon request of the secretary of social and rehabilitation services for children and families if the secretary of social and rehabilitation services for children and families certifies, as provided in this section, that the person owes past due support or has failed to comply with a warrant or subpoena in a title IV-D case. The secretary of social and rehabilitation services for children and families shall provide the secretary of revenue identifying information about each person so certified. When this section requires the division to place restrictions on a person's driving privileges, the division shall restrict the person's driving privileges only under the circumstances provided by subsections (a)(1), (a)(2), (a)(3) and (a)(4) of K.S.A. 8-292, and amendments thereto.

(b) A restriction of driving privileges under this section shall continue until the secretary of social and rehabilitation services for children and families decertifies the person and the person meets requirements for receiving a driver's license.

(c) The secretary of social and rehabilitation services for children and families is authorized to certify a person to the secretary of revenue for restriction of the person's driving privileges if:

(1) The person owes past due support in a title IV-D case equal to or greater than \$500 or has failed, after appropriate notice, to comply with an outstanding warrant or subpoena directed to the person in a title IV-D case; and

(2) at least 30 days have elapsed from the date written notice of the proposed certification was mailed to the person and no timely request for review has been made or such review has been resolved in favor of the secretary of social and rehabilitation services for children and families.

(d) The secretary of social and rehabilitation services for children and families shall mail to the person a notice of the proposed certification to restrict driving privileges by certified mail, return receipt requested, addressed to the person at the person's last known address. The notice shall describe the basis of the proposed certification, compliance actions that the person may take to prevent certification, how the person may request a fair hearing pursuant to K.S.A. 75-3306, and amendments thereto, the time frame the person shall meet to prevent certification, how the person may be decertified once certification occurs and how the person may obtain additional information.

(e) If, within the time frame stated in the notice, the person demonstrates to the secretary of social and rehabilitation services for children and families that the person has met applicable requirements of subsection (a) of K.S.A. 2013 Supp. 39-7,156, and amendments thereto, the secretary shall not certify the person under this section so long as the person remains in compliance. Nothing in this subsection shall be construed to prevent the secretary from issuing a new notice of proposed certification if the person ceases to be in compliance, owes past due support equal to or greater than \$500 in a different title IV-D case or fails to comply with a different warrant or subpoena in a title IV-D case.

(f) If a timely request for fair hearing pursuant to K.S.A. 75-3306, and amendments thereto, is made, certification by the secretary of social and rehabilitation services for children and families shall be stayed pending resolution of the fair hearing.

(g) As used in this section, "title IV-D case" means a case being administered by the secretary of social and rehabilitation services for children and families pursuant to part D of title IV of the federal social security act (, 42 U.S.C. § 651 et seq.).

Sec. 122. K.S.A. 2013 Supp. 39-7,156 is hereby amended to read as follows: 39-7,156.(a) A person may prevent certification pursuant to subsection (e) of K.S.A. 2013 Supp. 39-7,155, and amendments thereto, or may request decertification if:

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

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

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

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

(b) The burden of showing that the applicable requirements of subsection (a) have

been met shall be upon the person seeking to prevent certification or to be decertified. If the secretary of social and rehabilitation services for children and families is satisfied that the person has met the necessary requirements and the person has been certified pursuant to K.S.A. 2013 Supp. 39-7,155, and amendments thereto, the secretary shall decertify the person immediately.

Sec. 123. K.S.A. 2013 Supp. 39-7,157 is hereby amended to read as follows: 39-7,157. If a person previously certified pursuant to K.S.A. 2013 Supp. 39-7,155, and amendments thereto, is decertified by the secretary of social and rehabilitation services for children and families, the secretary of revenue shall immediately terminate any proceedings under K.S.A. 2013 Supp. 39-7,155, and amendments thereto, and, if the person's driving privileges have been restricted, may issue a driver's license to the person if the person meets requirements to receive a license. Nothing in this section shall be construed to prevent or stay any proceeding by the secretary of revenue to suspend, revoke or restrict the person's driving privileges on any other grounds.

Sec. 124. K.S.A. 2013 Supp. 39-7,158 is hereby amended to read as follows: 39-7,158. (a) The secretary of social and rehabilitation services for children and families and the secretary of revenue may enter into an agreement for administering the provisions of K.S.A. 2013 Supp. 39-7,155 through 39-7,157, and amendments thereto, including time frames for implementation.

(b) The secretary of social and rehabilitation services for children and families and the secretary of revenue may each adopt rules and regulations necessary to carry out the provisions of K.S.A. 2013 Supp. 39-7,155 through 39-7,157, and amendments thereto.

Sec. 125. K.S.A. 2013 Supp. 39-7,159 is hereby amended to read as follows: 39-7,159. (a) In the state of Kansas, long-term care services, including home and community based services, shall be provided through a comprehensive and coordinated system throughout the state.

(b) The system shall:

(1) Emphasize a delivery concept of self-direction, individual choice, home and community settings and privacy;

(2) ensure transparency, accountability, safety and high quality services;

(3) increase expedited eligibility determination;

(4) provide timely services;

(5) utilize informal services; and

(6) ensure the moneys follow the person into the community.

(c) All persons receiving services pursuant to this section shall be offered the appropriate services which are determined to be in aggregate the most economical available with regard to state general fund expenditures. For those persons moving from a nursing facility to the home and community based services, the nursing facility reimbursement shall follow the person into the community.

(d) The department on aging Kansas department for aging and disability services, the department of social and rehabilitation services Kansas department for children and families and the department of health and environment shall design and implement the system, in consultation with stakeholders and advocates related to long-term care services.

(e) The department on aging Kansas department for aging and disability services and the department of social and rehabilitation services Kansas department for children and families, in consultation with the department of health and environment, shall

submit an annual report on the long-term care system to the governor and the legislature annually, during the first week of the regular session.

Sec. 126. K.S.A. 2013 Supp. 39-924 is hereby amended to read as follows: 39-924. The purpose of this act is the development, establishment, and enforcement of standards: (1) For the care, treatment, health, safety, welfare and comfort of individuals in adult care homes licensed by the secretary of aging for aging and disability services; and (2) for the construction, general hygiene, maintenance and operation of said adult care homes, which, in the light of advancing knowledge, will promote safe and adequate accommodation, care and treatment of such individuals in adult care homes.

Sec. 127. K.S.A. 2013 Supp. 39-926 is hereby amended to read as follows: 39-926. It shall be unlawful for any person or persons acting jointly or severally to operate an adult care home within this state except upon license first had and obtained for that purpose from the secretary of aging for aging and disability services as the licensing agency upon application made therefor as provided in this act, and compliance with the requirements, standards, rules and regulations, promulgated under its provisions.

Sec. 128. K.S.A. 2013 Supp. 39-930 is hereby amended to read as follows: 39-930. (a) The fee for license to operate an adult care home shall be a base amount plus an additional amount for each bed of such home which shall be paid to the secretary of aging for aging and disability services before the license is issued. The fee shall be fixed by rules and regulations of the secretary of aging for aging and disability services. The amount received for the license fee shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the state licensure fee fund, which is hereby created in the state treasury and which shall be administered by the department on aging Kansas department for aging and disability services.

(b) If the evaluation and inspection was made by a county, city-county or multicounty health department at the direction of the secretary of aging for aging and disability services and the papers required are completed and filed with the secretary, then the amount equal to 40% of the fee collected shall be paid to such county, city-county or multicounty health department. If a facility has a change of administrator after the commencement of the licensing period, the fee shall be \$15 and shall be deposited in the state treasury and credited to the state licensure fee fund.

(c) All expenditures from the state licensure 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 aging for aging and disability services or by the secretary's designee.

Sec. 129. K.S.A. 2013 Supp. 39-935 is hereby amended to read as follows: 39-935. (a) Inspections shall be made and reported in writing by the authorized agents and representatives of the licensing agency and state fire marshal, and of the county, city-county and multicounty health departments as often and in the manner and form prescribed by the rules and regulations promulgated under the provisions of this act. Access shall be given to the premises of any adult care home at any time upon presenting adequate identification to carry out the requirements of this section and the provisions and purposes of this act, and failure to provide such access shall constitute grounds for denial or revocation of license. A copy of any inspection reports required by this section shall be furnished to the applicant, except that a copy of the preliminary inspection report signed jointly by a representative of the adult care home and the

inspector shall be left with the applicant when an inspection under this section is completed. This preliminary inspection report shall constitute the final record of deficiencies assessed against the adult care home during the inspection, all deficiencies shall be specifically listed and no additional deficiencies based upon the data developed at that time shall be assessed at a later time. An exit interview shall be conducted in conjunction with the joint signing of the preliminary inspection report.

(b) The authorized agents and representatives of the licensing agency shall conduct at least one unannounced inspection of each adult care home within 15 months of any previous inspection for the purpose of determining whether the adult care home is complying with applicable statutes and rules and regulations relating to the health and safety of the residents of the adult care home. The statewide average interval between inspections shall not exceed 12 months.

(c) Every adult care home shall post in a conspicuous place a notice indicating that the most recent inspection report and related documents may be examined in the office of the administrator of the adult care home. Upon request, every adult care home shall provide to any person a copy of the most recent inspection report and related documents, provided the person requesting such report agrees to pay a reasonable charge to cover copying costs.

(d) Each nursing facility that provides skilled nursing care, nursing facility for mental health that provides skilled nursing care or assisted living facility may establish and maintain a risk management program which shall consist of: (1) A system for investigation and analysis of the frequency and causes of reportable incidents within the facility; (2) measures to minimize the occurrence of reportable incidents and the resulting injuries within the facility; and (3) a reporting system based upon the duty of all health care providers staffing the facility and all agents and employees of the facility directly involved in the delivery of health care services to report reportable incidents to the chief of the medical staff, chief administrative officer or risk manager of the facility. Any reports and records reviewed, obtained or prepared by the department on aging Kansas department for aging and disability services in connection with any reportable incidents referred for investigation under such risk management program, including any reports and records reflecting the results of an inspection or survey under this chapter or in accordance with the regulations, guidelines and procedures issued by the United States secretary of health and human services under Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. § 301, as amended, shall not be admissible in any civil action under the laws of the state of Kansas unless the court determines on the record, following a hearing outside the presence of the jury, that the proffered evidence excerpted from any report, record, inspection or survey is relevant and substantially related to the plaintiff's allegations and otherwise admissible under the rules of evidence set forth in article 4, chapter 60 of the Kansas Statutes Annotated, and amendments thereto. This subsection shall not be construed to limit or impair a person's or entity's discovery of or access to any such report, record, inspection or survey under state or federal law; limit or impair the authority of the department on aging Kansas department for aging and disability services to investigate complaints or reportable incidents under state or federal law; or diminish or expand the department on aging's discovery of or access to quality assessment and assurance committee records under state or federal law.

Sec. 130. K.S.A. 2013 Supp. 39-936 is hereby amended to read as follows: 39-936.

(a) The presence of each resident in an adult care home shall be covered by a statement provided at the time of admission, or prior thereto, setting forth the general responsibilities and services and daily or monthly charges for such responsibilities and services. Each resident shall be provided with a copy of such statement, with a copy going to any individual responsible for payment of such services and the adult care home shall keep a copy of such statement in the resident's file. No such statement shall be construed to relieve any adult care home of any requirement or obligation imposed upon it by law or by any requirement, standard or rule and regulation adopted pursuant thereto.

(b) A qualified person or persons shall be in attendance at all times upon residents receiving accommodation, board, care, training or treatment in adult care homes. The licensing agency may establish necessary standards and rules and regulations prescribing the number, qualifications, training, standards of conduct and integrity for such qualified person or persons attendant upon the residents.

(c) (1) The licensing agency shall require unlicensed employees of an adult care home, except an adult care home licensed for the provision of services to people with intellectual disability which has been granted an exception by the secretary of aging for aging and disability services upon a finding by the licensing agency that an appropriate training program for unlicensed employees is in place for such adult care home, employed on and after the effective date of this act who provide direct, individual care to residents and who do not administer medications to residents and who have not completed a course of education and training relating to resident care and treatment approved by the secretary of health and environment for aging and disability services or are not participating in such a course on the effective date of this act to complete successfully 40 hours of training in basic resident care skills. Any unlicensed person who has not completed 40 hours of training relating to resident care and treatment approved by the secretary of health and environment for aging and disability services shall not provide direct, individual care to residents. The 40 hours of training shall be supervised by a registered professional nurse and the content and administration thereof shall comply with rules and regulations adopted by the secretary of health and environment for aging and disability services. The 40 hours of training may be prepared and administered by an adult care home or by any other qualified person and may be conducted on the premises of the adult care home. The 40 hours of training required in this section shall be a part of any course of education and training required by the secretary of health and environment for aging and disability services under subsection (c)(2). Training for paid nutrition assistants shall consist of at least eight hours of instruction, at a minimum, which meets the requirements of 42 C.F.R. § 483.160.

(2) The licensing agency may require unlicensed employees of an adult care home, except an adult care home licensed for the provision of services to people with intellectual disability which has been granted an exception by the secretary of health and environment for aging and disability services upon a finding by the licensing agency that an appropriate training program for unlicensed employees is in place for such adult care home, who provide direct, individual care to residents and who do not administer medications to residents and who do not meet the definition of paid nutrition assistance assistant under paragraph (a)(27) of K.S.A. 39-923, and amendments thereto, after 90 days of employment to successfully complete an approved course of instruction and an examination relating to resident care and treatment as a condition to continued

employment by an adult care home. A course of instruction may be prepared and administered by any adult care home or by any other qualified person. A course of instruction prepared and administered by an adult care home may be conducted on the premises of the adult care home which prepared and which will administer the course of instruction. The licensing agency shall not require unlicensed employees of an adult care home who provide direct, individual care to residents and who do not administer medications to residents to enroll in any particular approved course of instruction as a condition to the taking of an examination, but the secretary of health and environment for aging and disability services shall prepare guidelines for the preparation and administration of courses of instruction and shall approve or disapprove courses of instruction. Unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications to residents may enroll in any approved course of instruction and upon completion of the approved course of instruction shall be eligible to take an examination. The examination shall be prescribed by the secretary of health and environment for aging and disability services, shall be reasonably related to the duties performed by unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications to residents and shall be the same examination given by the secretary of health and environment for aging and disability services to all unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications.

(3) The secretary of health and environment for aging and disability services shall fix, charge and collect a fee to cover all or any part of the costs of the licensing agency under this subsection (c). The fee shall be fixed by rules and regulations of the secretary of health and environment for aging and disability services. The fee shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(4) The secretary of health and environment for aging and disability services shall establish a state registry containing information about unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications in compliance with the requirements pursuant to PL 100-203, Subtitle C, as amended November 5, 1990.

(5) No adult care home shall use an individual as an unlicensed employee of the adult care home who provides direct, individual care to residents and who does not administer medications unless the facility has inquired of the state registry as to information contained in the registry concerning the individual.

(6) Beginning July 1, 1993, the adult care home must require any unlicensed employee of the adult care home who provides direct, individual care to residents and who does not administer medications and who since passing the examination required under paragraph (2) of this subsection has had a continuous period of 24 consecutive months during none of which the unlicensed employee provided direct, individual care to residents to complete an approved refresher course. The secretary of health and environment for aging and disability services shall prepare guidelines for the preparation and administration of refresher courses and shall approve or disapprove courses.

(d) Any person who has been employed as an unlicensed employee of an adult care

home in another state may be so employed in this state without an examination if the secretary of health and environment for aging and disability services determines that such other state requires training or examination, or both, for such employees at least equal to that required by this state.

(e) All medical care and treatment shall be given under the direction of a physician authorized to practice under the laws of this state and shall be provided promptly as needed.

(f) No adult care home shall require as a condition of admission to or as a condition to continued residence in the adult care home that a person change from a supplier of medication needs of their choice to a supplier of medication selected by the adult care home. Nothing in this subsection (f) shall be construed to abrogate or affect any agreements entered into prior to the effective date of this act between the adult care home and any person seeking admission to or resident of the adult care home.

(g) Except in emergencies as defined by rules and regulations of the licensing agency and except as otherwise authorized under federal law, no resident may be transferred from or discharged from an adult care home involuntarily unless the resident or legal guardian of the resident has been notified in writing at least 30 days in advance of a transfer or discharge of the resident.

(h) No resident who relies in good faith upon spiritual means or prayer for healing shall, if such resident objects thereto, be required to undergo medical care or treatment.

Sec. 131. K.S.A. 2013 Supp. 39-938 is hereby amended to read as follows: 39-938. Adult care homes shall comply with all the lawfully established requirements and rules and regulations of the secretary of aging and disability services and the state fire marshal, and any other agency of government so far as pertinent and applicable to adult care homes, their buildings, operators, staffs, facilities, maintenance, operation, conduct, and the care and treatment of residents. The administrative rules and regulations of the state board of cosmetology and of the Kansas board of barbering shall not apply to adult care homes.

Sec. 132. K.S.A. 2013 Supp. 39-940 is hereby amended to read as follows: 39-940. (a) The secretary of aging for aging and disability services may prescribe and supply necessary forms for applications, reports, records and inspections for adult care homes. All prescribed records shall be open to inspection by the designated agents of the agencies administering this act.

(b) It shall be unlawful to:

(1) Make false entries in such records;

(2) omit any information required or make any false report concerning any adult care home; or

(3) file or cause to be filed such false or incomplete records or reports with the department on aging Kansas department for aging and disability services or with any agency administering this act, knowing that such records or reports are false or incomplete.

Sec. 133. K.S.A. 2013 Supp. 39-944 is hereby amended to read as follows: 39-944. Notwithstanding the existence or pursuit of any other remedy, the secretary of aging for aging and disability services, as the licensing agency, in the manner provided by the Kansas judicial review act, may maintain an action in the name of the state of Kansas for injunction or other process against any person or agency to restrain or prevent the operation of an adult care home without a license under this act.

Sec. 134. K.S.A. 2013 Supp. 39-945 is hereby amended to read as follows: 39-945. A correction order may be issued by the secretary of aging for aging and disability services or the secretary's designee to a person licensed to operate an adult care home whenever the state fire marshal or the marshal's representative or a duly authorized representative of the secretary of aging for aging and disability services inspects or investigates an adult care home and determines that the adult care home is not in compliance with the provisions of article 9 of chapter 39 of the Kansas Statutes Annotated or rules and regulations promulgated thereunder which individually or jointly affects significantly and adversely the health, safety, nutrition or sanitation of the adult care home residents. The correction order shall be served upon the licensee either personally or by certified mail, return receipt requested. The correction order shall be in writing, shall state the specific deficiency, cite the specific statutory provision or rule and regulation alleged to have been violated, and shall specify the time allowed for correction.

Sec. 135. K.S.A. 2013 Supp. 39-946 is hereby amended to read as follows: 39-946. (a) If upon reinspection by the state fire marshal or the marshal's representative or a duly authorized representative of the secretary of aging for aging and disability services, which reinspection shall be conducted within 14 days from the day the correction order is served upon the licensee, it is found that the licensee of the adult care home which was issued a correction order has not corrected the deficiency or deficiencies specified in the order, the secretary of aging for aging and disability services may assess a civil penalty in an amount not to exceed \$500 per day per deficiency against the licensee of an adult care home for each day subsequent to the day following the time allowed for correction of the deficiency as specified in the correction order that the adult care home has not corrected the deficiency or deficiencies listed in the correction order, but the maximum assessment shall not exceed \$2,500. A written notice of assessment shall be served upon the licensee of an adult care home either personally or by certified mail, return receipt requested.

(b) Before the assessment of a civil penalty, the secretary of aging for aging and disability services shall consider the following factors in determining the amount of the civil penalty to be assessed: (1) The severity of the violation; (2) the good faith effort exercised by the adult care home to correct the violation; and (3) the history of compliance of the ownership of the adult care home with the rules and regulations. If the secretary of aging for aging and disability services finds that some or all deficiencies cited in the correction order have also been cited against the adult care home as a result of any inspection or investigation which occurred within 18 months prior to the inspection or investigation which resulted in such correction order, the secretary of aging for aging and disability services may double the civil penalty assessed against the licensee of the adult care home, the maximum not to exceed \$5,000.

(c) All civil penalties assessed shall be due and payable within 10 days after written notice of assessment is served on the licensee, unless a longer period of time is granted by the secretary. If a civil penalty is not paid within the applicable time period, the secretary of aging for aging and disability services may file a certified copy of the notice of assessment with the clerk of the district court in the county where the adult care home is located. The notice of assessment shall be enforced in the same manner as a judgment of the district court.

Sec. 136. K.S.A. 2013 Supp. 39-947 is hereby amended to read as follows: 39-947. Any licensee against whom a civil penalty has been assessed under K.S.A. 39-946, and amendments thereto, may appeal such assessment within 10 days after receiving a written notice of assessment by filing with the secretary of aging for aging and disability services written notice of appeal specifying why such civil penalty should not be assessed. Such appeal shall not operate to stay the payment of the civil penalty. Upon receipt of the notice of appeal, the secretary of aging for aging and disability services shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act. If the secretary of aging for aging and disability services sustains the appeal, any civil penalties collected shall be refunded forthwith to the appellant licensee with interest at the rate established by K.S.A. 16-204, and amendments thereto, from the date of payment of the civil penalties to the secretary of aging for aging and disability services. If the secretary of aging for aging and disability services denies the appeal and no appeal from the secretary is taken to the district court in accordance with the provisions of the Kansas judicial review act, the secretary of aging for aging and disability services shall dispose of any civil penalties collected as provided in K.S.A. 39-949, and amendments thereto.

Sec. 137. K.S.A. 2013 Supp. 39-947a is hereby amended to read as follows: 39-947a. (a) Upon receipt of a statement of deficiencies, an adult care home administrator may within 10 calendar days after receipt of a statement make a written request to the secretary of aging for aging and disability services for informal dispute resolution by an independent review panel. The administrator may make one request for informal dispute resolution per inspection to dispute any deficiencies with which such administrator disagrees. The informal dispute resolution may be based upon the statement of deficiencies and any other materials submitted; however, the department shall provide the administrator with a face to face informal dispute resolution meeting upon request by the administrator.

(b) A written request for informal dispute resolution shall:

- (1) State the specific deficiencies being disputed;
- (2) provide a detailed explanation of the basis for the dispute; and
- (3) include any supporting documentation, including any information that was not available at the time of the inspection.

(c) Upon receipt of the written request provided for in subsection (a), the secretary of aging for aging and disability services shall appoint a panel of three persons to compose the independent review panel. One member shall be an employee from the department on aging Kansas department for aging and disability services adult care home survey unit, provided that the individual did not participate in the survey in dispute. Two members shall be appointed from outside of the survey unit and may be employees of the department on aging Kansas department for aging and disability services, or a health care professional or consumer not employed by the department on aging Kansas department for aging and disability services.

(d) A request for informal dispute resolution shall not delay the timely correction of any deficiency. A facility may not seek a delay of any enforcement action against it on the grounds that the informal dispute resolution has not been completed before the effective date of the enforcement action. Any decision or proposed resolution of the independent review panel shall be advisory to the secretary of aging.

(e) Costs of the panel including traveling expenses and other expenses of the

review shall be paid by the department of aging Kansas department for aging and disability services.

(f) The secretary of aging for aging and disability services shall by rules and regulations implement the provisions of this section.

(g) This act shall be a part of and supplemental to the adult care home licensure act.

Sec. 138. K.S.A. 2013 Supp. 39-948 is hereby amended to read as follows: 39-948.

(a) A licensee may appeal to the district court from a decision of the secretary of aging for aging and disability services under K.S.A. 39-947, and amendments thereto. The appeal shall be tried in accordance with the provisions of the Kansas judicial review act.

(b) An appeal to the district court or to an appellate court shall not stay the payment of the civil penalty. If the court sustains the appeal, the secretary of aging for aging and disability services shall refund forthwith the payment of any civil penalties to the licensee with interest at the rate established by K.S.A. 16-204, and amendments thereto, from the date of payment of the civil penalties to the secretary. If the court denies the appeal, the secretary of aging for aging and disability services shall dispose of any civil penalties collected as provided in K.S.A. 39-949, and amendments thereto.

Sec. 139. K.S.A. 2013 Supp. 39-950 is hereby amended to read as follows: 39-950.

The secretary of aging for aging and disability services may adopt rules and regulations necessary to carry out the provisions of this act.

Sec. 140. K.S.A. 2013 Supp. 39-951 is hereby amended to read as follows: 39-951.

The authority granted to the secretary of aging for aging and disability services under this act is in addition to other statutory authority the secretary of aging for aging and disability services has to require the licensing and operation of adult care homes and is not to be construed to limit any of the powers and duties of the secretary of aging for aging and disability services under article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 141. K.S.A. 2013 Supp. 39-952 is hereby amended to read as follows: 39-952.

The secretary of aging for aging and disability services or the secretary's designee shall not issue a correction order to a person licensed to operate an adult care home because of a violation of a provision of article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, or a rule and regulation adopted thereunder which was caused by any person licensed by the state board of healing arts to practice a branch of the healing arts if such person licensed by the state board of healing arts is not an owner, operator or employee of the adult care home and if the person licensed to operate the adult care home shows that such person has exercised reasonable diligence in notifying the person licensed by the state board of healing arts to practice a branch of the healing arts of such person's duty to the residents of the adult care home.

Sec. 142. K.S.A. 2013 Supp. 39-953a is hereby amended to read as follows: 39-

953a. (a) At any time the secretary of aging for aging and disability services initiates any action concerning an adult care home in which it is alleged that there has been a substantial failure to comply with the requirements, standards or rules and regulations established under the adult care home licensure act, that conditions exist in the adult care home which are life threatening or endangering to the residents of the adult care home, that the adult care home is insolvent, or that the adult care home has deficiencies which significantly and adversely affect the health, safety, nutrition or sanitation of the adult care home residents, the secretary of aging for aging and disability services may issue an order, pursuant to the emergency proceedings provided for under the Kansas

administrative procedure act, prohibiting any new admissions into the adult care home until further determination by the secretary of aging for aging and disability services. This remedy granted to the secretary of aging for aging and disability services is in addition to any other statutory authority the secretary of aging for aging and disability services has relating to the licensure and operation of adult care homes and is not be construed to limit any of the powers and duties of the secretary of aging for aging and disability services under the adult care home licensure act.

(b) This section shall be part of and supplemental to the adult care home licensure act.

Sec. 143. K.S.A. 2013 Supp. 39-954 is hereby amended to read as follows: 39-954.

(a) The secretary of aging for aging and disability services, the owner of an adult care home, or the person licensed to operate an adult care home may file an application with the district court for an order appointing the secretary of aging for aging and disability services or the designee of the secretary as receiver to operate an adult care home whenever: (1) Conditions exist in the adult care home that are life threatening or endangering to the residents of the adult care home; (2) the adult care home is insolvent; or (3) the secretary of aging for aging and disability services has issued an order revoking the license of the adult care home.

(b) The secretary of aging for aging and disability services may adopt rules and regulations setting forth the necessary qualifications of persons to be designated receivers and a method for selecting designees.

Sec. 144. K.S.A. 2013 Supp. 39-958 is hereby amended to read as follows: 39-958.

(a) The application for receivership shall be given priority by the district court and shall be heard no later than the seventh day following the filing of the application. A continuance of no more than 10 days may be granted by the district court for good cause. The district court shall give all parties who have filed an answer the opportunity to present evidence pertaining to the application. If the district court finds that the facts warrant the granting of the application, the court shall appoint the secretary of aging for aging and disability services or the designee of the secretary as receiver to operate the home.

(b) Upon the appointment of a receiver under this section, the receiver shall be granted a license by the licensing agency to operate an adult care home as provided under the provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and acts amending the provisions thereof or acts supplemental amendments thereto. The provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and acts amending the provisions thereof and acts supplemental amendments thereto, relating to inspection prior to granting a license to operate an adult care home and relating to payment of license fees shall not apply to a license granted to a receiver under this section, and such license shall remain in effect during the existence of the receivership and shall expire on the termination of the receivership. The receiver shall make application for the license on forms provided for this purpose by the licensing agency.

Sec. 145. K.S.A. 39-960 is hereby amended to read as follows: 39-960. The secretary of social and rehabilitation for aging and disability services, upon request of a receiver, may authorize expenditures from moneys appropriated for purposes set forth in this act if incoming payments from the operation of the adult care home are less than the cost incurred by the receiver in the performance of the receiver's functions as receiver or for purposes of initial operating expenses of the receivership. Any payments

made by the secretary of social and rehabilitation for aging and disability services pursuant to this section shall be owed by the owner or licensee and repaid to the secretary of social and rehabilitation for aging and disability services when the receivership is terminated pursuant to K.S.A. 39-963, and amendments thereto, and until repaid shall constitute a lien against all non-exempt personal and real property of the owner or licensee.

Sec. 146. K.S.A. 2013 Supp. 39-961 is hereby amended to read as follows: 39-961. (a) The personnel and facilities of the department on aging Kansas department for aging and disability services shall be available to the receiver for the purposes of carrying out the receiver's duties as receiver as authorized by the secretary of aging for aging and disability services.

(b) The department on aging Kansas department for aging and disability services shall itemize and keep a ledger showing costs of personnel and other expenses establishing the receivership and assisting the receiver and such amount shall be owed by the owner or licensee to the department on aging Kansas department for aging and disability services. Such department shall submit a bill for such expenses to the receiver for inclusion in the receiver's final accounting. Any amount so billed and until repaid shall constitute a lien against all nonexempt personal and real property of the owner or licensee.

Sec. 147. K.S.A. 2013 Supp. 39-963 is hereby amended to read as follows: 39-963. (a) The court shall terminate the receivership only under any of the following circumstances:

- (1) Twenty-four months after the date on which the receivership was ordered;
- (2) a new license, other than the license granted to the receiver under K.S.A. 39-958, and amendments thereto, has been granted to operate the adult care home; or
- (3) at such time as all of the residents in the adult care home have been provided alternative modes of health care, either in another adult care home or otherwise.

(b) (1) At the time of termination of the receivership, the receiver shall render a full and complete accounting to the district court and shall make disposition of surplus money at the direction of the district court.

(2) The court may make such additional orders as are appropriate to recover the expenses and costs to the department on aging Kansas department for aging and disability services and the secretary of social and rehabilitation services for children and families incurred pursuant to K.S.A. 39-960 or 39-961, and amendments thereto.

Sec. 148. K.S.A. 2013 Supp. 39-965 is hereby amended to read as follows: 39-965. (a) If the secretary of aging for aging and disability services determines that an adult care home is in violation of or has violated any requirements, standards or rules and regulations established under the adult care home licensure act which violation can reasonably be determined to have resulted in, caused or posed serious physical harm to a resident, the secretary of aging for aging and disability services in accordance with proceedings under the Kansas administrative procedure act, may assess a civil penalty against the licensee of such adult care home in an amount of not to exceed \$1,000 per day per violation for each day the secretary finds that the adult care home was not in compliance with such requirements, standards or rules and regulations but the maximum assessment shall not exceed \$10,000.

(b) All civil penalties assessed shall be due and payable in accordance with subsection (c) of K.S.A. 39-946 and K.S.A. 39-947, and amendments thereto.

(c) The secretary of aging for aging and disability services may adopt rules and regulations which shall include due process procedures for the issuance of civil penalties relating to nursing facilities.

(d) The authority to assess civil penalties granted to the secretary of aging for aging and disability services under this section is in addition to any other statutory authority of the secretary relating to the licensure and operation of adult care homes and is not to be construed to limit any of the powers and duties of the secretary of aging for aging and disability services under the adult care home licensure act.

(e) This section shall be part of and supplemental to the adult care home licensure act.

Sec. 149. K.S.A. 2013 Supp. 39-968 is hereby amended to read as follows: 39-968.

(a) To achieve a quality of life for Kansans with long-term care needs in an environment of choice that maximizes independent living capabilities and recognizes diversity, this act establishes a program which is intended to encourage a wide array of quality, cost-effective and affordable long-term care choices. This program shall be known as client assessment, referral and evaluation (CARE). The purposes of CARE is for data collection and individual assessment and referral to community-based services and appropriate placement in long-term care facilities.

(b) As used in this section:

(1) "Assessment services" means evaluation of an individual's health and functional status to determine the need for long-term care services and to identify appropriate service options which meet these needs utilizing the client assessment, referral and evaluation (CARE) form.

(2) "Health care data governing board" means the board abolished by K.S.A. 65-6803, and amendments thereto.

(3) "Medical care facility" shall have the meaning ascribed to such term under K.S.A. 65-425, and amendments thereto.

(4) "Nursing facility" shall have the meaning ascribed to such term under K.S.A. 39-923, and amendments thereto.

(5) "Secretary" means the secretary of aging for aging and disability services.

(c) There is hereby established the client assessment, referral and evaluation (CARE) program. The CARE program shall be administered by the secretary of aging for aging and disability services and shall be implemented on a phased-in basis in accordance with the provisions of this section.

(d) All rules and regulations adopted by the health care data governing board relating to client assessment, referral and evaluation (CARE) data entry form shall be deemed to be the rules and regulations of the department of health and environment until revised, revoked or nullified pursuant to law. The purpose of this form is for data collection and referral services. Such form shall be concise and questions shall be limited to those necessary to carry out the stated purposes. The client assessment, referral and evaluation (CARE) data entry form shall include, but not be limited to, the preadmission screening and annual resident review (PASARR) questions. Prior to the adoption of the client assessment, referral and evaluation (CARE) data entry form by the health care data governing board, the secretary of aging for aging and disability services shall approve the form. The client assessment, referral and evaluation (CARE) data entry form shall be used by all persons providing assessment services.

(e) (1) Each individual prior to admission to a nursing facility as a resident of the

facility shall receive assessment services to be provided by the secretary of aging for aging and disability services, with the assistance of area agencies on aging, except: (A) Such assessment services shall be provided by a medical care facility to a patient of the medical care facility who is considering becoming a resident of a nursing facility upon discharge from the medical care facility; and (B) as authorized by rules and regulations adopted by the secretary of aging for aging and disability services pursuant to subsection (i).

(2) The provisions of this subsection (e) shall not apply to any individual exempted from preadmission screening and annual resident review under 42 code of federal regulations 483.106.

(f) The secretary of aging for aging and disability services shall cooperate with the area agencies on aging providing assessment services under this section.

(g) The secretary of aging for aging and disability services shall assure that each area agency on aging shall compile comprehensive resource information for use by individuals and agencies related to long-term care resources including all area offices of the department of social and rehabilitation services Kansas department for children and families and local health departments. This information shall include, but not be limited to, resources available to assist persons to choose alternatives to institutional care.

(h) Nursing facilities and medical care facilities shall make available information referenced in subsection (g) to each person seeking admission or upon discharge as appropriate. Any person licensed to practice the healing arts as defined in K.S.A. 65-2802, and amendments thereto, shall make the same resource information available to any person identified as seeking or needing long-term care. Each senior center and each area agency on aging shall make available such information.

(i) The secretary shall adopt rules and regulations to govern such matters as the secretary deems necessary for the administration of this act.

(j) (1) There is hereby established an eleven-member voluntary oversight council which shall meet monthly for the purpose of assisting the secretary of aging for aging and disability services in restructuring the assessment and referral program in a manner consistent with this act and shall meet quarterly thereafter for the purpose of monitoring and advising the secretary regarding the CARE program. The council shall be advisory only, except that the secretary of aging for aging and disability services shall file with the council each six months the secretary's response to council comments or recommendations.

(2) The secretary of aging for aging and disability services shall appoint two representatives of hospitals, two representatives of nursing facilities, two consumers and two representatives of providers of home and community-based services. The secretary of health and environment and the secretary of social and rehabilitation services for children and families, or their designee designees, shall be members of the council in addition to the eight appointed members. The secretary of aging for aging and disability services shall serve as chairperson of the council. The appointive members of the council shall serve at the pleasure of their appointing authority. Members of the voluntary oversight council shall not be paid compensation, subsistence allowances, mileage or other expenses as otherwise may be authorized by law for attending meetings, or subcommittee meetings, of the council.

(k) The secretary of aging for aging and disability services shall report to the governor and to the legislature on or before December 31, 1995, and each year

thereafter on or before such date, an analysis of the information collected under this section. In addition, the secretary of aging for aging and disability services shall provide data from the CARE data forms to the department of health and environment. Such data shall be provided in such a manner so as not to identify individuals.

Sec. 150. K.S.A. 2013 Supp. 39-969 is hereby amended to read as follows: 39-969.

(a) The secretary of health and environment for aging and disability services shall upon request receive from the Kansas bureau of investigation, without charge, such criminal history record information relating to criminal convictions as necessary for the purpose of determining initial and continuing qualifications of an operator.

(b) This section shall be part of and supplemental to the adult care home licensure act.

Sec. 151. K.S.A. 2013 Supp. 39-970 is hereby amended to read as follows: 39-970.

(a) (1) No person shall knowingly operate an adult care home if, in the adult care home, there works any person who has been convicted of or has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2013 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2013 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to subsection (a) of K.S.A. 21-3402, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5403, and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2013 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2013 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2013 Supp. 21-5417, and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5506, and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5506, and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5508, and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5505, and amendments thereto, or aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5505, and amendments thereto, an attempt to commit any of the crimes listed in this subsection (a) (1), pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2013 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2013 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal

government. The provisions of subsection (a)(2)(C) shall not apply to any person who is employed by an adult care home on July 1, 2010, and while continuously employed by the same adult care home.

(2) A person operating an adult care home may employ an applicant who has been convicted of any of the following if five or more years have elapsed since the applicant satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or if five or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer: A felony conviction for a crime which is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, except those crimes listed in subsection (a)(1); (B) articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6419 through 21-6421, and amendments thereto, except those crimes listed in subsection (a)(1) and K.S.A. 21-3605, prior to its repeal, or K.S.A. 2013 Supp. 21-5606, and amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2013 Supp. 21-5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in this subsection (a)(2), pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in subsection (a)(2), pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2013 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in subsection (a)(2), pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2013 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

(b) No person shall operate an adult care home if such person has been found to be in need of a guardian or conservator, or both as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto. The provisions of this subsection shall not apply to a minor found to be in need of a guardian or conservator for reasons other than impairment.

(c) The secretary of health and environment for aging and disability services shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto, concerning persons working in an adult care home. The secretary shall have access to these records for the purpose of determining whether or not the adult care home meets the requirements of this section. The Kansas bureau of investigation may charge to the department of health and environment Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(d) For the purpose of complying with this section, the operator of an adult care

home shall request from the department of health and environment Kansas department for aging and disability services information regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto, and which relates to a person who works in the adult care home, or is being considered for employment by the adult care home, for the purpose of determining whether such person is subject to the provision of this section. For the purpose of complying with this section, the operator of an adult care home shall receive from any employment agency which provides employees to work in the adult care home written certification that such employees are not prohibited from working in the adult care home under this section. For the purpose of complying with this section, information relating to convictions and adjudications by the federal government or to convictions and adjudications in states other than Kansas shall not be required until such time as the secretary of health and environment for aging and disability services determines the search for such information could reasonably be performed and the information obtained within a two-week period. For the purpose of complying with this section, a person who operates an adult care home may hire an applicant for employment on a conditional basis pending the results from the department of health and environment Kansas department for aging and disability services of a request for information under this subsection. No adult care home, the operator or employees of an adult care home or an employment agency, or the operator or employees of an employment agency, shall be liable for civil damages resulting from any decision to employ, to refuse to employ or to discharge from employment any person based on such adult care home's compliance with the provisions of this section if such adult care home or employment agency acts in good faith to comply with this section.

(e) The secretary of health and environment for aging and disability services shall charge each person requesting information under this section a fee equal to cost, not to exceed \$10, for each name about which an information request has been submitted to the department under this section.

(f) (1) The secretary of health and environment for aging and disability services shall provide each operator requesting information under this section with the criminal history record information concerning any criminal history information and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto, in writing and within three working days of receipt of such information from the Kansas bureau of investigation. The criminal history record information shall be provided regardless of whether the information discloses that the subject of the request has been convicted of an offense enumerated in subsection (a).

(2) When an offense enumerated in subsection (a) exists in the criminal history record information, and when further confirmation regarding criminal history record information is required from the appropriate court of jurisdiction or Kansas department of corrections, the secretary shall notify each operator that requests information under this section in writing and within three working days of receipt from the Kansas bureau

of investigation that further confirmation is required. The secretary shall provide to the operator requesting information under this section information in writing and within three working days of receipt of such information from the appropriate court of jurisdiction or Kansas department of corrections regarding confirmation regarding the criminal history record information.

(3) Whenever the criminal history record information reveals that the subject of the request has no criminal history on record, the secretary shall provide notice to each operator requesting information under this section, in writing and within three working days after receipt of such information from the Kansas bureau of investigation.

(4) The secretary of health and environment for aging and disability services shall not provide each operator requesting information under this section with the juvenile criminal history record information which relates to a person subject to a background check as is provided by K.S.A. 2013 Supp. 38-2326, and amendments thereto, except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2013 Supp. 21-5801, and amendments thereto. The secretary shall notify the operator that requested the information, in writing and within three working days of receipt of such information from the Kansas bureau of investigation, whether juvenile criminal history record information received pursuant to this section reveals that the operator would or would not be prohibited by this section from employing the subject of the request for information and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2013 Supp. 21-5801, and amendments thereto.

(5) An operator who receives criminal history record information under this subsection (f) shall keep such information confidential, except that the operator may disclose such information to the person who is the subject of the request for information. A violation of this paragraph (5) shall be an unclassified misdemeanor punishable by a fine of \$100.

(g) No person who works for an adult care home and who is currently licensed or registered by an agency of this state to provide professional services in the state and who provides such services as part of the work which such person performs for the adult care home shall be subject to the provisions of this section.

(h) A person who volunteers in an adult care home shall not be subject to the provisions of this section because of such volunteer activity.

(i) An operator may request from the department of health and environment Kansas department for aging and disability services criminal history information on persons employed under subsections (g) and (h).

(j) No person who has been employed by the same adult care home since July 1, 1992, shall be subject to the provisions of this section while employed by such adult care home.

(k) The operator of an adult care home shall not be required under this section to conduct a background check on an applicant for employment with the adult care home if the applicant has been the subject of a background check under this act within one year prior to the application for employment with the adult care home. The operator of an adult care home where the applicant was the subject of such background check may release a copy of such background check to the operator of an adult care home where the applicant is currently applying.

(l) No person who is in the custody of the secretary of corrections and who

provides services, under direct supervision in nonpatient areas, on the grounds or other areas designated by the superintendent of the Kansas soldiers' home or the Kansas veterans' home shall be subject to the provisions of this section while providing such services.

(m) For purposes of this section, the Kansas bureau of investigation shall report any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto, to the secretary of health and environment for aging and disability services when a background check is requested.

(n) This section shall be part of and supplemental to the adult care home licensure act.

Sec. 152. K.S.A. 2013 Supp. 39-971 is hereby amended to read as follows: 39-971.

(a) Notwithstanding any provision of law to the contrary, and within the limits of appropriations therefor, the secretary of social and rehabilitation services health and environment and the secretary on aging for aging and disability services shall establish a quality enhancement wage pass-through program as part of the state medicaid plan to allow nursing facilities electing to participate in such program a payment option of not to exceed \$4 per resident day designed to increase salaries or benefits, or both, for those employees providing direct care and support services to residents of nursing facilities. The categories of employees eligible to receive the wage pass-through are the following: Nurse aides, medication aides, restorative-rehabilitation aides, licensed mental health technicians, plant operating and maintenance personnel, nonsupervisory dietary personnel, laundry personnel, housekeeping personnel and nonsupervisory activity staff. The program shall establish a pass-through wage payment system designed to reimburse facilities during the reimbursement period in which the pass-through wage payment costs are incurred.

(b) Nursing facilities shall have the option to elect to participate in the quality enhancement wage pass-through program. The wage pass-through moneys are to be paid to nursing facilities outside of cost center limits or occupancy penalties as a pass-through labor cost reimbursement. The pass-through cost shall be included in the cost report base.

(c) The quality enhancement wage pass-through program shall require quarterly wage audits for all nursing facilities participating in the program. The quarterly wage audits will require facilities to submit cost information within 45 days of the end of each quarter reporting on the use of the wage pass-through payment under the quality enhancement wage pass-through program. This quarterly wage audit process shall be used to assure that the wage pass-through payment was used to increase salaries and benefits to direct care and other support staff as specified in this subsection or to hire additional staff that fall into the eligible personnel categories specified in this subsection.

(d) No wage pass-through moneys shall be expended to increase management compensation or facility profits. A nursing facility participating in the quality enhancement wage pass-through program which fails to file quarterly enhancement

audit reports shall be terminated from the program and shall repay all amounts which the nursing facility has received under the quality enhancement wage pass-through program for that reporting period.

(e) All expenditures for the quality enhancement wage pass-through program shall be made only from moneys specifically appropriated therefor.

(f) As used in this section, "nursing facility" means a nursing facility as defined under K.S.A. 39-923, and amendments thereto, or an intermediate care facility for people with intellectual disability as defined under K.S.A. 39-923, and amendments thereto.

Sec. 153. K.S.A. 2013 Supp. 39-1002 is hereby amended to read as follows: 39-1002. The secretary of social and rehabilitation services for children and families hereinafter referred to as the secretary is hereby designated as the official of this state authorized to accept and disburse funds made available to the secretary for grants-in-aid to eligible local community organizations for day care programs for children with intellectual or other disabilities. The secretary is authorized to accept any moneys made available to the state by the federal government or any agency thereof and to accept and account for state appropriations, gifts and donations from any other sources.

Sec. 154. K.S.A. 2013 Supp. 39-1202 is hereby amended to read as follows: 39-1202. The secretary of social and rehabilitation for aging and disability services, hereinafter referred to as the secretary, is hereby designated as the official of this state authorized to accept and disburse funds made available to said secretary for grants in aid to eligible local community organizations for rehabilitation facilities and half-way houses for adults with intellectual and other disabilities. The secretary is authorized to accept any moneys made available to the state by the federal government or any agency thereof, and to accept and account for state appropriations, gifts and donations from any other sources.

Sec. 155. K.S.A. 39-1208 is hereby amended to read as follows: 39-1208. The secretary of social and rehabilitation services for children and families, subject to appropriations made for such purposes by the legislature, is hereby authorized to enter into agreements with and to make grants-in-aid to organizations or institutions engaging in charitable and benevolent activities, with the purpose of developing employment for the physically handicapped persons with physical disabilities in Kansas, including severely handicapped cerebral palsied adults with severe cerebral palsy. Contracts entered into by the secretary of social and rehabilitation services for children and families may provide for the purchase of land, including improved property, construction or alteration of improvements thereon, and the purchase or lease of equipment required for operation of facilities for the use of disabled persons.

Sec. 156. K.S.A. 39-1209 is hereby amended to read as follows: 39-1209. If articles or products are purchased by a local governmental agency or a state agency from an institution or organization approved for a grant-in-aid under this act, the secretary of social and rehabilitation services for children and families may request waiver of competitive bid requirements and in the case of state agencies the director of purchases is authorized to waive such conditions if he determines that it would be in the public interest to negotiate at current supply prices. All such purchases by state agencies shall be made through the division of purchases of the state department of administration.

Sec. 157. K.S.A. 39-1302 is hereby amended to read as follows: 39-1302. The secretary of social and rehabilitation services for children and families, referred to in

this act as secretary, is hereby designated as the official agency of this state authorized to accept and disburse funds made available to the secretary or the commissioner of juvenile justice for grants-in-aid to eligible local community organizations for community based group boarding homes for children and youth or to eligible local community based services for children and youth. The secretary may accept any moneys made available to the state by the federal government or any agency thereof and accept and account for state appropriations, gifts and donations from any other sources.

Sec. 158. K.S.A. 2013 Supp. 39-1402 is hereby amended to read as follows: 39-1402. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, a chief administrative officer of a medical care facility, an adult care home administrator or operator, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a teacher, a bank trust officer and any other officers of financial institutions, a legal representative or a governmental assistance provider who has reasonable cause to believe that a resident is being or has been abused, neglected or exploited, or is in a condition which is the result of such abuse, neglect or exploitation or is in need of protective services, shall report immediately such information or cause a report of such information to be made in any reasonable manner to the department on aging Kansas department for aging and disability services with respect to residents defined under subsection (a)(1) of K.S.A. 39-1401, and amendments thereto, to the department of health and environment with respect to residents defined under subsection (a)(2) of K.S.A. 39-1401, and amendments thereto, and to the department of social and rehabilitation services Kansas department for children and families and appropriate law enforcement agencies with respect to all other residents. Reports made to one department which are required by this subsection to be made to the other department shall be referred by the department to which the report is made to the appropriate department for that report, and any such report shall constitute compliance with this subsection. Reports shall be made during the normal working week days and hours of operation of such departments. Reports shall be made to law enforcement agencies during the time the departments are not open for business. Law enforcement agencies shall submit the report and appropriate information to the appropriate department on the first working day that such department is open for business. A report made pursuant to K.S.A. 65-4923 or 65-4924, and amendments thereto, shall be deemed a report under this section.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the resident, the name and address of the involved resident, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the resident, if known, and any other information which the person making the report believes might be helpful in an investigation of the case and the protection of the resident.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that a resident is being or has been abused, neglected or exploited, or is in a condition which is the result of such abuse, neglect or exploitation or is in need of protective services may report such information to the department on aging Kansas

department for aging and disability services with respect to residents defined under subsection (a)(1) of K.S.A. 39-1401, and amendments thereto, to the department of health and environment with respect to residents defined under subsection (a)(2) of K.S.A. 39-1401, and amendments thereto, and to the department of social and rehabilitation services Kansas department for children and families with respect to all other residents. Reports made to one department which are to be made to the other department under this section shall be referred by the department to which the report is made to the appropriate department for that report.

(d) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult care home and medical care facility in this state.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report to be made shall be guilty of a class B misdemeanor.

Sec. 159. K.S.A. 2013 Supp. 39-1404 is hereby amended to read as follows: 39-1404. (a) The department of health and environment or the department of social and rehabilitation Kansas department for aging and disability services upon receiving a report that a resident is being, or has been, abused, neglected or exploited, or is in a condition which is the result of such abuse, neglect or exploitation or is in need of protective services shall:

(1) When a criminal act has occurred or has appeared to have occurred, immediately notify, in writing, the appropriate law enforcement agency;

(2) make a personal visit with the involved resident:

(A) Within 24 hours when the information from the reporter indicates imminent danger to the health or welfare of the involved resident;

(B) within three working days for all reports of suspected abuse, when the information from the reporter indicates no imminent danger; or

(C) within five working days for all reports of neglect or exploitation when the information from the reporter indicates no imminent danger.

(3) Complete, within 30 working days of receiving a report, a thorough investigation and evaluation to determine the situation relative to the condition of the involved resident and what action and services, if any, are required. The investigation shall include, but not be limited to, consultation with those individuals having knowledge of the facts of the particular case; and

(4) prepare, upon a completion of the evaluation of each case, a written assessment which shall include an analysis of whether there is or has been abuse, neglect or exploitation; recommended action; a determination of whether protective services are needed; and any follow up.

(b) The department which investigates the report shall inform the complainant, upon request of the complainant, that an investigation has been made and, if the allegations of abuse, neglect or exploitation have been substantiated, that corrective measures will be taken if required upon completion of the investigation or sooner if such measures do not jeopardize the investigation.

(c) The department on aging Kansas department for aging and disability services may inform the chief administrative officer of a facility as defined by K.S.A. 39-923, and amendments thereto, within 30 days of confirmed findings of resident abuse, neglect or exploitation.

Sec. 160. K.S.A. 2013 Supp. 39-1405 is hereby amended to read as follows: 39-1405. (a) The secretary of aging for aging and disability services shall forward to the secretary of social and rehabilitation services Kansas department for children and families any finding with respect to residents defined under (a)(1) of K.S.A. 39-1401, and amendments thereto, who may be in need of protective services. The secretary of health and environment shall forward to the secretary of social and rehabilitation services Kansas department for children and families any finding with respect to residents defined under (a)(2) of K.S.A. 39-1401, and amendments thereto, who may be in need of protective services. If the secretary of social and rehabilitation services for children and families determines that a resident is in need of protective services, the secretary of social and rehabilitation services for children and families shall provide the necessary protective services, if a resident consents, or if the resident lacks capacity to consent, the secretary may obtain consent from such resident's legal representative. If a resident or such resident's legal representative, or both, fails to consent and the secretary of social and rehabilitation services for children and families has reason to believe that such a resident lacks capacity to consent, the secretary of social and rehabilitation services for children and families shall determine pursuant to K.S.A. 39-1408, and amendments thereto, whether a petition for appointment of a guardian or conservator, or both, should be filed.

(b) If the caretaker or legal representative, or both, of a resident who has consented to the receipt of reasonable and necessary protective services refuses to allow the provision of such services to such resident, the secretary of social and rehabilitation services for children and families may seek to obtain an injunction enjoining the caretaker or legal representative, or both, from interfering with the provision of protective services to the resident. The petition in such action shall allege specific facts sufficient to show that the resident is in need of protective services and consents to their provision and that the caretaker or legal representative, or both, refuses to allow the provision of such services. If the judge, by clear and convincing evidence, finds that the resident is in need of protective services and has been prevented by the caretaker or legal representative, or both, from receiving such services, the judge shall issue an order enjoining the caretaker or legal representative, or both, from interfering with the provision of protective services to the resident. The court may appoint a new legal representative if the court deems that it is in the best interest of the resident.

Sec. 161. K.S.A. 2013 Supp. 39-1406 is hereby amended to read as follows: 39-1406. Any person, department or agency authorized to carry out the duties enumerated in this act, including investigating law enforcement agencies and the long-term care ombudsman shall have access to all relevant records. The authority of the secretary of social and rehabilitation services for children and families, the secretary of health and environment, and the secretary of aging for aging and disability services under this act shall include, but not be limited to, the right to initiate or otherwise take those actions necessary to assure the health, safety and welfare of any resident, subject to any specific requirement for individual consent of the resident.

Sec.162. K.S.A. 2013 Supp. 39-1407 is hereby amended to read as follows: 39-1407. If a resident does not consent to the receipt of reasonable and necessary protective services, or if such person withdraws the consent, such services shall not be provided or continued, except that if the secretary of social and rehabilitation services for children and families has reason to believe that such resident lacks capacity to consent, the

secretary may seek court authorization to provide necessary services, as provided in K.S.A. 39-1408, and amendments thereto.

Sec. 163. K.S.A. 2013 Supp. 39-1408 is hereby amended to read as follows: 39-1408. (a) If the secretary of social and rehabilitation services for children and families finds that a resident is being or has been abused, neglected or exploited or is in a condition which is the result of such abuse, neglect or exploitation and lacks capacity to consent to reasonable and necessary protective services, the secretary may petition the district court for appointment of a guardian or conservator, or both, for the resident pursuant to the provisions of the act for obtaining a guardian or conservator, or both, in order to obtain such consent.

(b) In any proceeding in district court pursuant to provisions of this act, the district court shall appoint an attorney to represent the resident if the resident is without other legal representation.

Sec. 164. K.S.A. 2013 Supp. 39-1409 is hereby amended to read as follows: 39-1409. In performing the duties set forth in this act, the secretary of social and rehabilitation services for children and families, the secretary of health and environment, the secretary of aging for aging and disability services or an appropriate law enforcement agency may request the assistance of the staffs and resources of all appropriate state departments, agencies and commissions and local health departments and may utilize any other public or private agency, group or individual who is appropriate and who may be available to assist such department or agency in the investigation and determination of whether a resident is being, or has been, abused, neglected or exploited or is in a condition which is a result of such abuse, neglect or exploitation, except that any internal investigation conducted by any caretaker under investigation shall be limited to the least serious category of report as specified by the secretary of health and environment, the secretary of aging for aging and disability services or the secretary of social and rehabilitation services for children and families, as applicable.

Sec. 165. K.S.A. 39-1410 is hereby amended to read as follows: 39-1410. Subsequent to the authorization for the provision of necessary protective services, the secretary of social and rehabilitation services for children and families shall initiate a review of each case within forty-five (45) 45 days, to determine whether continuation of, or modification in, the services provided is warranted. A decision to continue the provision of such services should be made in concert with appropriate personnel from other involved state and local groups, agencies and departments, and shall comply with the consent provisions of this act. Reevaluations of such case shall be made not less than every six months thereafter.

Sec. 166. K.S.A. 2013 Supp. 39-1411 is hereby amended to read as follows: 39-1411. (a) The secretary of aging for aging and disability services shall maintain a register of the reports received and investigated by the department on aging Kansas department for aging and disability services under K.S.A. 39-1402 and 39-1403, and amendments to such sections thereto, and the findings, evaluations and actions recommended by the department on aging Kansas department for aging and disability services with respect to such reports. The secretary of health and environment shall maintain a register of the reports received and investigated by the department of health and environment under K.S.A. 39-1402 and 39-1403, and amendments thereto, and the findings, evaluations and actions recommended by the department of health and

environment with respect to such reports. The findings, evaluations and actions shall be subject to the Kansas administrative procedure act and any requirements of state or federal law relating thereto except that the secretary shall not be required to conduct a hearing in cases forwarded to the appropriate state authority under subsection (b). The register shall be available for inspection by personnel of the department of health and environment or the department on aging Kansas department for aging and disability services as specified by the secretary of health and environment or the secretary of aging for aging and disability services and to such other persons as may be required by federal law and designated by the secretary of health and environment or the secretary of aging for aging and disability services by rules and regulations. Information from the register shall be provided as specified in K.S.A. 65-6205, and amendments thereto.

(b) The secretary of aging for aging and disability services shall forward any finding of abuse, neglect or exploitation alleged to be committed by a provider of services licensed, registered or otherwise authorized to provide services in this state to the appropriate state authority which regulates such provider. The secretary of health and environment shall forward any finding of abuse, neglect or exploitation alleged to be committed by a provider of services licensed, registered or otherwise authorized to provide services in this state to the appropriate state authority which regulates such provider. The appropriate state regulatory authority, after notice to the alleged perpetrator and a hearing on such matter if requested by the alleged perpetrator, may consider the finding in any disciplinary action taken with respect to the provider of services under the jurisdiction of such authority. The secretary of aging for aging and disability services may consider the finding of abuse, neglect or exploitation in any licensing action taken with respect to any adult care home or medical care facility under the jurisdiction of the secretary of aging for aging and disability services. The secretary of health and environment may consider the finding of abuse, neglect or exploitation in any licensing action taken with respect to any medical care facility under the jurisdiction of the secretary of health and environment.

(c) If the investigation of the department of health and environment or the department on aging Kansas department for aging and disability services indicates reason to believe that the resident is in need of protective services, that finding and all information relating to that finding shall be forwarded by the secretary of health and environment or the secretary of aging for aging and disability services to the secretary of social and rehabilitation services for children and families.

(d) Except as otherwise provided in this section, the report received by the department of health and environment or the department on aging Kansas department for aging and disability services and the written findings, evaluations and actions recommended shall be confidential and shall not be subject to the open records act. Except as otherwise provided in this section, the name of the person making the original report to the department of health and environment or the department on aging Kansas department for aging and disability services or any person mentioned in such report shall not be disclosed unless such person specifically requests or agrees in writing to such disclosure or unless a judicial or administrative proceeding results therefrom. In the event that an administrative or judicial action arises, no use of the information shall be made until the judge or presiding officer makes a specific finding, in writing, after a hearing, that under all the circumstances the need for the information outweighs the need for confidentiality. Except as otherwise provided in this section, no information

contained in the register shall be made available to the public in such a manner as to identify individuals.

Sec. 167. K.S.A. 2013 Supp. 39-1430 is hereby amended to read as follows: 39-1430. As used in this act:

(a) "Adult" means an individual 18 years of age or older alleged to be unable to protect their own interest and who is harmed or threatened with harm, whether financial, mental or physical in nature, through action or inaction by either another individual or through their own action or inaction when: (1) Such person is residing in such person's own home, the home of a family member or the home of a friend;; (2) such person resides in an adult family home as defined in K.S.A. 39-1501, and amendments thereto,; or (3) such person is receiving services through a provider of community services and affiliates thereof operated or funded by the department of social and rehabilitation services or the department on aging Kansas department for children and families or the Kansas department for aging and disability services or a residential facility licensed pursuant to K.S.A. 75-3307b, and amendments thereto. Such term shall not include persons to whom K.S.A. 39-1401 et seq., and amendments thereto, apply.

(b) "Abuse" means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to an adult, including:

(1) Infliction of physical or mental injury;

(2) any sexual act with an adult when the adult does not consent or when the other person knows or should know that the adult is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;

(3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm an adult;

(4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the adult;

(5) a threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult;

(6) fiduciary abuse; or

(7) omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness.

(c) "Neglect" means the failure or omission by one's self, caretaker or another person with a duty to supply or provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

(d) "Exploitation" means misappropriation of an adult's property or intentionally taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.

(e) "Fiduciary abuse" means a situation in which any person who is the caretaker of, or who stands in a position of trust to, an adult, takes, secretes, or appropriates their money or property, to any use or purpose not in the due and lawful execution of such

person's trust or benefit.

(f) "In need of protective services" means that an adult is unable to provide for or obtain services which are necessary to maintain physical or mental health or both.

(g) "Services which are necessary to maintain physical or mental health or both" include, but are not limited to, the provision of medical care for physical and mental health needs, the relocation of an adult to a facility or institution able to offer such care, assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, protection from health and safety hazards, protection from maltreatment the result of which includes, but is not limited to, malnutrition, deprivation of necessities or physical punishment and transportation necessary to secure any of the above stated needs, except that this term shall not include taking such person into custody without consent except as provided in this act.

(h) "Protective services" means services provided by the state or other governmental agency or by private organizations or individuals which are necessary to prevent abuse, neglect or exploitation. Such protective services shall include, but shall not be limited to, evaluation of the need for services, assistance in obtaining appropriate social services, and assistance in securing medical and legal services.

(i) "Caretaker" means a person who has assumed the responsibility, whether legally or not, for an adult's care or financial management or both.

(j) "Secretary" means the secretary of social and rehabilitation services for the Kansas department for children and families.

(k) "Report" means a description or accounting of an incident or incidents of abuse, neglect or exploitation under this act and for the purposes of this act shall not include any written assessment or findings.

(l) "Law enforcement" means the public office which is vested by law with the duty to maintain public order, make arrests for crimes, investigate criminal acts and file criminal charges, whether that duty extends to all crimes or is limited to specific crimes.

(m) "Involved adult" means the adult who is the subject of a report of abuse, neglect or exploitation under this act.

(n) "Legal representative," "financial institution" and "governmental assistance provider" shall have the meanings ascribed thereto in K.S.A. 39-1401, and amendments thereto.

No person shall be considered to be abused, neglected or exploited or in need of protective services for the sole reason that such person relies upon spiritual means through prayer alone for treatment in accordance with the tenets and practices of a recognized church or religious denomination in lieu of medical treatment.

Sec. 168. K.S.A. 2013 Supp. 39-1431 is hereby amended to read as follows: 39-1431. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, the chief administrative officer of a medical care facility, a teacher, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed dentist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a law enforcement officer, a case manager, a rehabilitation counselor, a bank trust officer or any other officers of financial institutions, a legal representative, a governmental assistance provider, an owner or operator of a residential care facility, an independent living counselor and the

chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the department of social and rehabilitation services Kansas department for aging and disability services or licensed under K.S.A. 75-3307b, and amendments thereto, who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report, immediately from receipt of the information, such information or cause a report of such information to be made in any reasonable manner. An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection. Other state agencies receiving reports that are to be referred to the department of social and rehabilitation services Kansas department for children and families and the appropriate law enforcement agency, shall submit the report to the department and agency within six hours, during normal work days, of receiving the information. Reports shall be made to the department of social and rehabilitation services Kansas department for children and families during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time social and rehabilitation services are the Kansas department for children and families is not in operation. Law enforcement shall submit the report and appropriate information to the department of social and rehabilitation services Kansas department for children and families on the first working day that social and rehabilitation services the Kansas department for children and families is in operation after receipt of such information.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the involved adult, if known, and any other information which the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that an adult is being or has been abused, neglected or exploited or is in need of protective services may report such information to the department of social and rehabilitation services Kansas department for children and families. Reports shall be made to law enforcement agencies during the time social and rehabilitation services are the Kansas department for children and families is not in operation.

(d) A person making a report under subsection (a) shall not be required to make a report under K.S.A. 39-1401 to 39-1410, inclusive, and amendments thereto.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor.

(f) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult family home as defined in K.S.A. 39-1501, and amendments thereto, and every provider of community services and affiliates thereof operated or funded by the department of social and rehabilitation Kansas department for aging and disability services or other facility licensed under K.S.A. 75-3307b, and amendments thereto, and other institutions included in subsection (a).

Sec. 169. K.S.A. 2013 Supp. 39-1432 is hereby amended to read as follows: 39-

1432. (a) Anyone participating in the making of any report pursuant to this act, or in any follow-up activity to the report, including providing records upon request of the department of social and rehabilitation services Kansas department for children and families, or investigation of such report or who testifies in any administrative or judicial proceeding arising from such report shall not be subject to any civil liability on account of such report, investigation or testimony, unless such person acted in bad faith or with malicious purpose.

(b) No employer shall terminate the employment of, prevent or impair the practice or occupation of or impose any other sanction on any employee solely for the reason that such employee made or caused to be made a report, or cooperated with an investigation, under this act. A court, in addition to other damages and remedies, may assess reasonable attorney fees against an employer who has been found to have violated the provisions of this subsection.

Sec. 170. K.S.A. 2013 Supp. 39-1433 is hereby amended to read as follows: 39-1433. (a) The department of social and rehabilitation services Kansas department for children and families upon receiving a report that an adult is being, or has been abused, neglected, or exploited or is in need of protective services, shall:

(1) When a criminal act has occurred or has appeared to have occurred, immediately notify, in writing, the appropriate law enforcement agency;

(2) make a personal visit with the involved adult:

(A) Within 24 hours when the information from the reporter indicates imminent danger to the health or welfare of the involved adult;

(B) within three working days for all reports of suspected abuse, when the information from the reporter indicates no imminent danger;

(C) within five working days for all reports of neglect or exploitation when the information from the reporter indicates no imminent danger.

(3) Complete, within 30 working days of receiving a report, a thorough investigation and evaluation to determine the situation relative to the condition of the involved adult and what action and services, if any, are required. The evaluation shall include, but not be limited to, consultation with those individuals having knowledge of the facts of the particular case. If conducting the investigation within 30 working days would interfere with an ongoing criminal investigation, the time period for the investigation shall be extended, but the investigation and evaluation shall be completed within 90 working days. If a finding is made prior to the conclusion of the criminal investigation, the investigation and evaluation may be reopened and a new finding made based on any additional evidence provided as a result of the criminal investigation. If the alleged perpetrator is licensed, registered or otherwise regulated by a state agency, such state agency also shall be notified upon completion of the investigation or sooner if such notification does not compromise the investigation.

(4) Prepare, upon completion of the investigation of each case, a written assessment which shall include an analysis of whether there is or has been abuse, neglect or exploitation, recommended action, a determination of whether protective services are needed, and any follow-up.

(b) The secretary of social and rehabilitation services for children and families shall forward any finding of abuse, neglect or exploitation alleged to have been committed by a provider of services licensed, registered or otherwise authorized to provide services in this state to the appropriate state authority which regulates such provider. The

appropriate state regulatory authority may consider the finding in any disciplinary action taken with respect to the provider of services under the jurisdiction of such authority.

(c) The department of social and rehabilitation services Kansas department for children and families shall inform the complainant, upon request of the complainant, that an investigation has been made and if the allegations of abuse, neglect or exploitation have been substantiated, that corrective measures will be taken, upon completion of the investigation or sooner, if such measures do not jeopardize the investigation.

(d) The department of social and rehabilitation services Kansas department for children and families may inform the chief administrative officer of community facilities licensed pursuant to K.S.A. 75-3307b, and amendments thereto, of confirmed findings of resident abuse, neglect or exploitation.

Sec. 171. K.S.A. 39-1434 is hereby amended to read as follows: 39-1434. (a) The secretary of social and rehabilitation services for children and families shall maintain a statewide register of the reports, assessments received and the analyses, evaluations and the actions recommended. The register shall be available for inspection by personnel of the department of social and rehabilitation services Kansas department for children and families and as provided in K.S.A. 2000 Supp. 65-6205, and amendments thereto.

(b) Neither the report, assessment or the written evaluation analysis shall be deemed a public record or be subject to the provisions of the open records act. The name of the person making the original report or any person mentioned in such report shall not be disclosed unless the person making the original report specifically requests or agrees in writing to such disclosure or unless a judicial proceeding results therefrom. No information contained in the statewide register shall be made available to the public in such a manner as to identify individuals.

Sec. 172. K.S.A. 39-1435 is hereby amended to read as follows: 39-1435. In performing the duties set forth in this act, the secretary of social and rehabilitation services for children and families may request the assistance of all state departments, agencies and commissions and may utilize any other public or private agencies, groups or individuals who are appropriate and who may be available. Law enforcement shall be contacted to assist the department of social and rehabilitation services Kansas department for children and families when the information received on the report indicates that an adult, residing in such adult's own home or the home of another individual, an adult family home, a community development disabilities facility or residential facility is in a life threatening situation.

Sec. 173. K.S.A. 2013 Supp. 39-1436 is hereby amended to read as follows: 39-1436. (a) As provided in this section, any person or agency which maintains records relating to the involved adult which are relevant to any investigation conducted by the department of social and rehabilitation services Kansas department for children and families or a law enforcement agency under this act shall provide the department of social and rehabilitation services Kansas department for children and families or a law enforcement agency with the necessary records to assist in investigations. In order to provide such records, the person or agency maintaining the records shall receive from the department of social and rehabilitation services Kansas department for children and families:

- (1) A written request for information;

(2) a written notice that an investigation is being conducted by the department; and
(3) certification or confirmation that the department has sent written notice to the involved adult or the involved adult's guardian. Any such information shall be subject to the confidentiality requirements of K.S.A. 39-1434, and amendments thereto.

(b) The department of social and rehabilitation services Kansas department for children and families or a law enforcement agency shall have access to all relevant records in accordance with the provisions of subsection (a).

Sec. 174. K.S.A. 2013 Supp. 39-1443 is hereby amended to read as follows: 39-1443. (a) *Investigation of adult abuse.* The state department of social and rehabilitation services Kansas department for children and families and law enforcement officers shall have the duty to receive and investigate reports of adult abuse, neglect, exploitation or fiduciary abuse for the purpose of determining whether the report is valid and whether action is required to protect the adult from further abuse or neglect. If the department and such officers determine that no action is necessary to protect the adult but that a criminal prosecution should be considered, the department and such law enforcement officers shall make a report of the case to the appropriate law enforcement agency.

(b) *Joint investigations.* When a report of adult neglect, adult abuse, exploitation or fiduciary abuse indicates: (1) That there is serious physical injury to or serious deterioration or sexual abuse or exploitation of the adult; and (2) that action may be required to protect the adult, the investigation may be conducted as a joint effort between the department of social and rehabilitation services Kansas department for children and families and the appropriate law enforcement agency or agencies, with a free exchange of information between such agencies. Upon completion of the investigation by the law enforcement agency, a full report shall be provided to the department of social and rehabilitation services Kansas department for children and families.

(c) *Coordination of investigations by county or district attorney.* If a dispute develops between agencies investigating a reported case of adult abuse, neglect, exploitation or fiduciary abuse, the appropriate county or district attorney shall take charge of, direct and coordinate the investigation.

(d) *Investigations concerning certain facilities.* Any investigation by a law enforcement agency involving a facility subject to licensing or regulation by the secretary of health and environment shall be reported promptly to the state secretary of health and environment, upon conclusion of the investigation or sooner if such report does not compromise the investigation.

(e) *Cooperation between agencies.* Law enforcement agencies and the department of social and rehabilitation services Kansas department for children and families shall assist each other in taking action which is necessary to protect the adult regardless of which party conducted the initial investigation.

Sec. 175. K.S.A. 39-1501 is hereby amended to read as follows: 39-1501. As used in this act:

(a) "Adult family home" means a private residence in which care is provided for not less than 24 hours in any week for one or two adult clients who: (1) Are not related within the third degree of relationship to the owner or provider by blood or marriage; and (2) by reason of aging, illness, disease or physical or mental infirmity are unable to live independently but are essentially capable of managing their own care and affairs. The home does not furnish skilled nursing care, supervised nursing care or personal

care. Adult family home does not mean adult care home.

(b) "Skilled nursing care," "supervised nursing care" and "personal care" have the meanings respectively ascribed thereto in K.S.A. 39-923, and amendments thereto.

(c) "Physician" means any person licensed by the state board of healing arts to practice medicine and surgery.

(d) "Secretary" means the secretary of social and rehabilitation for aging and disability services.

Sec. 176. K.S.A. 39-1602 is hereby amended to read as follows: 39-1602. As used in K.S.A. 39-1601 through 39-1612, and amendments thereto:

(a) "Targeted population" means the population group designated by rules and regulations of the secretary as most in need of mental health services which are funded, in whole or in part, by state or other public funding sources, which group shall include adults with severe and persistent mental illness, severely emotionally disturbed children and adolescents, and other individuals at risk of requiring institutional care.

(b) "Community based mental health services" includes, but is not limited to, evaluation and diagnosis, case management services, mental health inpatient and outpatient services, prescription and management of psychotropic medication, prevention, education, consultation, treatment and rehabilitation services, twenty-four-hour emergency services, and any facilities required therefor, which are provided within one or more local communities in order to provide a continuum of care and support services to enable mentally ill persons, including targeted population members, to function outside of inpatient institutions to the extent of their capabilities. Community based mental health services also include assistance in securing employment services, housing services, medical and dental care, and other support services.

(c) "Mental health center" means any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto, or mental health clinic organized pursuant to the provisions of K.S.A. 65-211 to 65-215, inclusive, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto.

(d) "Secretary" means the secretary of social and rehabilitation for aging and disability services.

(e) "Department" means the department of social and rehabilitation Kansas department for aging and disability services.

(f) "State psychiatric hospital" means Osawatomie state hospital, Rainbow mental health facility, Topeka state hospital or Larned state hospital.

(g) "Mental health reform phased program" means the program in three phases for the implementation of mental health reform in Kansas as follows:

(1) The first phase covers the counties in the Osawatomie state hospital catchment area and is to commence on July 1, 1990, and is to be completed by June 30, 1994;

(2) the second phase covers the counties in the Topeka state hospital catchment area and is to commence on July 1, 1992, and is to be completed by June 30, 1996; and

(3) the third phase covers the counties in the Larned state hospital catchment area and is to commence on July 1, 1993, and is to be completed by June 30, 1997.

(h) "Screening" means the process performed by a participating community mental health center, pursuant to a contract entered into with the secretary under K.S.A. 39-1610, and amendments thereto, to determine whether a person, under either voluntary or involuntary procedures, can be evaluated or treated, or can be both evaluated and

treated, in the community or should be referred to the appropriate state psychiatric hospital for such treatment or evaluation or for both treatment and evaluation.

(i) "Osawatomie state hospital catchment area" means, except as otherwise defined by rules and regulations of the secretary adopted pursuant to K.S.A. 39-1613, and amendments thereto, the area composed of the following counties: Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Coffey, Cowley, Crawford, Doniphan, Douglas, Elk, Franklin, Geary, Greenwood, Jackson, Jefferson, Jewell, Johnson, Labette, Leavenworth, Linn, Lyon, Marshall, Miami, Mitchell, Montgomery, Morris, Nemaha, Neosho, Osage, Pottawatomie, Republic, Riley, Sedgwick, Shawnee, Wabaunsee, Washington, Wilson, Woodson and Wyandotte.

(j) "Topeka state hospital catchment area" means, except as otherwise defined by rules and regulations of the secretary adopted pursuant to K.S.A. 39-1613 and amendments thereto, the area composed of the following counties: Brown, Chase, Clay, Cloud, Coffey, Dickinson, Doniphan, Douglas, Ellsworth, Geary, Greenwood, Harvey, Jackson, Jewell, Lincoln, Lyon, Marion, Marshall, McPherson, Mitchell, Morris, Nemaha, Osage, Ottawa, Pottawatomie, Republic, Riley, Saline, Sedgwick, Shawnee, Wabaunsee and Washington.

(k) "Larned state hospital catchment area" means, except as otherwise defined by rules and regulations of the secretary adopted pursuant to K.S.A. 39-1613, and amendments thereto, the area composed of the following counties: Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Dickinson, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Haskell, Hodgeman, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Marion, McPherson, Meade, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Reno, Rice, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wallace and Wichita.

(l) (k) "Catchment area" means the Osawatomie state hospital catchment area, the Topeka state hospital catchment area or the Larned state hospital catchment area.

(m) (l) "Participating mental health center" means a mental health center which has entered into a contract with the secretary of social and rehabilitation for aging and disability services to provide screening, treatment and evaluation, court ordered evaluation and other treatment services pursuant to the care and treatment act for mentally ill persons, in keeping with the phased concept of the mental health reform act.

Sec. 177. K.S.A. 39-1603 is hereby amended to read as follows: 39-1603. In addition to powers and duties otherwise provided by law, the secretary shall have the following powers and duties:

(a) To function as the sole state agency to develop a comprehensive plan to meet the needs of persons who have mental illness;

(b) to evaluate and coordinate all programs, services and facilities for persons who have mental illness presently provided by agencies receiving state and federal funds and to make appropriate recommendations regarding such services, programs and facilities to the governor and the legislature;

(c) to evaluate all programs, services and facilities within the state for persons who have mental illness and determine the extent to which present public or private programs, services and facilities meet the needs of such persons;

(d) to solicit, accept, hold and administer on behalf of the state any grants, devises or bequests of money, securities or property to the state of Kansas for services to

persons who have mental illness or purposes related thereto;

(e) to provide consultation and assistance to communities and groups developing local and area services for persons who have mental illness;

(f) to assist in the provision of services for persons who are mentally ill in local communities whenever possible, with primary control and responsibility for the provision of services with mental health centers, and to assure that such services are provided in the least restrictive environment;

(g) to adopt rules and regulations for targeted population members which provide that, within the limits of appropriations therefor, no person shall be inappropriately denied necessary mental health services from any mental health center or state psychiatric hospital and that each targeted population member shall be provided such services in the least restrictive manner;

(h) to establish and implement policies and procedures within the programs and activities of the department of social and rehabilitation Kansas department for aging and disability services so that funds from the state shall follow persons who are mentally ill from state facilities into community programs;

(i) to provide the least restrictive treatment and most appropriate community based care as well as rehabilitation for Kansas residents who are mentally ill persons through coordinated utilization of the existing network of mental health centers and state psychiatric hospitals;

(j) to establish standards for the provision of community support services and for other community based mental health services provided by mental health centers in consultation with representatives of mental health centers, consumers of mental health services and family members of consumers of mental health services;

(k) to assure the establishment of specialized programs within each mental health center throughout the state in order to provide appropriate care for designated targeted population members;

(l) to establish service requirements for programs within mental health centers which will ensure that targeted population members receive the most effective community treatment possible;

(m) to ensure the development and continuation of high quality community based mental health services, including programs for targeted population members, in each mental health center service delivery area through the provision of technical assistance, consultation and funding;

(n) to establish standards for the provision of community based mental health programs through community programs in consultation with representatives of mental health centers, private and public service providers, families and consumer advocates;

(o) to monitor the establishment and the continuing operation of all state funded community based mental health services to ensure that programs providing these services comply with established standards;

(p) to review and approve the annual coordinated services plan of each mental health center during each fiscal year ending after June 30, 1991, and to withhold state funds from any mental health center which is not being administered substantially in accordance with the provisions of the annual coordinated services plan and budget submitted to the secretary by the mental health center;

(q) to establish state policies for the disbursement of federal funds within the state and for state administration of federal programs providing services or other assistance

to persons who have mental illness consistent with relevant federal law, rules and regulations, policies and procedures;

(r) to adopt rules and regulations to ensure the protection of persons receiving mental health services, which shall include an appeal procedure at the state and local levels;

(s) to establish procedures and systems to evaluate the results and outcomes pursuant to K.S.A. 39-1610, and amendments thereto, and as otherwise provided for under this act; and

(t) to adopt such rules and regulations as may be necessary to administer the provisions of K.S.A. 39-1601 through 39-1612, and amendments thereto, which are consistent with appropriations available for the administration of such provisions.

Sec. 178. K.S.A. 39-1604 is hereby amended to read as follows: 39-1604. (a) On or before October 1, 1991, and in accordance with rules and regulations adopted under K.S.A. 39-1603, and amendments thereto, the secretary shall develop and adopt a state assessment of needs and a plan to develop and operate a state system to provide mental health services for persons who are residents of Kansas, including all targeted population members designated by rules and regulations adopted by the secretary. The plan for the state system shall include coordinating and assisting in the provision of community based mental health services in the service delivery areas of mental health centers, including the services provided by state psychiatric hospitals and the provision of state financial assistance. On or before March 1, 1992, the secretary shall adopt a state plan for an integrated system to coordinate and assist in the provision of community based mental health services within Kansas. The assessment of needs and plan for the state shall be reviewed and updated by the secretary on an annual basis.

(b) The secretary shall assist and coordinate the development by each mental health center of a community assessment of needs and a plan for the community system to provide community based mental health services for persons who reside in the service delivery area of the mental health center, including all targeted population members. The secretary shall review and approve, or return, with recommendations for revision and resubmittal, all such assessments of needs and plans in accordance with criteria prescribed by rules and regulations adopted under K.S.A. 39-1603, and amendments thereto. If necessary services for a service delivery area cannot be provided by the mental health center or in order to ensure that a continuum of services will be provided in a service delivery area, the secretary may require the provision of services for a service delivery area through contracts between two or more mental health centers.

(c) Each mental health center shall annually review and update such assessment of needs and plan for the service delivery area. If the assessment of needs or the plan for the community system to provide community based mental health services are not in compliance with the criteria prescribed by rules and regulations under K.S.A. 39-1603, and amendments thereto, the secretary shall withhold all or part of the state financial assistance provided to the mental health center.

(d) On or before October 1, 1991, and annually on or before such date thereafter, each mental health center shall submit a coordinated services plan addressing the service needs of the targeted population to the secretary of social and rehabilitation for aging and disability services for review and approval. The annual coordinated services plan shall be developed according to the standards established by rules and regulations adopted by the secretary of social and rehabilitation for aging and disability services.

Sec. 179. K.S.A. 39-1612 is hereby amended to read as follows: 39-1612. Nothing in the mental health reform act shall authorize the secretary or the department of social and rehabilitation Kansas department for aging and disability services to require that mental health centers make expenditures other than expenditures approved for the mental health center by the governing board of the center.

Sec. 180. K.S.A. 39-1613 is hereby amended to read as follows: 39-1613. (a) The secretary of social and rehabilitation for aging and disability services is hereby authorized to adopt rules and regulations to define and redefine the Osawatomie state hospital catchment area, Topeka state hospital catchment area and Larned state hospital catchment area as may be necessary in the opinion of the secretary of social and rehabilitation for aging and disability services to accommodate shifts in populations in need of mental health services within available community mental health facility and state institution capacities and resources and in accordance with the following:

(1) Each such catchment area shall be defined by contiguous counties that are designated by name;

(2) no county shall be included in more than one such catchment area;

(3) each county shall be included in the Osawatomie state hospital catchment area, Topeka state hospital catchment area or Larned state hospital catchment area; and

(4) No designated community mental health center shall be included in more than one such catchment area.

(b) Each rule and regulation adopted, amended or revived under this section shall be published in its entirety in the Kansas register in the first issue published after such adoption, amendment or revival.

Sec. 181. K.S.A. 39-1703 is hereby amended to read as follows: 39-1703. There is hereby established a system of regional interagency councils to coordinate or assure delivery of services for children and adolescents who require multiple levels and kinds of specialized services which are beyond the capability of one agency. The secretary of social and rehabilitation for aging and disability services shall adopt rules and regulations to implement the provisions of this act.

Sec. 182. K.S.A. 39-1704 is hereby amended to read as follows: 39-1704. (a) Subject to the provisions of subsection (b), the director, or an appointed designee of the director, of each area office of the department of social and rehabilitation services Kansas department for children and families shall convene a regional interagency council to coordinate or assure delivery of services at such area office to children and adolescents who require multiple levels and kinds of specialized services which are beyond the capability of one agency. The director, or the appointed designee of the director, shall serve as chairperson of the council convened by such director or designee.

(b) In those areas where the secretary of social and rehabilitation services for children and families determines that councils or committees already exist for the purpose of enhancing interagency cooperation and collaboration of service delivery, a regional interagency council as described in subsection (a) need not be convened.

(c) Each regional interagency council shall consist of: (1) Authorized decision makers who are representative of agencies; (2) parents; (3) community business representatives; and (4) such other persons as directors of area offices of the department of social and rehabilitation services Kansas department for children and families may determine.

(d) Each regional interagency council shall establish its own internal procedures and shall meet as often as needed to:

(1) Review all cases referred to them by one of the agencies represented or by a family member;

(2) develop a plan, negotiated with a family member and, where appropriate, the child or adolescent, for the provision of services to the child or adolescent and family whose case has been referred. This plan shall include a description of each needed service and shall specify the agency responsible for providing the service within the timeline specified by the council;

(3) maintain information sufficient to assess the effectiveness of the interagency council in meeting the service needs of children and adolescents and their families;

(4) make an annual report to the joint committee on children and families and to the Kansas commission on children, youth and families regarding the local assessment;

(5) determine what service needs are not being met in their region and develop and plan to meet these service needs;

(6) make an annual report to the joint committee on children and families and to the Kansas commission on children, youth and families regarding the service needs which are not being met and the plan to meet these service needs;

(7) establish interagency agreements as necessary for coordination of services to children and adolescents and their families who are served by more than one agency;

(8) refer any problems with service coordination to the joint committee on children and families and to the Kansas commission on children, youth and families; and

(9) ensure that members of the council receive training in collaborative teaming as needed.

(e) Each regional interagency council and its members are responsible for maintaining confidentiality by securing appropriate authorizations from a parent or person acting as parent of a child or adolescent for release of confidential information received by the council.

Sec. 183. K.S.A. 2013 Supp. 39-1803 is hereby amended to read as follows: 39-1803. As used in the developmental disabilities reform act:

(a) "Adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of that person's age, cultural group and community.

(b) "Affiliate" means an entity or person that meets standards set out in rules and regulations adopted by the secretary relating to the provision of services and that contracts with a community developmental disabilities organization.

(c) "Community services" means services provided to meet the needs of persons with developmental disabilities relating to work, living in the community, and individualized supports and services.

(d) "Community developmental disability organization" means any community facility for people with intellectual disability that is organized pursuant to K.S.A. 19-4001 through 19-4015, and amendments thereto.

(e) "Community service provider" means a community developmental disability organization or affiliate thereof.

(f) "Developmental disability" means:

(1) Intellectual disability; or

(2) a severe, chronic disability, which:

(A) Is attributable to a mental or physical impairment, a combination of mental and physical impairments or a condition which has received a dual diagnosis of intellectual disability and mental illness;

(B) is manifest before 22 years of age;

(C) is likely to continue indefinitely;

(D) results, in the case of a person five years of age or older, in a substantial limitation in three or more of the following areas of major life functioning: Self-care, receptive and expressive language development and use, learning and adapting, mobility, self-direction, capacity for independent living and economic self-sufficiency;

(E) reflects a need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are lifelong, or extended in duration and are individually planned and coordinated; and

(F) does not include individuals who are solely and severely emotionally disturbed or seriously or persistently mentally ill or have disabilities solely as a result of the infirmities of aging.

(g) "Institution" means state institution for people with intellectual disability as defined by subsection (c) of K.S.A. 76-12b01, and amendments thereto, or intermediate care facility for people with intellectual disabilities of nine beds or more as defined by subsection (a)(4) of K.S.A. 39-923, and amendments thereto.

(h) "Intellectual disability" means substantial limitations in present functioning that is manifested during the period from birth to age 18 years and is characterized by significantly subaverage intellectual functioning existing concurrently with deficits in adaptive behavior including related limitations in two or more of the following applicable adaptive skill areas: Communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work.

(i) "Secretary" means the secretary of social and rehabilitation for aging and disability services.

Sec. 184. K.S.A. 39-1804 is hereby amended to read as follows: 39-1804. (a) Except as otherwise specifically provided in this act and subject to appropriations of federal and state funds, the secretary, after consultation with representatives of community developmental disability organizations, community service providers, families and consumer advocates, shall implement and administer the provisions of the developmental disabilities reform act in accordance with the following policies. Persons with developmental disabilities shall:

(1) Be provided assistance to obtain food, housing, clothing and medical care; protection from abuse, neglect and exploitation; and a range of services and supports which assist in the determination of individual needs; and

(2) receive assistance in determining their needs; be provided information about all service options available to meet those needs; have coordination of services delivered; be assisted and supported in living with their families, or independently; be assisted in finding transportation to support access to the community; and receive individually planned habilitation, education, training, employment and recreation subject to supports and services available in the community of their choice.

(b) To accomplish the policies set forth in subsection (a), the secretary, subject to the provisions of appropriation acts, shall annually propose and implement a plan including, but not limited to, financing thereof which shall: (1) Provide for an organized

network of community services for persons with developmental disabilities; (2) maximize the availability of federal resources to supplement state and local funding for such systems; and (3) reduce reliance on separate, segregated settings in institutions or the community for persons with developmental disabilities.

(c) The secretary shall report to the legislature the number of persons with developmental disabilities eligible to receive community services and shall make a progress report on the implementation of the annual plans and the progress made to accomplish a comprehensive community services system for persons with developmental disabilities.

(d) The secretary shall prepare and submit budget estimates for the department of social and rehabilitation Kansas department for aging and disability services to the division of the budget and the legislature and shall establish and implement policies and procedures within the programs and activities of the department so that funds for state-level programs and activities for persons who are developmentally disabled are allocated between services delivered in institutions and community services.

(e) Subject to the provisions of this act and appropriation acts, the secretary shall administer and disburse funds to each community developmental disability organization for the coordination and provision of community services.

(f) The secretary shall establish procedures and systems to evaluate the results and outcomes of the implementation of this act to assure the attainment of maximum quality and efficient delivery of community services.

Sec. 185. K.S.A. 2013 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 for aging and disability 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, licensed advanced practice registered nurse, 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. 186. K.S.A. 40-2d02 is hereby amended to read as follows: 40-2d02. (a) Except as provided in paragraph (b), every domestic health organization shall prepare and submit to the commissioner, on or before March 1, a report of its RBC levels as of the end of the calendar year just ended in a form and containing such information as is required by the RBC instructions. In addition, every domestic health organization shall file its RBC report:

- (1) With the NAIC in accordance with the RBC instructions; and
- (2) with the insurance commissioner in any state in which the health organization is authorized to do business, if such insurance commissioner has notified the health organization of its request in writing, in which case, the health organization shall file its RBC report not later than the later of:

- (A) 15 days from the receipt of notice to file its RBC report with that state; or
- (B) the filing date otherwise specified in this subsection.

(b) The risk-based capital requirements of this section shall not apply to any health organization contracting with the Kansas department of social and rehabilitation services for children and families to provide services provided under title XIX and title XXI of the social security act or any other public benefits, provided the public benefit contracts represent at least 90% of the premium volume of the health organization.

Sec. 187. K.S.A. 2013 Supp. 40-2134 is hereby amended to read as follows: 40-2134. (a) Subject to the provisions of subsection (e), the department of health and environment in conjunction with the Kansas department of insurance shall establish a long-term care partnership program in Kansas to provide for the financing of long-term care through a combination of private insurance and medical assistance. The long-term care partnership program shall:

- (1) Provide incentives for individuals to insure against the costs of providing for their long-term care needs;
- (2) provide a mechanism for individuals to qualify for coverage under medical assistance while having certain assets disregarded for eligibility determinations and recovery; and

(3) reduce the financial burden on the state's medical assistance program by encouraging the pursuit of private initiatives using qualified long-term care partnership insurance policies.

(b) An individual who is a beneficiary of a Kansas long-term care partnership program policy shall be eligible for assistance under the state's medical assistance program using the asset disregard as provided under subsection (e).

(c) The department of health and environment shall pursue reciprocal agreements with other states to extend the asset disregard to Kansas residents who purchased long-term care partnership policies in other states that are compliant with title VI, section 6021 of the federal deficit reduction act of 2005, public law 109-171, and any applicable federal regulations or guidelines.

(d) As provided under subsection (e), certain assets of an individual who has received benefits from a qualified long-term care partnership policy shall not be considered when determining:

(1) The individual's medical assistance eligibility; and

(2) any subsequent recovery by the state for a payment for medical services or long-term care services made by the medical assistance program on behalf of the individual.

(e) Under the individual's long-term care insurance policy if the individual is a beneficiary of a qualified long-term care partnership program policy at the time the individual applies for benefits under the Kansas medical assistance program, the assets an individual may own and retain under Kansas medical assistance program and still qualify for benefits under the program shall be increased dollar-for-dollar for each dollar paid out after the effective date of the state plan amendment, or after the issue date of a policy exchanged, whichever is later.

(f) If the long-term care partnership program established by this act is discontinued, any individual who purchased a Kansas long-term care partnership program policy before the date the program was discontinued shall be eligible to receive asset disregard if allowed as provided by title VI, section 6021 of the federal deficit reduction act of 2005, public law 109-171.

(g) The department of health and environment, the department of social and rehabilitation services Kansas department for children and families, the department on aging Kansas department for aging and disability services and the department of insurance shall post, on their respective websites, information on how to access the national clearinghouse established under the federal deficit reduction act of 2005, public law 109-171, when the national clearinghouse becomes available to consumers.

Sec. 188. K.S.A. 40-2256 is hereby amended to read as follows: 40-2256. (a) The provisions of this section and the income withholding act shall apply to all health benefit plans, as defined in this section, which are administered in this state, including, but not limited to, all health benefit plans governed by the federal employee retirement income security act (, 29 U.S.C. § 1161 et seq.), except to the extent specifically preempted by federal law, and to all employers, sponsors and other administrators of health benefit plans doing business in this state.

(b) As used in this section:

(1) "Health benefit plan" means any benefit plan, other than public assistance, which is able to provide hospital, surgical, medical, dental or any other health care or benefits for a child, whether through insurance or otherwise, and which is available

through a parent's employment or other group plan.

(2) "Participating parent" means a parent who is eligible for single coverage under a health benefit plan as defined in this section, regardless of the type of coverage actually in effect, if any.

(3) "Nonparticipating parent" means, if one parent is a participating parent as defined in this section, the other parent.

(c) No employer, sponsor or other administrator of a health benefit plan shall deny enrollment of a child under the health coverage of the child's parent on the basis that: (1) The child was born out of wedlock; (2) the child is not claimed as a dependent on the parent's federal income tax return; (3) the child does not reside with the parent or in the plan's service area; or (4) the child is receiving, is eligible for or may become eligible for medical assistance.

(d) (1) A health benefit plan, in determining or making any payment for benefits of a child who is a participant or beneficiary under the plan, shall not take into account the fact that the child is receiving, is eligible for or may become eligible for medical assistance pursuant to Title XIX of the federal social security act.

(2) A health benefit plan shall pay for benefits with respect to a child who is a participant or beneficiary under the plan in accordance with any assignment of rights made by or on behalf of the child as required by K.S.A. 39-709, and amendments thereto, or by another state's plan for medical assistance pursuant to Title XIX of the federal social security act.

(3) A health benefit plan shall not impose requirements on an agency or official, assigned the rights of a child eligible for medical assistance under Title XIX of the federal social security act and covered by the health benefit plan, that are different from requirements applicable to an agent or assignee of any other individual covered by the health benefit plan.

(4) If payment has been made by the secretary of social and rehabilitation for aging and disability services for medical assistance and a health benefit plan is liable to pay for any item or service constituting any part of the medical assistance, the health benefit plan shall make payment for benefits under the plan to the secretary of social and rehabilitation for aging and disability services to the extent of the secretary's rights pursuant to K.S.A. 39-719a, and amendments thereto.

(e) In addition to other duties specified in a health benefit plan, when a child is covered by the health benefit plan of a participating parent the employer, sponsor or other administrator of the health benefit plan: (1) Shall provide information necessary for the child to obtain benefits to the nonparticipating parent or, upon request, to the nonparticipating parent's assignee or to a representative designated in a medical withholding order; (2) shall permit the nonparticipating parent, the nonparticipating parent's assignee, or a provider properly authorized by the nonparticipating parent or assignee to submit claims for covered services without the approval of the participating parent; and (3) shall make payment on claims submitted in accordance with subsection (e)(2) directly to the nonparticipating parent, assignee or provider.

(f) Nothing in this section or the income withholding act and amendments thereto shall limit alteration of a health benefit plan's coverage or terms, so long as the resulting plan meets the requirements of this section or the income withholding act and amendments thereto.

(g) Any amendment to a health benefit plan required to conform to the

requirements of this section or the income withholding act and amendments thereto shall not be required to be effective before the first plan year beginning on or after July 1, 1994, if: (1) During the period from July 1, 1994, until the beginning of the first plan year, the plan is operated in accordance with the requirements of this section or the income withholding act and amendments thereto; and (2) the plan amendment applies retroactively to July 1, 1994, as well as prospectively. A plan shall not be treated as failing to be operated in accordance with the provisions of the plan merely because it operates in accordance with this subsection.

(h) This section shall be part of and supplemental to chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 189. K.S.A. 40-22a05 is hereby amended to read as follows: 40-22a05. (a) There is hereby created an advisory committee which shall assist the commissioner in the adoption of rules and regulations to implement the provisions of this act. The advisory committee shall consist of 13 persons appointed by the commissioner as follows:

(1) The commissioner, or the designee of the commissioner, who shall be the chairperson;

(2) one member appointed from the public at large;

(3) four members who are representatives of utilization review organizations; and

(4) seven members who are representatives of health care providers, one of which shall be a representative of a Kansas hospital, and two of which shall be persons licensed to practice medicine and surgery in Kansas.

(b) Members of the advisory committee shall be appointed for a term of three years, except that the first term of office of two members representing utilization review organizations and two members representing health care providers shall be for a term of two years, and the first term for two members representing health care providers and one member representing utilization review organizations shall be for a term of one year.

(c) The advisory committee shall be attached to the insurance department, and all administrative functions of the advisory committee shall be under the direction and supervision of the commissioner. Within available appropriations therefor, members of the advisory committee shall be paid subsistence allowances, mileage and other expenses as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(d) Before adopting rules and regulations to carry out the provisions of this act, the commissioner with the advice of the advisory committee shall:

(1) Establish utilization review standards which provide for uniformity in the procedures for interaction between utilization review organizations and health care providers, payors and consumers of health care;

(2) establish utilization review procedures that prevent unnecessary and inappropriate disruption to the health care delivery system;

(3) strive to achieve an efficient process for the certification of utilization review organizations; and

(4) specify the kinds of insurance or types of insurance products to which the standards apply and the scope of such application.

(e) This act shall not apply to:

(1) Utilization review of health care services provided to patients under the authority of the Kansas workers compensation act (, K.S.A. 44-501 et seq., and

amendments thereto);

(2) reviews conducted by any insurance company, health maintenance organization, prepaid service plan, group-funded self-insured plan or similar entity solely for the purpose of determining compliance with the specific terms and conditions of an insurance policy, agreement or contract as a part of the normal claim settlement process; or

(3) any medical programs operated by the secretary of social and rehabilitation for aging and disability services or any entity to the extent it is acting under contract with the secretary.

Sec. 190. K.S.A. 40-3227 is hereby amended to read as follows: 40-3227. (a) Except as provided in paragraph (e), before issuing any certificate of authority, the commissioner shall require that the health maintenance organization have an initial net worth of \$1,500,000 and shall thereafter maintain the minimum net worth required under subsection (b).

(b) Except as provided in subsections (c) and (d) of this section, every health maintenance organization shall maintain a minimum net worth equal to the greater of:

(1) \$1,000,000; or

(2) two percent of annual premium revenues as reported on the most recent annual financial statement filed with the commissioner on the first \$150,000,000 of premium and 1% of annual premium on the premium in excess of \$150,000,000; or

(3) an amount equal to the sum of three months uncovered health care expenditures as reported on the most recent financial statement filed with the commissioner; or

(4) an amount equal to the sum of:

(A) Eight percent of annual health care expenditures except those paid on a capitated basis or managed hospital payment basis as reported on the most recent financial statement filed with the commissioner; and

(B) four percent of annual hospital expenditures paid on a managed hospital payment basis as reported on the most recent financial statement filed with the commissioner.

(c) A health maintenance organization licensed on or before the day preceding the effective date of this section must maintain a minimum net worth of:

(1) Twenty-five percent of the amount required by subsection (b) by December 31, 2000;

(2) 50% of the amount required by subsection (b) by December 31, 2001;

(3) 75% of the amount required by subsection (b) by December 31, 2002; and

(4) 100% of the amount required by subsection (b) by December 31, 2003.

(d) In determining net worth, no debt shall be considered fully subordinated unless the subordination clause is in a form acceptable to the commissioner. An interest obligation relating to the repayment of any subordinated debt shall be similarly subordinated. The interest expenses relating to the repayment of a fully subordinated debt shall be considered covered expenses. A debt incurred by a note meeting the requirements of this section, and otherwise acceptable to the commissioner, shall not be considered a liability and shall be recorded as equity.

(e) The net worth requirements of subsections (a) through (d) shall not apply to any health organization contracting with the Kansas department of social and rehabilitation services health and environment to provide services provided under title XIX and title XXI of the social security act or any other public benefits, provided the public benefit

contracts represent at least 90% of the premium volume of the health organization.

(f) Unless otherwise provided below, each health maintenance organization doing business in this state shall deposit with any organization or trustee acceptable to the commissioner through which a custodial or controlled account is utilized, cash, securities or any combination of these or other measures, for the benefit of all of the enrollees of the health maintenance organization, that are acceptable in the amount of \$150,000 for a medical group or staff model health maintenance organization or \$300,000 for an individual practice association.

(g) The commissioner may waive any of the deposit requirements set forth in subsection (f) whenever satisfied that: (1) The organization has sufficient net worth and an adequate history of generating net income to assure its financial viability for the next year; or (2) the organization's performance and obligations are guaranteed by an organization with sufficient net worth and an adequate history of generating net income; or (3) the assets of the organization or its contracts with insurers, hospital or medical service corporations, governments or other organizations are reasonably sufficient to assure the performance of its obligations.

(h) The deposit requirements imposed by this act shall not apply to health maintenance organizations not organized under the laws of this state to the extent an amount equal to or exceeding that required by this act has been deposited with the commissioner or an organization or trustee acceptable to the department of insurance of its state of domicile for the benefit of Kansas enrollees.

(i) All income from deposits shall belong to the depositing organization and shall be paid to it as it becomes available. A health maintenance organization that has made a securities deposit may withdraw that deposit or any part thereof after making a substitute deposit of cash, securities or any combination of these or other measures of equal amount and value. Any securities shall be approved by the commissioner before being substituted.

(j) Every health maintenance organization, when determining liability, shall include an amount estimated in the aggregate to provide for any unearned premium and for the payment of all claims for health care expenditures that have been incurred, whether reported or unreported, that are unpaid and for which the organization is or may be liable, and to provide for the expense of adjustment or settlement of those claims.

(k) The commissioner shall require that each health maintenance organization have a plan for handling insolvency which allows for continuation of benefits for the duration of the contract period for which premiums have been paid and continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge or expiration of benefits. In considering such a plan, the commissioner may require:

(1) Insurance to cover the expenses to be paid for continued benefits after an insolvency;

(2) provisions in provider contracts that obligate the provider to provide services for the duration of the period after the health maintenance organization's insolvency for which premium payment has been made and until the enrollees' discharge from inpatient facilities;

(3) insolvency reserves;

(4) acceptable letters of credit; or

(5) any other arrangements to assure that benefits are continued as specified in this

subsection (k).

Sec. 191. K.S.A. 2013 Supp. 40-4704 is hereby amended to read as follows: 40-4704. The health partnership shall develop and offer two or more health benefit plans to small employers. In any health benefit plan developed under this act, any carrier may contract for coverage within the scope of this act notwithstanding any mandated coverages otherwise required by state law. Except for preventative and health screening services, the provisions of K.S.A. 40-2,100 to 40-2,105, inclusive, 40-2114 and subsection (i) of 40-2209 and 40-2229 and 40-2230, and 40-2,163, 40-2,164, 40-2,165 and 40-2,166, and amendments thereto, shall not be mandatory with respect to any health benefit plan developed under this act. In performing these duties, the health partnership shall:

- (a) Develop and offer two or more lower-cost benefit plans such that:
 - (1) Each health benefit plan is consistent with any criteria established by the health partnership;
 - (2) each health benefit plan shall be offered by all participating carriers except that no participating carrier shall be required to offer any health benefit plan, or portion thereof, which such participating carrier is not licensed or authorized to offer in this state;
 - (3) no participating carrier shall offer any health benefit plan developed under this act to any small employer unless such small employer is covered through the health partnership.
- (b) Develop and make available one or more supplemental health benefit plans or one or more other benefit options so that the total package of health benefits available to all children eligible for the state children's health insurance program established pursuant to K.S.A. 68-2001 et seq., and amendments thereto, meets, at a minimum, standards established by the federal health insurance program.
- (c) Offer coverage to any qualifying small employer.
- (d) Offer eligible employees of participating small employers a choice of participating carriers where feasible.
 - (e) (1) Include centralized and consolidated enrollment, billing and customer service functions;
 - (2) use one standard enrollment form for all participating carriers; and
 - (3) submit one consolidated bill to the small employer.
- (f) Issue or cause to be issued a request for proposals and contract with a qualified vendor for any administrative or other service not performed by the health committee or provided to the health committee under subsection (b) of K.S.A. 40-4702, and amendments thereto.
- (g) Issue a request for proposals and selectively contract with carriers.
- (h) Establish conditions of participation for small employers that conform with K.S.A. 40-2209b et seq., and amendments thereto, and the health insurance portability and accountability act of 1996 (Public Law 104-191).
- (i) Enroll small employers and their eligible employees and dependents in health benefit plans developed under this act.
- (j) Bill and collect premiums from participating small employers including any share of the premium paid by such small employer's enrolled employees.
- (k) Remit funds collected under subsection (h) to the appropriate contracted carriers.

(l) Provide that each low-or-modest wage employee shall be permitted to enroll in such employee's choice of participating carrier where available.

(m) Develop premium rating policies for small employers.

(1) In consultation with the health committee, the health partnership shall ensure, to the maximum extent possible, that the combined effect of the premium rating and subsidy policies is that subsidized eligible employees and the dependents of such subsidized eligible employees can afford coverage.

(2) Any rating policy developed under this subsection may vary with respect to subsidy status of eligible employees and the dependents of such eligible employees.

(n) Be authorized to contract for additional group vision, dental and life insurance plans, and other limited insurance products.

(o) Take whatever action is necessary to assure that any eligible employee or dependent of such eligible employee who receives health benefit coverage through the health partnership and who is eligible for the state medical assistance program shall remain eligible to participate in the state health insurance premium payment program.

(p) Coordinate with the department of social and rehabilitation Kansas department for aging and disability services to assure that any funds available for the coverage of infants and pregnant women under the state medical assistance program are also available for the benefit of eligible infants and pregnant women who receive health benefit coverage through the health partnership as an eligible employee or dependent of such eligible employee.

(q) Work with the department of social and rehabilitation Kansas department for aging and disability services office of medical policy and medicaid to develop a single employee application that may be used by the health plan and the medicaid and state children's health insurance program to determine eligibility.

(r) Screen employee applications for subsidy eligibility and dependent children for medicaid and state children's health insurance program premium support eligibility.

Sec. 192. K.S.A. 2013 Supp. 41-2622 is hereby amended to read as follows: 41-2622. (a) At the time application is made to the director for a license pursuant to the club and drinking establishment act, the applicant shall pay the following license fee in the manner provided by K.S.A. 41-2606, and amendments thereto:

(1) For a class A club which is a bona fide nonprofit fraternal or war veterans' club, as defined by rules and regulations of the secretary, \$500;

(2) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has not more than 500 members, \$1,000;

(3) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has more than 500 members, \$2,000;

(4) for a class B club, \$2,000;

(5) for a caterer, \$1,000;

(6) for a drinking establishment, \$2,000;

(7) for a hotel of which the entire premises are licensed as a drinking establishment, \$6,000;

(8) for a drinking establishment/caterer, \$3,000;

(9) for a drinking establishment/caterer, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment, \$7,000;

(10) for a public venue with a maximum capacity of not more than 10,000 persons, \$5,000;

(11) for a public venue with a maximum capacity of not more than 25,000 persons, \$7,500; and

(12) for a public venue with a maximum capacity exceeding 25,000 persons, \$10,000.

(b) In addition to the fee provided by subsection (a), any city where the licensed premises of a club or drinking establishment are located or, if such licensed premises are not located in a city, the board of county commissioners of the county where the licensed premises are located may levy and collect a biennial occupation or license tax from the licensee in an amount equal to not less than \$200 nor more than \$500.

(c) In addition to the fee provided by subsection (a), any city where the licensed premises of a public venue is located or, if such licensed premises is not located in a city, the board of county commissioners of the county where the licensed premises is located may levy and collect a biennial occupation or license tax from the licensee in an amount not more than \$1,000.

(d) No occupational or excise tax or license fee other than that authorized by subsection (b) or (c) shall be levied by any city or county against or collected from a licensed public venue, club or drinking establishment.

(e) The director shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each such deposit, 50% shall be credited to the state general fund, and the remaining 50% shall be credited to the other state fees fund of the department of social and rehabilitation Kansas department for aging and disability services. In addition to other purposes for which expenditures may be made from the other state fees fund of the department of social and rehabilitation Kansas department for aging and disability services, expenditures may be made by the secretary of social and rehabilitation for aging and disability services for the purpose of implementing the powers and duties of the secretary under the provisions of K.S.A. 65-4006 and 65-4007, and amendments thereto.

Sec. 193. K.S.A. 2013 Supp. 44-508 is hereby amended to read as follows: 44-508. As used in the workers compensation act:

(a) "Employer" includes: (1) Any person or body of persons, corporate or unincorporated, and the legal representative of a deceased employer or the receiver or trustee of a person, corporation, association or partnership; (2) the state or any department, agency or authority of the state, any city, county, school district or other political subdivision or municipality or public corporation and any instrumentality thereof; and (3) for the purposes of community service work, the entity for which the community service work is being performed and the governmental agency which assigned the community service work, if any, if either such entity or such governmental agency has filed a written statement of election with the director to accept the provisions under the workers compensation act for persons performing community service work and in such case such entity and such governmental agency shall be deemed to be the joint employer of the person performing the community service work and both shall have the rights, liabilities and immunities provided under the workers compensation act for an employer with regard to the community service work, except that the liability for providing benefits shall be imposed only on the party which filed such election with the director, or on both if both parties have filed such election with

the director; for purposes of community service work, "governmental agency" shall not include any court or any officer or employee thereof and any case where there is deemed to be a "joint employer" shall not be construed to be a case of dual or multiple employment.

(b) "Workman" or "employee" or "worker" means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include, but not be limited to: Executive officers of corporations; professional athletes; persons serving on a volunteer basis as duly authorized law enforcement officers, attendants, as defined in subsection (f) of K.S.A. 65-6112, and amendments thereto, drivers of ambulances as defined in subsection (d) of K.S.A. 65-6112, and amendments thereto, firefighters, but only to the extent and during such periods as they are so serving in such capacities; persons employed by educational, religious and charitable organizations, but only to the extent and during the periods that they are paid wages by such organizations; persons in the service of the state, or any department, agency or authority of the state, any city, school district, or other political subdivision or municipality or public corporation and any instrumentality thereof, under any contract of service, express or implied, and every official or officer thereof, whether elected or appointed, while performing official duties; persons in the service of the state as volunteer members of the Kansas department of civil air patrol, but only to the extent and during such periods as they are officially engaged in the performance of functions specified in K.S.A. 48-3302, and amendments thereto; volunteers in any employment, if the employer has filed an election to extend coverage to such volunteers; minors, whether such minors are legally or illegally employed; and persons performing community service work, but only to the extent and during such periods as they are performing community service work and if an election has been filed an election to extend coverage to such persons. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to the employee's dependents, to the employee's legal representatives, or, if the employee is a minor or an incapacitated person, to the employee's guardian or conservator. Unless there is a valid election in effect which has been filed as provided in K.S.A. 44-542a, and amendments thereto, such terms shall not include individual employers, limited liability company members, partners or self-employed persons.

(c) (1) "Dependents" means such members of the employee's family as were wholly or in part dependent upon the employee at the time of the accident or injury.

(2) "Members of a family" means only surviving legal spouse and children; or if no surviving legal spouse or children, then parents or grandparents; or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section, parents include stepparents, children include stepchildren, grandchildren include stepgrandchildren, brothers and sisters include stepbrothers and stepsisters, and children and parents include that relation by legal adoption. In the meaning of this section, a surviving spouse shall not be regarded as a dependent of a deceased employee or as a member of the family, if the surviving spouse shall have for more than six months willfully or voluntarily deserted or abandoned the employee prior to the date of the employee's death.

(3) "Wholly dependent child or children" means:

(A) A birth child or adopted child of the employee except such a child whose relationship to the employee has been severed by adoption;

(B) a stepchild of the employee who lives in the employee's household;

(C) any other child who is actually dependent in whole or in part on the employee and who is related to the employee by marriage or consanguinity; or

(D) any child as defined in subsection (c)(3)(A), (3)(B) or (3)(C) who is less than 23 years of age and who is not physically or mentally capable of earning wages in any type of substantial and gainful employment or who is a full-time student attending an accredited institution of higher education or vocational education.

(d) "Accident" means an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. An accident shall be identifiable by time and place of occurrence, produce at the time symptoms of an injury, and occur during a single work shift. The accident must be the prevailing factor in causing the injury. "Accident" shall in no case be construed to include repetitive trauma in any form.

(e) "Repetitive trauma" refers to cases where an injury occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury must be demonstrated by diagnostic or clinical tests. The repetitive trauma must be the prevailing factor in causing the injury. "Repetitive trauma" shall in no case be construed to include occupational disease, as defined in K.S.A. 44-5a01, and amendments thereto.

In the case of injury by repetitive trauma, the date of injury shall be the earliest of:

(1) The date the employee, while employed for the employer against whom benefits are sought, is taken off work by a physician due to the diagnosed repetitive trauma;

(2) the date the employee, while employed for the employer against whom benefits are sought, is placed on modified or restricted duty by a physician due to the diagnosed repetitive trauma;

(3) the date the employee, while employed for the employer against whom benefits are sought, is advised by a physician that the condition is work-related; or

(4) the last day worked, if the employee no longer works for the employer against whom benefits are sought.

In no case shall the date of accident be later than the last date worked.

(f) (1) "Personal injury" and "injury" mean any lesion or change in the physical structure of the body, causing damage or harm thereto. Personal injury or injury may occur only by accident, repetitive trauma or occupational disease as those terms are defined.

(2) An injury is compensable only if it arises out of and in the course of employment. An injury is not compensable because work was a triggering or precipitating factor. An injury is not compensable solely because it aggravates, accelerates or exacerbates a preexisting condition or renders a preexisting condition symptomatic.

(A) An injury by repetitive trauma shall be deemed to arise out of employment only if:

(i) The employment exposed the worker to an increased risk or hazard which the worker would not have been exposed in normal non-employment life;

(ii) the increased risk or hazard to which the employment exposed the worker is the prevailing factor in causing the repetitive trauma; and

(iii) the repetitive trauma is the prevailing factor in causing both the medical condition and resulting disability or impairment.

(B) An injury by accident shall be deemed to arise out of employment only if:

(i) There is a causal connection between the conditions under which the work is required to be performed and the resulting accident; and

(ii) the accident is the prevailing factor causing the injury, medical condition, and resulting disability or impairment.

(3) (A) The words "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include:

(i) Injury which occurred as a result of the natural aging process or by the normal activities of day-to-day living;

(ii) accident or injury which arose out of a neutral risk with no particular employment or personal character;

(iii) accident or injury which arose out of a risk personal to the worker; or

(iv) accident or injury which arose either directly or indirectly from idiopathic causes.

(B) The words "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include injuries to the employee occurring while the employee is on the way to assume the duties of employment or after leaving such duties, the proximate cause of which injury is not the employer's negligence. An employee shall not be construed as being on the way to assume the duties of employment or having left such duties at a time when the worker is on the premises owned or under the exclusive control of the employer or on the only available route to or from work which is a route involving a special risk or hazard connected with the nature of the employment that is not a risk or hazard to which the general public is exposed and which is a route not used by the public except in dealings with the employer. An employee shall not be construed as being on the way to assume the duties of employment, if the employee is a provider of emergency services responding to an emergency.

(C) The words, "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include injuries to employees while engaged in recreational or social events under circumstances where the employee was under no duty to attend and where the injury did not result from the performance of tasks related to the employee's normal job duties or as specifically instructed to be performed by the employer.

(g) "Prevailing" as it relates to the term "factor" means the primary factor, in relation to any other factor. In determining what constitutes the "prevailing factor" in a given case, the administrative law judge shall consider all relevant evidence submitted by the parties.

(h) "Burden of proof" means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more probably true than not true on the basis of the whole record unless a higher burden of proof is specifically required by this act.

(i) "Director" means the director of workers compensation as provided for in K.S.A. 75-5708, and amendments thereto.

(j) "Health care provider" means any person licensed, by the proper licensing authority of this state, another state or the District of Columbia, to practice medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry, audiology or psychology.

(k) "Secretary" means the secretary of labor.

(l) "Construction design professional" means any person who is an architect, professional engineer, landscape architect or land surveyor who has been issued a license by the state board of technical professions to practice such technical profession in Kansas or any corporation organized to render professional services through the practice of one or more of such technical professions in Kansas under the professional corporation law of Kansas or any corporation issued a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to practice one or more of such technical professions in Kansas.

(m) "Community service work" means: (1) Public or community service performed as a result of a contract of diversion or of assignment to a community corrections program or conservation camp or suspension of sentence or as a condition of probation or in lieu of a fine imposed by court order; or (2) public or community service or other work performed as a requirement for receipt of any kind of public assistance in accordance with any program administered by the secretary of social and rehabilitation services for children and families.

(n) "Utilization review" means the initial evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient, based on accepted standards of the health care profession involved. Such evaluation is accomplished by means of a system which identifies the utilization of health care services above the usual range of utilization for such services, which is based on accepted standards of the health care profession involved, and which refers instances of possible inappropriate utilization to the director for referral to a peer review committee.

(o) "Peer review" means an evaluation by a peer review committee of the appropriateness, quality and cost of health care and health services provided a patient, which is based on accepted standards of the health care profession involved and which is conducted in conjunction with utilization review.

(p) "Peer review committee" means a committee composed of health care providers licensed to practice the same health care profession as the health care provider who rendered the health care services being reviewed.

(q) "Group-funded self-insurance plan" includes each group-funded workers compensation pool, which is authorized to operate in this state under K.S.A. 44-581 through 44-592, and amendments thereto, each municipal group-funded pool under the Kansas municipal group-funded pool act which is covering liabilities under the workers compensation act, and any other similar group-funded or pooled plan or arrangement that provides coverage for employer liabilities under the workers compensation act and is authorized by law.

(r) On and after the effective date of this act, "workers compensation board" or "board" means the workers compensation appeals board established under K.S.A. 44-555c, and amendments thereto.

(s) "Usual charge" means the amount most commonly charged by health care providers for the same or similar services.

(t) "Customary charge" means the usual rates or range of fees charged by health care providers in a given locale or area.

(u) "Functional impairment" means the extent, expressed as a percentage, of the loss of a portion of the total physiological capabilities of the human body as established by competent medical evidence and based on the fourth edition of the American

medical association guides to the evaluation of impairment, if the impairment is contained therein.

(v) "Authorized treating physician" means a licensed physician or other health care provider authorized by the employer or insurance carrier or both, or appointed pursuant to court-order to provide those medical services deemed necessary to diagnose and treat an injury arising out of and in the course of employment.

(w) "Mail" means the use of the United States postal service or other land based delivery service or transmission by electronic means, including delivery by fax, e-mail or other electronic delivery method designated by the director of workers compensation.

Sec. 194. K.S.A. 2013 Supp. 44-575 is hereby amended to read as follows: 44-575.

(a) As used in K.S.A. 44-575 through 44-580, and amendments thereto, "state agency" means the state, or any department or agency of the state, but not including the Kansas turnpike authority, the university of Kansas hospital authority, any political subdivision of the state or the district court with regard to district court officers or employees whose total salary is payable by counties.

(b) For the purposes of providing for the payment of compensation for claims arising on and after July 1, 1974, and all other amounts required to be paid by any state agency as a self-insured employer under the workers compensation act and any amendments or additions thereto, there is hereby established the state workers compensation self-insurance fund in the state treasury. The name of the state workmen's compensation self-insurance fund is hereby changed to the state workers compensation self-insurance fund. Whenever the state workmen's compensation self-insurance fund is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the state workers compensation self-insurance fund.

(c) The state workers compensation self-insurance fund shall be liable to pay: (1) All compensation for claims arising on and after July 1, 1974, and all other amounts required to be paid by any state agency as a self-insured employer under the workers compensation act and any amendments or additions thereto; (2) the amount that all state agencies are liable to pay of the "carrier's share of expense" of the administration of the office of the director of workers' compensation as provided in K.S.A. 74-712 through 74-719, and amendments thereto, for each fiscal year; (3) all compensation for claims remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the division of mental health and retardation services of the department of social and rehabilitation commission of community services and programs of the Kansas department for aging and disability services; (4) the cost of administering the state workers compensation self-insurance fund including the defense of such fund and any costs assessed to such fund in any proceeding to which it is a party; and (5) the cost of establishing and operating the state workplace health and safety program under subsection (f). For the purposes of K.S.A. 44-575 through 44-580, and amendments thereto, all state agencies are hereby deemed to be a single employer whose liabilities specified in this section are hereby imposed solely upon the state workers compensation self-insurance fund and such employer is hereby declared to be a fully authorized and qualified self-insurer under K.S.A. 44-532, and amendments thereto, but such employer shall not be required to make any reports thereunder.

(d) The secretary of health and environment shall administer the state workers compensation self-insurance fund and all payments from such fund shall be upon

warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or a person or persons designated by the secretary. The director of accounts and reports may issue warrants pursuant to vouchers approved by the secretary for payments from the state workers compensation self-insurance fund notwithstanding the fact that claims for such payments were not submitted or processed for payment from money appropriated for the fiscal year in which the state workers compensation self-insurance fund first became liable to make such payments.

(e) The secretary of health and environment shall remit all moneys received by or for the secretary in the capacity as administrator of the state workers compensation self-insurance fund, 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 workers compensation self-insurance fund.

(f) There is hereby established the state workplace health and safety program within the state workers compensation self-insurance program of the department of health and environment. The secretary of health and environment shall implement and the division of industrial health and safety of the Kansas department of labor shall assist in administering the state workplace health and safety program for state agencies. The state workplace health and safety program shall include, but not be limited to:

(1) Workplace health and safety hazard surveys in all state agencies, including onsite interviews with employees;

(2) workplace health and safety hazard prevention services, including inspection and consultation services;

(3) procedures for identifying and controlling workplace hazards;

(4) development and dissemination of health and safety informational materials, plans, rules and work procedures; and

(5) training for supervisors and employees in healthful and safe work practices.

Sec. 195. K.S.A. 2013 Supp. 44-577 is hereby amended to read as follows: 44-577.

(a) All claims for compensation under the workers compensation act against any state agency for claims arising on and after July 1, 1974, and claims for compensation remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the division of mental health and retardation services of the department of social and rehabilitation commission of community services and programs of the Kansas department for aging and disability services shall be made against the state workers compensation self-insurance fund. Such claims shall be served upon the secretary of health and environment in the secretary's capacity as administrator of the state workers compensation self-insurance fund in the manner provided for claims against other employers under the workers compensation act. The chief attorney for the department of health and environment, or another attorney of the department of health and environment designated by the chief attorney, shall represent and defend the state workers compensation self-insurance fund in all proceedings under the workers compensation act.

(b) The secretary of health and environment shall investigate, or cause to be investigated, each claim for compensation against the state workers compensation self-insurance fund. For the purposes of such investigations, the secretary of health and environment is authorized to obtain expert medical advice regarding the injuries,

occupational diseases and disabilities involved in such claims. If, based upon such investigation and any other available information, the secretary of health and environment finds that there is no material dispute as to any issue involved in the claim, that the claim is valid and that the claim should be settled by agreement, the secretary of health and environment may proceed to enter into such an agreement with the claimant, for the state workers compensation self-insurance fund. Any such agreement may provide for lump-sum settlements subject to approval by the director and all such agreements shall be filed in the office of the director for approval as provided in K.S.A. 44-527, and amendments thereto. All other claims for compensation against such fund shall be paid in accordance with the workers compensation act pursuant to final awards or orders of an administrative law judge or the board or pursuant to orders and findings of the director under the workers compensation act.

(c) For purposes of the workers compensation act, a volunteer member of a regional emergency medical response team as provided in K.S.A. 48-928, and amendments thereto, shall be considered a person in the service of the state in connection with authorized training and upon activation for emergency response, except when such duties arise in the course of employment or as a volunteer for an employer other than the state.

Sec. 196. K.S.A. 2013 Supp. 46-922 is hereby amended to read as follows: 46-922. (a) As used in this section and in K.S.A. 46-923, and amendments thereto, the term "state agency" shall have the meaning ascribed thereto in K.S.A. 75-3701, and amendments thereto.

(b) The head of any state agency is authorized to make payment to the officers or employees of such state agency for property damage or loss occurring while that officer or employee is acting within the scope of such office or employment if such property loss or damage, in the opinion of the state agency head, did not occur as a result of negligence of the claimant.

(c) Except as otherwise provided by this section, the head of any state agency is authorized to make payment to any other person for personal injury or property damage or loss occurring under circumstances which establish, in the state agency head's opinion, that such damage or loss was caused by the negligence of the state or any agency, officer or employee thereof. The secretary of social and rehabilitation services for children and families is authorized to make payment from funds appropriated to the secretary for the homemaker program to any person for personal injury or property damage or loss caused by an act of a homemaker employed by the secretary.

(d) Except as otherwise provided by this section, no payment shall be made under this section on any claim for an amount in excess of \$1,000 or in any amount on a claim by a person who is an insurer and who is making the claim as a subrogee for all or part of any amount paid to such person's insured.

(e) The vice-chancellor of the university of Kansas medical center is authorized to make payment in an amount of not more than \$2,500 to any other person for a claim made against the hospital of the university of Kansas medical center for personal injury or property damage or loss occurring under circumstances which establish, in the vice-chancellor's opinion, that (1) such damage or loss was caused by the negligence of the hospital of the university of Kansas medical center or any officer or employee thereof or (2) that such damage or loss occurred at the hospital of the university of Kansas medical center and it is in the best interests of such hospital to make such payment. No payment

shall be made under this subsection in any amount on a claim by a person who is an insurer and who is making the claim as a subrogee for all or part of any amount paid to such person's insured.

(f) No payment shall be made under this section for any loss sustained to a state employee's personal conveyance, or any related expense, when the conveyance was used on official state business.

(g) The superintendent of the Kansas highway patrol is authorized to make payment in an amount of not more than \$2,500 to any other person for a claim made against the Kansas highway patrol for personal injury or property damage or loss occurring under circumstances which establish, in the superintendent's opinion, that such damage or loss occurred during law enforcement efforts by the Kansas highway patrol to persons who were not negligent during such effort. No information filed pursuant to this subsection, testimony or evidence presented to the Kansas highway patrol, or determination, finding or recommendation of the superintendent shall be admissible in any subsequent civil or criminal proceeding. The Kansas highway patrol is authorized to adopt rules and regulations to implement this subsection.

Sec. 197. K.S.A. 2013 Supp. 46-2801 is hereby amended to read as follows: 46-2801. (a) There is hereby created the joint committee on corrections and juvenile justice oversight which shall be within the legislative branch of state government and which shall be composed of no more than seven members of the senate and seven members of the house of representatives.

(b) The senate members shall be appointed by the president and the minority leader. The two major political parties shall have proportional representation on such committee. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

(c) The seven representative members shall be appointed as follows:

(1) Two members shall be members of the majority party who are members of the house committee on appropriations and shall be appointed by the speaker;

(2) two members shall be members of the majority party who are members of the house committee on judiciary and shall be appointed by the speaker; and

(3) three members shall be members of the minority party who are members of the house committee on appropriations or the house committee on judiciary and shall be appointed by the minority leader.

(d) Any vacancy in the membership of the joint committee on corrections and juvenile justice oversight shall be filled by appointment in the manner prescribed by this section for the original appointment.

(e) All members of the joint committee on corrections and juvenile justice oversight shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. During odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee. During even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of

the joint committee. 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 chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy. Within 30 days after the effective date of this act, the joint committee shall organize and elect a chairperson and a vice-chairperson in accordance with the provisions of this act.

(f) A quorum of the joint committee on corrections and juvenile justice oversight shall be eight. All actions of the joint committee shall be by motion adopted by a majority of those present when there is a quorum.

(g) The joint committee on corrections and juvenile justice oversight may meet at any time and at any place within the state on the call of the chairperson, vice-chairperson and ranking minority member of the house of representatives when the chairperson is a representative or of the senate when the chairperson is a senator.

(h) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on corrections and juvenile justice oversight to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(i) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on corrections and juvenile justice oversight.

(j) The joint committee on corrections and juvenile justice oversight may introduce such legislation as it deems necessary in performing its functions.

(k) In addition to other powers and duties authorized or prescribed by law or by the legislative coordinating council, the joint committee on corrections and juvenile justice oversight shall:

(1) Monitor the inmate population and review and study the programs, activities and plans of the department of corrections regarding the duties of the department of corrections that are prescribed by statute, including the implementation of expansion projects, the operation of correctional, food service and other programs for inmates, community corrections, parole and the condition and operation of the correctional institutions and other facilities under the control and supervision of the department of corrections;

(2) monitor the establishment of the juvenile justice authority and review and study the programs, activities and plans of the juvenile justice authority regarding the duties of the juvenile justice authority that are prescribed by statute, including the responsibility for the care, custody, control and rehabilitation of juvenile offenders and the condition and operation of the state juvenile correctional facilities under the control and supervision of the juvenile justice authority;

(3) review and study the adult correctional programs and activities and facilities of counties, cities and other local governmental entities, including the programs and activities of private entities operating community correctional programs and facilities and the condition and operation of jails and other local governmental facilities for the incarceration of adult offenders;

(4) review and study the juvenile offender programs and activities and facilities of counties, cities, school districts and other local governmental entities, including

programs for the reduction and prevention of juvenile crime and delinquency, the programs and activities of private entities operating community juvenile programs and facilities and the condition and operation of local governmental residential or custodial facilities for the care, treatment or training of juvenile offenders;

(5) study the progress and results of the transition of powers, duties and functions from the department of social and rehabilitation services Kansas department for children and families, office of judicial administration and department of corrections to the juvenile justice authority; and

(6) make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207, and amendments thereto, and such special reports to committees of the house of representatives and senate as are deemed appropriate by the joint committee.

Sec. 198. K.S.A. 59-2006 is hereby amended to read as follows: 59-2006. (a) A person's spouse and the parents of a person who is a minor shall be bound by law to support the person if the person is committed to, admitted to, transferred to or received as a patient at a state institution. Payment for the maintenance, care and treatment of any patient in a state institution irrespective of the manner of such patient's admission shall be paid by the patient, by the conservator of such patient's estate or by any person bound by law to support such patient. The secretary of social and rehabilitation for aging and disability services may recover the basic maximum charge established as provided for in subsection (a) of K.S.A. 59-2006b, and amendments thereto, or the actual per patient costs established as provided in subsection (b) of K.S.A. 59-2006b, and amendments thereto, as compensation for the maintenance, care and treatment of a patient from such patient when no legal disability exists, or from the estate of such patient or from any person bound by law to support such patient.

(b) The secretary of social and rehabilitation for aging and disability services shall periodically and not less than once during each fiscal year make written demand upon the patient or person liable for the amount claimed by the secretary to have accrued since the last demand was made, and no action shall be commenced by the secretary against such patient or such patient's responsible relatives for the recovery thereof unless such action is commenced within three years after the date of such written demand. When any part of the amount claimed to be due has been paid or any acknowledgment of an existing liability, debt or claim, or any promise to pay the same has been made by the obligor, an action may be brought in such case within three years after such payment, acknowledgment or promise, but such acknowledgment or promise must be in writing signed by the party to be charged thereby. If there are two or more joint debtors, no one of whom is entitled to act as the agent of the others, no such joint debtor shall lose the benefit of the statute of limitations so as to be chargeable by reason of any acknowledgment, promise or payment made by any other or others of them, unless done with the knowledge and consent of, or ratified by, the joint debtor sought to be charged. The secretary may accept voluntary payments from patients or relatives or from any source, even though the payments are in excess of required amounts and shall deposit the same as provided by law.

(c) The secretary of social and rehabilitation for aging and disability services shall have the power to compromise and settle any claim due or claimed to be due from such patient or such patient's relatives who are liable for the patient's care, maintenance and treatment and upon payment of a valuable consideration by the patient or the persons bound by law to support such patient, may discharge and release the patient or relative

of any or all past liability herein. Whenever the secretary shall negotiate a compromise agreement to settle any claim due or claimed to be due from a patient or such patient's relatives responsible under this act to support the patient, no action shall thereafter be brought or claim made for any amounts due for the care, maintenance and treatment of such patient incurred prior to the effective date of the agreement entered into, except for the amounts provided for in the agreement if the provisions of such compromise agreement are faithfully performed. In the event the terms and conditions of such compromise agreement are not complied with, such failure to comply shall serve to revive and reinstate the original amount of the claim due before negotiation of such compromise agreement, less amounts paid on the claim.

(d) The secretary of social and rehabilitation for aging and disability services may contract with an attorney admitted to practice in this state or with any debt collection agency doing business within or without this state to assist in the collection of amounts claimed to be due under the provisions of this section. The fee for services of such attorney or debt collection agency shall be based on the amount of moneys actually collected. No fee shall be in excess of 50% of the total amount of moneys actually collected. All funds collected less the fee for services as provided in the contract shall be remitted to the secretary of social and rehabilitation for aging and disability services within 45 days from the date of collection.

Contracts entered pursuant to this section may be negotiated by the secretary of social and rehabilitation for aging and disability services and shall not be subject to the competitive bid requirements of K.S.A. 75-3739 through 75-3741, and amendments thereto.

(e) Before entering into a contract with a debt collection agency under subsection (d), the secretary of social and rehabilitation for aging and disability services shall require a bond from the debt collection agency in an amount not in excess of \$100,000 guaranteeing compliance with the terms of the contract.

(f) A debt collection agency entering into a contract with the secretary of social and rehabilitation for aging and disability services for the collection of amounts claimed to be due under this section shall agree that it is receiving income from sources within the state or doing business in the state for purposes of the Kansas income tax act.

(g) As used in this section, "state institution" has the meaning provided by K.S.A. 59-2006b, and amendments thereto.

(h) When a minor becomes a patient of a state institution, an assignment of all past, present and future support rights of the minor which are possessed by either parent or any other person entitled to receive support payments for the minor is conveyed by operation of law to the secretary of social and rehabilitation for aging and disability services. The assignment of support rights shall be effective upon the minor's admission as a patient of any state institution, regardless of the manner of admission, without the requirement that any written assignment or similar document be signed by the parent or other person entitled to receive support payments for the minor. When a minor becomes a patient of a state institution, the parent or other person entitled to receive support payments for the minor is also deemed to have appointed the secretary of social and rehabilitation for aging and disability services or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments on behalf of the minor. This limited power of attorney shall remain in effect until the assignment of

support rights has been terminated in full. For any minor who is a patient of a state institution on the effective date of this act and whose past, present and future support rights are not assigned to the secretary of social and rehabilitation for aging and disability services, the assignment of support rights and limited power of attorney shall be effective on the effective date of this act if notice of the assignment is sent to the person otherwise entitled to receive support payments for the minor.

The assignment of support rights provided in this section shall remain in full force and effect until the minor is no longer a patient of a state institution. When the minor is no longer a patient of a state institution, the assignment shall remain in effect as to unpaid support obligations due and owing as of the last day of the month in which the minor ceases to be a patient, until the claim of the secretary of social and rehabilitation for aging and disability services for the maintenance, care and treatment of the minor is satisfied. Nothing in this section shall affect or limit the rights of the secretary of social and rehabilitation for aging and disability services under any assignment pursuant to K.S.A. 39-709, and amendments thereto.

Sec. 199. K.S.A. 59-2006b is hereby amended to read as follows: 59-2006b. (a) At least annually, the secretary of social and rehabilitation for aging and disability services shall establish the basic maximum rate of charge for treatment of patients in each state institution, except that such rates shall not exceed projected hospital costs of the state institution, including the allocated costs of services by other state agencies, as determined by application of generally acceptable hospital accounting principles. In determining these rates, the secretary shall compute the average daily projected operating cost of treatment of all patients in each state institution and shall set a basic maximum rate of charge for each and every patient in each state institution and each such patient's responsible relatives at the average daily projected operating cost of each institution so computed. When established pursuant to this section, each such rate shall be published in the Kansas register by the secretary and thereafter, until a subsequent rate is published as provided in this section, the rates last published shall be the legal rate of charge. All courts in this state shall recognize and take judicial notice of the procedure and the rates established under this section.

(b) In lieu of the procedure for computing the basic maximum rate of charge established under subsection (a), the secretary of social and rehabilitation for aging and disability services may authorize any state institution to compute an individual patient charge on the basis of rates for services based on cost incurred by such state institution as determined by application of generally acceptable hospital accounting principles.

(c) As used in this section, "state institution" means the Topeka state hospital, Osawatomie state hospital, Rainbow mental health facility, Larned state hospital, including the state security hospital, Norton state hospital, Winfield state hospital and training center, Parsons state hospital and training center and the Kansas neurological institute.

Sec. 200. K.S.A. 59-2006c is hereby amended to read as follows: 59-2006c. Any patient or his or her relative liable for his or her support under this act may appeal to the secretary of social and rehabilitation for aging and disability services pursuant to K.S.A. 75-3306, and amendments thereto, from any decision of the state hospital or employee of the Kansas department of social and rehabilitation for aging and disability services in compromising or refusing to compromise a claim against said patient or relative for the cost of treatment of such patient.

Sec. 201. K.S.A. 2013 Supp. 59-2122 is hereby amended to read as follows: 59-2122. (a) The files and records of the court in adoption proceedings shall not be open to inspection or copy by persons other than the parties in interest and their attorneys, representatives of the state department of social and rehabilitation services Kansas department for children and families, and the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto, except upon an order of the court expressly permitting the same. As used in this section, "parties in interest" shall not include genetic parents once a decree of adoption is entered.

(b) The department of social and rehabilitation services Kansas department for children and families may contact the adoptive parents of the minor child or the adopted adult at the request of the genetic parents in the event of a health or medical need. The department of social and rehabilitation services Kansas department for children and families may contact the adopted adult at the request of the genetic parents for any reason. Identifying information shall not be shared with the genetic parents without the permission of the adoptive parents of the minor child or the adopted adult. The department of social and rehabilitation services Kansas department for children and families may contact the genetic parents at the request of the adoptive parents of the minor child or the adopted adult in the event of a health or medical need. The department of social and rehabilitation services Kansas department for children and families may contact the genetic parents at the request of the adopted adult for any reason.

Sec. 202. K.S.A. 2013 Supp. 59-2123 is hereby amended to read as follows: 59-2123. (a) Except as otherwise provided in this section:

(1) Any person who advertises that such person will adopt, find an adoptive home for a child or otherwise place a child for adoption shall state in such advertisement whether or not such person is licensed and if licensed, under what authority such license is issued and in what profession;

(2) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to a woman to come to such person's maternity center during pregnancy or after delivery; and

(3) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to any parent, guardian or custodian of a child to place such child in such person's home, institution or establishment.

(b) The provisions of subsection (a)(1) shall not apply to the department of social and rehabilitation services Kansas department for children and families or to an individual seeking to adopt a child.

(c) As used in this section:

(1) "Advertise" means to communicate by newspaper, radio, television, handbills, placards or other print, broadcast, telephone directory or electronic medium.

(2) "Person" means an individual, firm, partnership, corporation, joint venture or other association or entity.

(3) "Maternity center" means the same as provided in K.S.A. 65-502, and amendments thereto.

(d) Any person who violates the provisions of this section shall be guilty of an unclassified misdemeanor and shall be fined not more than \$1,000 for each violation.

Sec. 203. K.S.A. 59-2130 is hereby amended to read as follows: 59-2130. (a) The

following information shall be filed with the petition in an independent or agency adoption: (1) A complete written genetic, medical and social history of the child and the parents;

(2) the names, dates of birth, addresses, telephone numbers, and social security numbers of each of the child's parents, if known;

(3) any hospital records pertaining to the child or a properly executed authorization for release of those records; and

(4) the child's birth verification, which shall include the date, time and place of birth and the name of the attending physician.

(b) The genetic, medical and social history required by this section shall be in conformity with the rules and regulations adopted by the secretary of social and rehabilitation services for children and families and on forms provided by the secretary.

(c) If any information required to be filed under this section is not available, an affidavit explaining the reasons why it is not available shall be filed with the petition for adoption.

(d) The secretary of social and rehabilitation services for children and families shall adopt rules and regulations establishing procedures for updating a child's genetic, medical and social history if new information becomes known at a later date. The agency or person conducting the investigation under K.S.A. 59-2132, and amendments thereto, shall advise in writing each of the child's biological parents, if known, of those procedures.

(e) Any employee or agent of the department of social and rehabilitation services Kansas department for children and families, a child-placing agency or a district court who intentionally destroys any information required to be filed under this section is guilty of a class C misdemeanor.

Sec. 204. K.S.A. 2013 Supp. 59-2132 is hereby amended to read as follows: 59-2132. (a) Except as provided in subsection (h), in independent and agency adoptions, the court shall require the petitioner to obtain an assessment of the advisability of the adoption by a court approved:

(1) (A) Licensed social worker, licensed specialist social worker, licensed specialist clinical social worker, licensed masters social worker, licensed baccalaureate social worker or licensed associate social worker licensed by the behavioral sciences regulatory board;

(B) licensed clinical marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;

(C) licensed marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;

(D) licensed clinical professional counselor as defined in K.S.A. 65-5802, and amendments thereto;

(E) licensed professional counselor as defined in K.S.A. 65-5802, and amendments thereto;

(F) licensed psychologist as defined in K.S.A. 65-6319, and amendments thereto;

(G) licensed masters level psychologist as defined in K.S.A. 74-5362, and amendments thereto;

(H) licensed clinical psychotherapist as defined in K.S.A. 74-5363, and amendments thereto; or

(I) a licensed child-placing agency.

(2) Any person performing an assessment pursuant to this subsection shall:

(A) Possess a minimum of two years experience in adoption services or be supervised by a person with such experience; or

(B) if licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders in independent practice, possess a minimum of one year of experience in adoption services or be supervised by a person with such experience.

(b) The petitioner shall file with the court, not less than 10 days before the hearing on the petition, a report of the assessment and, if necessary, confirmation or clarification of the information filed under K.S.A. 59-2130, and amendments thereto.

(c) If there is no one authorized pursuant to this section available to make the assessment and report to the court, the court may use the department of social and rehabilitation services Kansas department for children and families for that purpose.

(d) The costs of making the assessment and report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(e) In making the assessment, the person authorized pursuant to this section or department of social and rehabilitation services Kansas department for children and families is authorized to observe the child in the petitioner's home, verify financial information of the petitioner, shall clear the name of the petitioner with the child abuse and neglect registry through the department of social and rehabilitation services Kansas department for children and families and, when appropriate, with a similar registry in another state or nation, shall determine whether the petitioner has been convicted of a felony for any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or, within the last five years been convicted of a felony violation of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, and, when appropriate, any similar conviction in another jurisdiction, and to contact the agency or individuals consenting to the adoption and confirm and, if necessary, clarify any genetic and medical history filed with the petition. This information shall be made a part of the report to the court. The report to the court by any person authorized pursuant to this section to perform this assessment shall include the results of the investigation of the petitioner, the petitioner's home and the ability of the petitioner to care for the child.

(f) In the case of a nonresident who is filing a petition to adopt a child in Kansas, the assessment and report required by this section must be completed in the petitioner's state of residence by a person authorized in that state to conduct such assessments. Such report shall be filed with the court not less than 10 days before the hearing on the petition.

(g) The assessment and report required by this section shall comply with any applicable rules and regulations of the department of health and environment and shall have been completed not more than one year prior to the filing of the petition for adoption.

(h) The assessment and report required by this section may be waived by the court upon: (1) Review of a petition requesting such waiver by a relative of the child; or

(2) the court's own motion.

Sec. 205. K.S.A. 59-2135 is hereby amended to read as follows: 59-2135. The clerk of each district court shall provide a copy of the decree of adoption, a copy of the report of adoption required in K.S.A. 59-2119, and amendments thereto, and a copy of the information required in K.S.A. 59-2130, and amendments thereto, pertaining to any adoption of a minor to the secretary of social and rehabilitation services for children and families. All information pertaining to adoptions of minors required to be provided to the secretary of social and rehabilitation services for children and families shall be maintained by the secretary and shall be subject to disclosure to the same extent as files and records of the court under K.S.A. 59-2122, and amendments thereto.

Sec. 206. K.S.A. 59-2801 is hereby amended to read as follows: 59-2801. If any otherwise qualified applicant for, or recipient of old age assistance, aid to the blind, aid to the permanently and totally disabled, or general assistance or payee in the case of aid to dependent children, is or shall become unable to manage the assistance payments, or otherwise fails so to manage, to the extent that deprivation or hazard to himself or herself or others results, or, in the case of aid to dependent children, the payment is not being used for the children, a petition may be filed by the secretary of social and rehabilitation services for children and families wherein the applicant or recipient has residence before the district court of that county in the form of a verified written application for the appointment of a personal representative not an employee of the department of social and rehabilitation services Kansas department for children and families, for the purpose of receiving and managing public assistance payments for any such recipient or payee, which verified application shall allege one or more of the above grounds for the legal appointment of such representative.

Sec. 207. K.S.A. 59-2803 is hereby amended to read as follows: 59-2803. If the court shall find that the applicant, recipient, or payee is unable to manage the assistance payments, or otherwise fails so to manage, to the extent that deprivation or hazard to himself or herself or others results, or, in case of aid to dependent children, the payment is not being used for the children, the court may thereupon enter an order embracing said findings and appointing some responsible person not an employee of the secretary of social and rehabilitation services for children and families, as personal representative of the applicant, recipient or payee for the purpose set forth herein. The appointment shall not have the effect of adjudication that the applicant, recipient or payee is an incapacitated person.

Sec. 208. K.S.A. 2013 Supp. 59-2946 is hereby amended to read as follows: 59-2946. When used in the care and treatment act for mentally ill persons:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-2950, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-2973, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" shall have the meaning ascribed to it in K.S.A. 22-2202, and amendments thereto.

(d) (1) "Mental health center" means any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto, or mental health clinic organized pursuant to the provisions of K.S.A. 65-211 through 65-215, and amendments thereto, or a mental health clinic

organized as a not-for-profit or a for-profit corporation pursuant to K.S.A. 17-1701 through 17-1775, and amendments thereto, or K.S.A. 17-6001 through 17-6010, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto.

(2) "Participating mental health center" means a mental health center which has entered into a contract with the secretary of social and rehabilitation for aging and disability services pursuant to the provisions of K.S.A. 39-1601 through 39-1612, and amendments thereto.

(e) "Mentally ill person" means any person who is suffering from a mental disorder which is manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or an impairment in one or more important areas of functioning, and involving substantial behavioral, psychological or biological dysfunction, to the extent that the person is in need of treatment.

(f) (1) "Mentally ill person subject to involuntary commitment for care and treatment" means a mentally ill person, as defined in subsection (e), who also lacks capacity to make an informed decision concerning treatment, is likely to cause harm to self or others, and whose diagnosis is not solely one of the following mental disorders: Alcohol or chemical substance abuse; antisocial personality disorder; intellectual disability; organic personality syndrome; or an organic mental disorder.

(2) "Lacks capacity to make an informed decision concerning treatment" means that the person, by reason of the person's mental disorder, is unable, despite conscientious efforts at explanation, to understand basically the nature and effects of hospitalization or treatment or is unable to engage in a rational decision-making process regarding hospitalization or treatment, as evidenced by an inability to weigh the possible risks and benefits.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's mental disorder: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or (B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

No person who is being treated by prayer in the practice of the religion of any church which teaches reliance on spiritual means alone through prayer for healing shall be determined to be a mentally ill person subject to involuntary commitment for care and treatment under this act unless substantial evidence is produced upon which the district court finds that the proposed patient is likely in the reasonably foreseeable future to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty.

(g) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-2949, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-2952 or 59-2957, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to subsection (b) or (c) of K.S.A. 59-2954, and amendments thereto.

(h) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(i) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(j) "Qualified mental health professional" means a physician or psychologist who is employed by a participating mental health center or who is providing services as a physician or psychologist under a contract with a participating mental health center, a licensed masters level psychologist, a licensed clinical psychotherapist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, a licensed professional counselor, a licensed clinical professional counselor, a licensed specialist social worker or a licensed master social worker or a registered nurse who has a specialty in psychiatric nursing, who is employed by a participating mental health center and who is acting under the direction of a physician or psychologist who is employed by, or under contract with, a participating mental health center.

(1) "Direction" means monitoring and oversight including regular, periodic evaluation of services.

(2) "Licensed master social worker" means a person licensed as a master social worker by the behavioral sciences regulatory board under K.S.A. 65-6301 through 65-6318, and amendments thereto.

(3) "Licensed specialist social worker" means a person licensed in a social work practice specialty by the behavioral sciences regulatory board under K.S.A. 65-6301 through 65-6318, and amendments thereto.

(4) "Licensed masters level psychologist" means a person licensed as a licensed masters level psychologist by the behavioral sciences regulatory board under K.S.A. 74-5361 through 74-5373, and amendments thereto.

(5) "Registered nurse" means a person licensed as a registered professional nurse by the board of nursing under K.S.A. 65-1113 through 65-1164, and amendments thereto.

(k) "Secretary" means the secretary of social and rehabilitation for aging and disability services.

(l) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital, or Rainbow mental health facility or Topeka state hospital.

(m) "Treatment" means any service intended to promote the mental health of the patient and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such

practitioner.

(n) "Treatment facility" means any mental health center or clinic, psychiatric unit of a medical care facility, state psychiatric hospital, psychologist, physician or other institution or person authorized or licensed by law to provide either inpatient or outpatient treatment to any patient.

(o) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 209. K.S.A. 59-2963 is hereby amended to read as follows: 59-2963. (a) Notice as required by subsection (a)(6) of K.S.A. 59-2960, and amendments thereto, shall be given to the proposed patient named in the petition, the proposed patient's legal guardian if there is one, the attorney appointed to represent the proposed patient, the proposed patient's spouse or nearest relative and to such other persons as the court directs. The notice shall also be given to the participating mental health center for the county where the proposed patient resides.

(b) The notice shall state:

(1) That a petition has been filed, alleging that the proposed patient is a mentally ill person subject to involuntary commitment for care and treatment under the act and requesting that the court order treatment;

(2) the date, time and place of the trial;

(3) the name of the attorney appointed to represent the proposed patient and the time and place where the proposed patient shall have the opportunity to consult with this attorney;

(4) that the proposed patient has a right to a jury trial if a written demand for such is filed with the court at least four days prior to the time set for trial; and

(5) that if the proposed patient demands a jury trial, the trial date may have to be continued by the court for a reasonable time in order to empanel a jury, but that this continuance will not exceed 30 days from the date of the filing of the demand.

(c) The court may order any of the following persons to serve the notice upon the proposed patient:

(1) The physician or psychologist currently administering to the proposed patient, if the physician or psychologist consents to doing so;

(2) the head of the participating mental health center or the designee thereof;

(3) the local health officer or such officer's designee;

(4) the secretary of social and rehabilitation for aging and disability services or the secretary's designee if the proposed patient is being detained at a state psychiatric hospital;

(5) any law enforcement officer; or

(6) the attorney of the proposed patient.

(d) The notice shall be served personally on the proposed patient as soon as possible, but not less than six days prior to the date of the trial, and immediate return thereof shall be made to the court by the person serving notice. Unless otherwise ordered by the court, notice shall be served on the proposed patient by a nonuniformed person.

(e) Notice to all other persons may be made by mail or in such other manner as directed by the court.

Sec. 210. K.S.A. 59-2968 is hereby amended to read as follows: 59-2968. (a) All admissions to a state psychiatric hospital upon any order of a court shall be to the state

psychiatric hospital designated by the secretary of social and rehabilitation for aging and disability services. The time and manner of the admission shall be arranged by the participating mental health center authorizing such admission and coordinated with the hospital and the official or agent who shall transport the person.

(b) No patient shall be admitted to a state psychiatric hospital pursuant to any of the provisions of this act, including any court-ordered admissions, if the secretary has notified the supreme court of the state of Kansas and each district court which has jurisdiction over all or part of the catchment area served by a state psychiatric hospital, that the census of a particular treatment program of that state psychiatric hospital has reached capacity and that no more patients may be admitted. Following notification that a state psychiatric hospital program has reached its capacity and no more patients may be admitted, any district court which has jurisdiction over all or part of the catchment area served by that state psychiatric hospital, and any participating mental health center which serves all or part of that same catchment area, may request that patients needing that treatment program be placed on a waiting list maintained by that state psychiatric hospital.

(c) In each such case, as a vacancy at that state psychiatric hospital occurs, the district court and participating mental health center shall be notified, in the order of their previous requests for placing a patient on the waiting list, that a patient may be admitted to the state psychiatric hospital. As soon as the state psychiatric hospital is able to admit patients on a regular basis to a treatment program for which notice has been previously given under this section, the superintendent of the state psychiatric hospital shall inform the supreme court and each affected district court that the moratorium on admissions is no longer in effect.

Sec. 211. K.S.A. 2013 Supp. 59-2972 is hereby amended to read as follows: 59-2972. (a) The secretary of social and rehabilitation for aging and disability services or the secretary's designee may transfer any patient from any state psychiatric hospital under the secretary's control to any other state psychiatric hospital whenever the secretary or the secretary's designee considers it to be in the best interests of the patient. Except in the case of an emergency, the patient's spouse or nearest relative or legal guardian, if one has been appointed, shall be notified of the transfer, and notice shall be sent to the committing court not less than 14 days before the proposed transfer. The notice shall name the hospital to which the patient is proposed to be transferred to and state that, upon request of the spouse or nearest relative or legal guardian, an opportunity for a hearing on the proposed transfer will be provided by the secretary of social and rehabilitation for aging and disability services prior to such transfer.

(b) The secretary of social and rehabilitation for aging and disability services or the designee of the secretary may transfer any involuntary patient from any state psychiatric hospital to any state institution for people with intellectual disability whenever the secretary of social and rehabilitation for aging and disability services or the designee of the secretary considers it to be in the best interests of the patient. Any patient transferred as provided for in this subsection shall remain subject to the same statutory provisions as were applicable at the psychiatric hospital from which the patient was transferred and in addition thereto shall abide by and be subject to all the rules and regulations of the institution for people with intellectual disability to which the patient has been transferred. Except in the case of an emergency, the patient's spouse or nearest relative or legal guardian, if one has been appointed, shall be notified of the transfer, and notice

shall be sent to the committing court not less than 14 days before the proposed transfer. The notice shall name the institution to which the patient is proposed to be transferred to and state that, upon request of the spouse or nearest relative or legal guardian, an opportunity for a hearing on the proposed transfer will be provided by the secretary of social and rehabilitation for aging and disability services prior to such transfer. No patient shall be transferred from a state psychiatric hospital to a state institution for people with intellectual disability unless the superintendent of the receiving institution has found, pursuant to K.S.A. 76-12b01 through 76-12b11, and amendments thereto, that the patient is a person with intellectual disability and in need of care and training and that placement in the institution is the least restrictive alternative available. Nothing in this subsection shall prevent the secretary of social and rehabilitation for aging and disability services or the designee of the secretary from allowing a patient at a state psychiatric hospital to be admitted as a voluntary resident to a state institution for people with intellectual disability, or from then discharging such person from the state psychiatric hospital pursuant to K.S.A. 59-2973, and amendments thereto, as may be appropriate.

Sec. 212. K.S.A. 2013 Supp. 59-2978 is hereby amended to read as follows: 59-2978. (a) Every patient being treated in any treatment facility, in addition to all other rights preserved by the provisions of this act, shall have the following rights:

(1) To wear the patient's own clothes, keep and use the patient's own personal possessions including toilet articles and keep and be allowed to spend the patient's own money;

(2) to communicate by all reasonable means with a reasonable number of persons at reasonable hours of the day and night, including both to make and receive confidential telephone calls, and by letter, both to mail and receive unopened correspondence, except that if the head of the treatment facility should deny a patient's right to mail or to receive unopened correspondence under the provisions of subsection (b), such correspondence shall be opened and examined in the presence of the patient;

(3) to conjugal visits if facilities are available for such visits;

(4) to receive visitors in reasonable numbers and at reasonable times each day;

(5) to refuse involuntary labor other than the housekeeping of the patient's own bedroom and bathroom, provided that nothing herein shall be construed so as to prohibit a patient from performing labor as a part of a therapeutic program to which the patient has given their written consent and for which the patient receives reasonable compensation;

(6) not to be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the patient or the written consent of a parent or legal guardian, if such patient is a minor or has a legal guardian provided that the guardian has obtained authority to consent to such from the court which has venue over the guardianship following a hearing held for that purpose;

(7) to have explained, the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other treatments ordered;

(8) to communicate by letter with the secretary of social and rehabilitation for aging and disability services, the head of the treatment facility and any court, attorney, physician, psychologist, or minister of religion, including a Christian Science

practitioner. All such communications shall be forwarded at once to the addressee without examination and communications from such persons shall be delivered to the patient without examination;

(9) to contact or consult privately with the patient's physician or psychologist, minister of religion, including a Christian Science practitioner, legal guardian or attorney at any time and if the patient is a minor, their parent;

(10) to be visited by the patient's physician, psychologist, minister of religion, including a Christian Science practitioner, legal guardian or attorney at any time and if the patient is a minor, their parent;

(11) to be informed orally and in writing of their rights under this section upon admission to a treatment facility; and

(12) to be treated humanely consistent with generally accepted ethics and practices.

(b) The head of the treatment facility may, for good cause only, restrict a patient's rights under this section, except that the rights enumerated in subsections (a)(5) through (a)(12), and the right to mail any correspondence which does not violate postal regulations, shall not be restricted by the head of the treatment facility under any circumstances. Each treatment facility shall adopt regulations governing the conduct of all patients being treated in such treatment facility, which regulations shall be consistent with the provisions of this section. A statement explaining the reasons for any restriction of a patient's rights shall be immediately entered on such patient's medical record and copies of such statement shall be made available to the patient or to the parent, or legal guardian if such patient is a minor or has a legal guardian, and to the patient's attorney. In addition, notice of any restriction of a patient's rights shall be communicated to the patient in a timely fashion.

(c) Any person willfully depriving any patient of the rights protected by this section, except for the restriction of such rights in accordance with the provisions of subsection (b) or in accordance with a properly obtained court order, shall be guilty of a class C misdemeanor.

(d) The provisions of this section do not apply to persons civilly committed to a treatment facility as a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

Sec. 213. K.S.A. 59-2981 is hereby amended to read as follows: 59-2981. In each proceeding the court shall allow and order paid to any individual or treatment facility as part of the costs thereof a reasonable fee and expenses for any professional services ordered performed by the court pursuant to this act other than those performed by any individual or hospital under the jurisdiction of the secretary of social and rehabilitation for aging and disability services, and including the fee of counsel for the patient when counsel is appointed by the court and the costs of the county or district attorney incurred in cases involving change of venue. Other costs and fees shall be allowed and paid as are allowed by law for similar services in other cases. The costs shall be taxed to the estate of the patient, to those bound by law to support such patient or to the county of the residence of the patient as the court having jurisdiction shall direct, except that if a proposed patient is found not to be a mentally ill person subject to involuntary commitment under this act, the costs shall not be assessed against such patient's estate but may at the discretion of the court be assessed against the petitioner or may be paid from the general fund of the county of the residence of the proposed patient. 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 the patient is not a resident of that county. In such case it shall transmit the statement of costs to the secretary of social and rehabilitation for aging and disability services who shall determine the question of residence and certify the secretary's findings to each district court. Whenever a district court has sent a statement of costs to the district court of another county and such costs have not been paid within 90 days after the statement was sent, the district court that sent the statement may transmit such statement of costs to the secretary for determination and certification as provided above. If the claim for costs is not paid within 30 days after such certification, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county. The findings made by the secretary of social and rehabilitation for aging and disability services as to the residence of the patient shall be applicable only to the assessment of costs. Any county of residence which pays from its general fund court costs to the district court of another county may recover the same in any court of competent jurisdiction from the estate of the patient or from those bound by law to support such patient, unless the court shall find that the proceedings in which such costs were incurred were instituted without probable cause and not in good faith.

Sec. 214. K.S.A. 2013 Supp. 59-29a02 is hereby amended to read as follows: 59-29a02. As used in this act:

(a) "Sexually violent predator" means any person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in repeat acts of sexual violence.

(b) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others.

(c) "Likely to engage in repeat acts of sexual violence" means the person's propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(d) "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) "Sexually violent offense" means:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5506, 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 K.S.A. 2013 Supp. 21-5506, and amendments thereto;

(4) criminal sodomy, as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) and (a)(4) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5505, and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto;

(11) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent offense as defined in subparagraphs (1) through (11) or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this section;

(12) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 and 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent offense as defined in this subsection; or

(13) any act which either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this act, has been determined beyond a reasonable doubt to have been sexually motivated.

(f) "Agency with jurisdiction" means that agency which releases upon lawful order or authority a person serving a sentence or term of confinement and includes the department of corrections, the department of social and rehabilitation Kansas department for aging and disability services and the prisoner review board.

(g) "Person" means an individual who is a potential or actual subject of proceedings under this act.

(h) "Treatment staff" means the persons, agencies or firms employed by or contracted with the secretary to provide treatment, supervision or other services at the sexually violent predator facility.

(i) "Transitional release" means any halfway house, work release, sexually violent predator treatment facility or other placement designed to assist the person's adjustment and reintegration into the community once released from commitment.

(j) "Secretary" means the secretary of the department of social and rehabilitation for aging and disability services.

Sec. 215. K.S.A. 2013 Supp. 59-29a07 is hereby amended to read as follows: 59-29a07. (a) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If such determination that the person is a sexually violent predator is made by a jury, such determination shall be by unanimous verdict of such jury. Such determination may be appealed. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the secretary of social and rehabilitation for aging and disability services for control, care and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large. Such control, care and treatment shall be provided at a facility operated by the department of social and rehabilitation Kansas department for aging and disability services.

(b) At all times, persons committed for control, care and treatment by the department of social and rehabilitation Kansas department for aging and disability

services pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall be kept in a secure facility and such persons shall be segregated at all times from any other patient under the supervision of the secretary of social and rehabilitation for aging and disability services and commencing June 1, 1995, such persons committed pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall be kept in a facility or building separate from any other patient under the supervision of the secretary. The provisions of this subsection shall apply to any facility or building utilized in any transitional release program or conditional release program.

(c) The department of social and rehabilitation Kansas department for aging and disability services is authorized to enter into an interagency agreement with the department of corrections for the confinement of such persons. Such persons who are in the confinement of the secretary of corrections pursuant to an interagency agreement shall be housed and managed separately from offenders in the custody of the secretary of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from such offenders.

(d) If any person while committed to the custody of the secretary pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall be taken into custody by any law enforcement officer as defined in K.S.A. 2013 Supp. 21-5111, and amendments thereto, pursuant to any parole revocation proceeding or any arrest or conviction for a criminal offense of any nature, upon the person's release from the custody of any law enforcement officer, the person shall be returned to the custody of the secretary for further treatment pursuant to K.S.A. 59-29a01 et seq., and amendments thereto. During any such period of time a person is not in the actual custody or supervision of the secretary, the secretary shall be excused from the provisions of K.S.A. 59-29a08, and amendments thereto, with regard to providing that person an annual examination, annual notice and annual report to the court, except that the secretary shall give notice to the court as soon as reasonably possible after the taking of the person into custody that the person is no longer in treatment pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, and notice to the court when the person is returned to the custody of the secretary for further treatment.

(e) If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person's release.

(f) Upon a mistrial, the court shall direct that the person be held at an appropriate secure facility, including, but not limited to, a county jail, until another trial is conducted. Any subsequent trial following a mistrial shall be held within 90 days of the previous trial, unless such subsequent trial is continued as provided in K.S.A. 59-29a06, and amendments thereto.

(g) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to be released pursuant to K.S.A. 22-3305, and amendments thereto, and such person's commitment is sought pursuant to subsection (a), the court shall first hear evidence and determine whether the person did commit the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental

disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on such person's own behalf, the extent to which the evidence could be reconstructed without the assistance of the person and the strength of the prosecution's case. If after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

Sec. 216. K.S.A. 2013 Supp. 59-29a11 is hereby amended to read as follows: 59-29a11. (a) Nothing in this act shall prohibit a person from filing a petition for transitional release, conditional release or final discharge pursuant to this act. However, if a person has previously filed a petition for transitional release, conditional release or final discharge without the secretary of the department of social and rehabilitation for aging and disability services approval and the court determined either upon review of the petition or following a hearing, that the petitioner's petition was frivolous or that the petitioner's condition had not so changed that the person was safe to be at large, then the court shall deny the subsequent petition unless the petition contains facts upon which a court could find the condition of the petitioner had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from committed persons without the secretary's approval, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

(b) No transitional release or conditional release facility or building shall be located within 2,000 feet of a licensed child care facility, an established place of worship, any residence in which a child under 18 years of age resides, or the real property of any school upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through 12. This subsection shall not apply to any state institution or facility.

(c) Transitional release or conditional release facilities or buildings shall be subject to all regulations applicable to other property and buildings located in the zone or area that are imposed by any municipality through zoning ordinance, resolution or regulation, such municipality's building regulatory codes, subdivision regulations or other nondiscriminatory regulations.

(d) On and after January 1, 2009, the secretary of social and rehabilitation for aging and disability services shall place no more than eight sexually violent predators in any one county on transitional release or conditional release.

(e) The secretary of social and rehabilitation for aging and disability services shall submit an annual report to the governor and the legislature during the first week of the regular legislative session detailing activities related to the transitional release and conditional release of sexually violent predators. The report shall include the status of such predators who have been placed in transitional release or conditional release including the number of any such predators and their locations; information regarding the number of predators who have been returned to the sexually violent predator treatment program at Larned state hospital along with the reasons for such return; and any plans for the development of additional transitional release or conditional release facilities.

Sec. 217. K.S.A. 2013 Supp. 59-29a22 is hereby amended to read as follows: 59-29a22. (a) As used in this section:

(1) "Patient" means any individual:

(A) Who is receiving services for mental illness and who is admitted, detained, committed, transferred or placed in the custody of the secretary of social and rehabilitation for aging and disability services under the authority of K.S.A. 22-3219, 22-3302, 22-3303, 22-3428a, 22-3429, 22-3430, 59-29a05, 75-5209 and 76-1306, and amendments thereto.

(B) In the custody of the secretary of social and rehabilitation for aging and disability services after being found a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, including any sexually violent predator placed on transitional release.

(2) "Restraints" means the application of any devices, other than human force alone, to any part of the body of the patient for the purpose of preventing the patient from causing injury to self or others.

(3) "Seclusion" means the placement of a patient, alone, in a room, where the patient's freedom to leave is restricted and where the patient is not under continuous observation.

(b) Each patient shall have the following rights:

(1) Upon admission or commitment, be informed orally and in writing of the patient's rights under this section. Copies of this section shall be posted conspicuously in each patient area, and shall be available to the patient's guardian and immediate family.

(2) The right to refuse to perform labor which is of financial benefit to the facility in which the patient is receiving treatment or service. Privileges or release from the facility may not be conditioned upon the performance of any labor which is regulated by this subsection. Tasks of a personal housekeeping nature are not considered compensable labor. Patients may voluntarily engage in therapeutic labor which is of financial benefit to the facility if such labor is compensated in accordance with a plan approved by the department and if:

(A) The specific labor is an integrated part of the patient's treatment plan approved as a therapeutic activity by the professional staff member responsible for supervising the patient's treatment;

(B) the labor is supervised by a staff member who is qualified to oversee the therapeutic aspects of the activity;

(C) the patient has given written informed consent to engage in such labor and has been informed that such consent may be withdrawn at any time; and

(D) the labor involved is evaluated for its appropriateness by the staff of the facility at least once every 120 days.

(3) A right to receive prompt and adequate treatment, rehabilitation and educational services appropriate for such patient's condition, within the limits of available state and federal funds.

(4) Have the right to be informed of such patient's treatment and care and to participate in the planning of such treatment and care.

(5) Have the following rights, under the following procedures, to refuse medication and treatment:

(A) Have the right to refuse all medication and treatment except as ordered by a

court or in a situation in which the medication or treatment is necessary to prevent serious physical harm to the patient or to others. Except when medication or medical treatment has been ordered by the court or is necessary to prevent serious physical harm to others as evidenced by a recent overt act, attempt or threat to do such harm, a patient may refuse medications and medical treatment if the patient is a member of a recognized religious organization and the religious tenets of such organization prohibit such medications and treatment.

(B) Medication may not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with a patient's treatment program.

(C) Patients will have the right to have explained the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other treatments ordered.

(6) Except as provided in paragraph (2), have a right to be free from physical restraint and seclusion.

(A) Restraints or seclusion shall not be applied to a patient unless it is determined by the superintendent of the treatment facility or a physician or licensed psychologist to be necessary to prevent immediate substantial bodily injury to the patient or others and that other alternative methods to prevent such injury are not sufficient to accomplish this purpose. Restraint or seclusion shall never be used as a punishment or for the convenience of staff. The extent of the restraint or seclusion applied to the patient shall be the least restrictive measure necessary to prevent such injury to the patient or others, and the use of restraint or seclusion in a treatment facility shall not exceed three hours without medical reevaluation. When restraints or seclusion are applied, there shall be monitoring of the patient's condition at a frequency determined by the treating physician or licensed psychologist, which shall be no less than once per each 15 minutes. The superintendent of the treatment facility or a physician or licensed psychologist shall sign a statement explaining the treatment necessity for the use of any restraint or seclusion and shall make such statement a part of the permanent treatment record of the patient.

(B) The provisions of clause (A) shall not prevent:

(i) The use of seclusion as part of a treatment methodology that calls for time out when the patient is refusing to participate in a treatment or has become disruptive of a treatment process.

(ii) Patients may be restrained for security reasons during transport to or from the patient's building, including transport to another treatment facility. Any patient committed or transferred to a hospital or other health care facility for medical care may be isolated for security reasons within locked facilities in the hospital.

(iii) Patients may be locked or restricted in such patient's room during the night shift, if such patient resides in a unit in which each room is equipped with a toilet and sink or if the patients who do not have toilets in the rooms shall be given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated.

(iv) Patients may be locked in such patient's room for a period of time no longer than one hour during each change of shift by staff to permit staff review of patient needs.

(v) Patients may also be locked in such patient's room on a unit-wide or facility-wide basis as an emergency measure as needed for security purposes to deal with an

escape or attempted escape, the discovery of a dangerous weapon in the unit or facility or the receipt of reliable information that a dangerous weapon is in the unit or facility, or to prevent or control a riot or the taking of a hostage. A unit-wide or facility-wide emergency isolation order may only be authorized by the superintendent of the facility where the order is applicable or the superintendent's designee. A unit-wide or facility-wide emergency isolation order shall be approved within one hour after it is authorized by the superintendent or the superintendent's designee. An emergency order for unit-wide or facility-wide isolation may only be in effect for the period of time needed to preserve order while dealing with the situation and may not be used as a substitute for adequate staffing. During a period of unit-wide or facility-wide isolation, the status of each patient shall be reviewed every 30 minutes to ensure the safety and comfort of the patient, and each patient who is locked in a room without a toilet shall be given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated. The facility shall have a written policy covering the use of isolation that ensures that the dignity of the individual is protected, that the safety of the individual is secured, and that there is regular, frequent monitoring by trained staff to care for bodily needs as may be required.

(vi) Individual patients who are referred by the court or correctional facilities for criminal evaluations may be placed in administrative confinement for security reasons and to maintain proper institutional management when treatment cannot be addressed through routine psychiatric methods. Administrative confinement of individuals shall be limited to only patients that demonstrate or threaten substantial injury to other patients or staff and when there are no clinical interventions available that will be effective to maintain a safe and therapeutic environment for both patients and staff. Administrative confinement shall not be used for any patient who is actively psychotic or likely to be psychologically harmed. The status of each patient shall be reviewed every 15 minutes to ensure the safety and comfort of the patient. The patient shall be afforded all patient rights including being offered a minimum of one hour of supervised opportunity for personal hygiene, exercise and to meet other personal needs.

(7) The right not to be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the patient or the written consent of a parent or legal guardian, if such patient is a minor or has a legal guardian provided that the guardian has obtained authority to consent to such from the court which has venue over the guardianship following a hearing held for that purpose.

(8) The right to individual religious worship within the facility if the patient desires such an opportunity. The provisions for worship shall be available to all patients on a nondiscriminatory basis. No individual may be coerced into engaging in any religious activities.

(9) A right to a humane psychological and physical environment within the hospital facilities. All facilities shall be designed to afford patients with comfort and safety, to promote dignity and ensure privacy. Facilities shall also be designed to make a positive contribution to the effective attainment of the treatment goals of the hospital.

(10) The right to confidentiality of all treatment records, and as permitted by other applicable state or federal laws, have the right to inspect and to receive a copy of such records.

(11) Except as otherwise provided, have a right to not be filmed or taped, unless the

patient signs an informed and voluntary consent that specifically authorizes a named individual or group to film or tape the patient for a particular purpose or project during a specified time period. The patient may specify in such consent periods during which, or situations in which, the patient may not be filmed or taped. If a patient is legally incompetent, such consent shall be granted on behalf of the patient by the patient's guardian. A patient may be filmed or taped for security purposes without the patient's consent.

(12) The right to be informed in writing upon or at a reasonable time after admission, of any liability that the patient or any of the patient's relatives may have for the cost of the patient's care and treatment and of the right to receive information about charges for care and treatment services.

(13) The right to be treated with respect and recognition of the patient's dignity and individuality by all employees of the treatment facility.

(14) Patients have an unrestricted right to send sealed mail and receive sealed mail to or from legal counsel, the courts, the secretary of social and rehabilitation for aging and disability services, the superintendent of the treatment facility, the agency designated as the developmental disabilities protection and advocacy agency pursuant to P.L. 94-103, as amended, private physicians and licensed psychologists, and have reasonable access to letter-writing materials.

(15) The right as specified under clause (A) to send and receive sealed mail, subject to the limitations specified under clause (B):

(A) A patient shall also have a right to send sealed mail and receive sealed mail to or from other persons, subject to physical examination in the patient's presence if there is reason to believe that such communication contains contraband materials or objects that threaten the security of patients or staff. The officers and staff of a facility may not read any mail covered by this clause.

(B) The above rights to send and receive sealed and confidential mail are subject to the following limitations:

(i) An officer or employee of the facility at which the patient is placed may delay delivery of the mail to the patient for a reasonable period of time to verify whether the person named as the sender actually sent the mail; may open the mail and inspect it for contraband outside the presence of the patient; or may, if the officer or staff member cannot determine whether the mail contains contraband, return the mail to the sender along with notice of the facility mail policy.

(ii) The superintendent of the facility or the superintendent's designee may, in accordance with the standards and the procedure under subsection (c) for denying a right for cause, authorize a member of the facility treatment staff to read the mail, if the superintendent or the superintendent's designee has reason to believe that the mail could pose a threat to security at the facility or seriously interfere with the treatment, rights, or safety of the patient or others.

(iii) Residents may be restricted in receiving in the mail items deemed to be pornographic, offensive or which is deemed to jeopardize their individual treatment or that of others.

(16) Reasonable access to a telephone to make and receive telephone calls within reasonable limits.

(17) Be permitted to use and wear such patient's own clothing and personal possessions, including toilet articles, or be furnished with an adequate allowance of

clothes if none are available. Provision shall be made to launder the patient's clothing.

(18) Be provided a reasonable amount of individual secure storage space for private use.

(19) Reasonable protection of privacy in such matters as toileting and bathing.

(20) Be permitted to see a reasonable number of visitors who do not pose a threat to the security or therapeutic climate of other patients or the facility.

(21) The right to present grievances under the procedures established by each facility on the patient's own behalf or that of others to the staff or superintendent of the treatment facility without justifiable fear of reprisal and to communicate, subject to paragraph (14), with public officials or with any other person without justifiable fear of reprisal.

(22) The right to spend such patient's money as such patient chooses, except to the extent that authority over the money is held by another, including the parent of a minor, a court-appointed guardian of the patient's estate or a representative payee. A treatment facility may, as a part of its security procedures, use a patient trust account in lieu of currency that is held by a patient and may establish reasonable policies governing patient account transactions.

(c) A patient's rights guaranteed under subsections (b)(15) to (b)(21) may be denied for cause after review by the superintendent of the facility or the superintendent's designee, and may be denied when medically or therapeutically contraindicated as documented by the patient's physician or licensed psychologist in the patient's treatment record. The individual shall be informed in writing of the grounds for withdrawal of the right and shall have the opportunity for a review of the withdrawal of the right in an informal hearing before the superintendent of the facility or the superintendent's designee. There shall be documentation of the grounds for withdrawal of rights in the patient's treatment record. After an informal hearing is held, a patient or such patient's representative may petition for review of the denial of any right under this subsection through the use of the grievance procedure provided in subsection (d).

(d) The department of social and rehabilitation secretary for aging and disability services shall establish procedures to assure protection of patients' rights guaranteed under this section.

(e) No person may intentionally retaliate or discriminate against any patient or employee for contacting or providing information to any state official or to an employee of any state protection and advocacy agency, or for initiating, participating in, or testifying in a grievance procedure or in an action for any remedy authorized under this section.

(f) This section shall be a part of and supplemental to article 29a of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 218. K.S.A. 2013 Supp. 59-29b46 is hereby amended to read as follows: 59-29b46. When used in the care and treatment act for persons with an alcohol or substance abuse problem:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-29b50, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-29b73, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" shall have the meaning ascribed to it in K.S.A. 22-2202, and amendments thereto.

(d) "Other facility for care or treatment" means any mental health clinic, medical care facility, nursing home, the detox units at either Osawatomie state hospital or Larned state hospital, any physician or any other institution or individual authorized or licensed by law to give care or treatment to any person.

(e) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to subsection (b) or (c) of K.S.A. 59-29b54, and amendments thereto.

(f) "Person with an alcohol or substance abuse problem" means a person who: (1) Lacks self-control as to the use of alcoholic beverages or any substance as defined in subsection (k); or

(2) uses alcoholic beverages or any substance as defined in subsection (k) to the extent that the person's health may be substantially impaired or endangered without treatment.

(g) (1) "Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment" means a person with an alcohol or substance abuse problem, as defined in subsection (f), who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.

(2) "Incapacitated by alcohol or any substance" means that the person, as the result of the use of alcohol or any substance as defined in subsection (k), has impaired judgment resulting in the person: (A) Being incapable of realizing and making a rational decision with respect to the need for treatment; or

(B) lacking sufficient understanding or capability to make or communicate responsible decisions concerning either the person's well-being or estate.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's use of alcohol or any substance: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or

(B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

(h) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(i) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(j) "State certified alcohol and drug abuse counselor" means a person approved by the secretary of social and rehabilitation for aging and disability services to perform assessments using the American Society of Addiction Medicine criteria and employed at a state funded and designated assessment center.

(k) "Substance" means: (1) The same as the term "controlled substance" as defined in K.S.A. 2013 Supp. 21-5701, and amendments thereto; or

(2) fluorocarbons, toluene or volatile hydrocarbon solvents.

(l) "Treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.

(m) (1) "Treatment facility" means a treatment program, public or private treatment facility, or any facility of the United States government available to treat a person for an alcohol or other substance abuse problem, but such term shall not include a licensed medical care facility, a licensed adult care home, a facility licensed under K.S.A. 75-3307b, and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008, and amendments thereto, and performing only those functions for which the program is certified to perform under K.S.A. 8-1008, and amendments thereto, or a professional licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders at the independent level or a physician, who may treat in the usual course of the behavioral sciences regulatory board licensee's or physician's professional practice individuals incapacitated by alcohol or other substances, but who are not primarily engaged in the usual course of the individual's professional practice in treating such individuals, or any state institution, even if detoxification services may have been obtained at such institution.

(2) "Private treatment facility" means a private agency providing facilities for the care and treatment or lodging of persons with either an alcohol or other substance abuse problem and meeting the standards prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto, and licensed under either K.S.A. 65-4014 or 65-4607, and amendments thereto.

(3) "Public treatment facility" means a treatment facility owned and operated by any political subdivision of the state of Kansas and licensed under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an appropriate place for the care and treatment or lodging of persons with an alcohol or other substance abuse problem.

(n) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 219. K.S.A. 59-29b57 is hereby amended to read as follows: 59-29b57. (a) A verified petition to determine whether or not a person is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act may be filed in the district court of the county wherein that person resides or wherein such person may be found.

(b) The petition shall state:

(1) The petitioner's belief that the named person is a person with an alcohol or substance abuse problem subject to involuntary commitment and the facts upon which this belief is based;

(2) to the extent known, the name, age, present whereabouts and permanent address of the person named as possibly a person with an alcohol or substance abuse problem subject to involuntary commitment; and if not known, any information the petitioner might have about this person and where the person resides;

(3) to the extent known, the name and address of the person's spouse or nearest relative or relatives, or legal guardian, or if not known, any information the petitioner might have about a spouse, relative or relatives or legal guardian and where they might be found;

(4) to the extent known, the name and address of the person's legal counsel, or if not known, any information the petitioner might have about this person's legal counsel;

(5) to the extent known, whether or not this person is able to pay for medical services, or if not known, any information the petitioner might have about the person's financial circumstances or indigency;

(6) to the extent known, the name and address of any person who has custody of the person, and any known pending criminal charge or charges or of any arrest warrant or warrants outstanding or, if there are none, that fact or if not known, any information the petitioner might have about any current criminal justice system involvement with the person;

(7) the name or names and address or addresses of any witness or witnesses the petitioner believes has knowledge of facts relevant to the issue being brought before the court; and

(8) the name and address of the treatment facility to which the petitioner recommends that the proposed patient be sent for treatment if the proposed patient is found to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, or if the petitioner is not able to recommend a treatment facility to the court, then that fact and that the secretary of social and rehabilitation for aging and disability services has been notified and requested to determine which treatment facility the proposed patient should be sent to.

(c) The petition shall be accompanied by:

(1) A signed certificate from a physician, psychologist or state certified alcohol and substance abuse counselor stating that such professional has personally examined the person and any available records and has found that the person, in such professional's opinion, is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, unless the court allows the petition to be accompanied by a verified statement by the petitioner that the petitioner had attempted to have the person seen by a physician, psychologist or state certified alcohol and substance abuse counselor, but that the person failed to cooperate to such an extent that the examination was impossible to conduct;

(2) a statement of consent to the admission of the proposed patient to the treatment facility named by the petitioner pursuant to subsection (b)(8) signed by the head of that treatment facility or other documentation which shows the willingness of the treatment facility to admitting the proposed patient for care and treatment; and

(3) if applicable, a copy of any notice given pursuant to K.S.A. 59-29b51, and amendments thereto, in which the named person has sought discharge from a treatment facility into which they had previously entered voluntarily, or a statement from the treating physician or psychologist that the person was admitted as a voluntary patient but now lacks capacity to make an informed decision concerning treatment and is

refusing reasonable treatment efforts, and including a description of the treatment efforts being refused.

(d) The petition may include a request that an ex parte emergency custody order be issued pursuant to K.S.A. 59-29b58, and amendments thereto. If such request is made the petition shall also include:

(1) A brief statement explaining why the person should be immediately detained or continue to be detained;

(2) the place where the petitioner requests that the person be detained or continue to be detained; and

(3) if applicable, because detention is requested in a facility other than the detox unit at either Osawatomic state hospital or at Larned state hospital, a statement that the facility is willing to accept and detain such person.

(e) The petition may include a request that a temporary custody order be issued pursuant to K.S.A. 59-29b59, and amendments thereto.

Sec. 220. K.S.A. 59-29b60 is hereby amended to read as follows: 59-29b60. (a) Upon the filing of the petition provided for in K.S.A. 59-29b57, and amendments thereto, the district court shall issue the following:

(1) An order fixing the time and place of the trial upon the petition. Such hearing, in the court's discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 14 days after the date of the filing of the petition. If a demand for a trial by jury is later filed by the proposed patient, the court may continue the trial and fix a new time and place of the trial at a time that may exceed beyond the 14 days but shall be fixed within a reasonable time not exceeding 30 days from the date of the filing of the demand.

(2) An order that the proposed patient appear at the time and place of the hearing and providing that the proposed patient's presence will be required at the hearing unless the attorney for the proposed patient shall make a request that the proposed patient's presence be waived and the court finds that the proposed patient's presence at the hearing would be injurious to the proposed patient's welfare. The order shall further provide that notwithstanding the foregoing provision, if the proposed patient requests in writing to the court or to such person's attorney that the proposed patient wishes to be present at the hearing, the proposed patient's presence cannot be waived.

(3) An order appointing an attorney to represent the proposed patient at all stages of the proceedings and until all orders resulting from such proceedings are terminated. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed patient in other matters if the court has knowledge of that prior representation. The proposed patient shall have the right to engage an attorney of the proposed patient's own choice and, in such event, the attorney appointed by the court shall be relieved of all duties by the court.

(4) An order that the proposed patient shall appear at a time and place that is in the best interests of the patient where the proposed patient will have the opportunity to consult with the proposed patient's court-appointed attorney, which time shall be at least five days prior to the date set for the trial under K.S.A. 59-29b65, and amendments thereto.

(5) An order for an evaluation as provided for in K.S.A. 59-29b61, and amendments thereto.

(6) A notice as provided for in K.S.A. 59-29b63, and amendments thereto.

(7) If the petition also contains allegations as provided for in K.S.A. 59-3058, 59-3059, 59-3060, 59-3061 or 59-3062, and amendments thereto, those orders necessary to make a determination of the need for a legal guardian or conservator, or both, to act on behalf of the proposed patient. For these purposes, the trials required by K.S.A. 59-29b65 and K.S.A. 59-3067, and amendments thereto, may be consolidated.

(8) If the petitioner shall not have named a proposed treatment facility to which the proposed patient may be sent as provided for subsection (b)(8) of K.S.A. 59-29b57, and amendments thereto, but instead stated that the secretary of social and rehabilitation for aging and disability services has been notified and requested to determine which treatment facility the proposed patient should be sent to, then the court shall issue an order requiring the secretary, or the secretary's designee, to make that determination and to notify the court of the name and address of that treatment facility by such time as the court shall specify in the court's order.

(b) Nothing in this section shall prevent the court from granting an order of continuance, for good cause shown, to any party for no longer than seven days, except that such limitation does not apply to a request for an order of continuance made by the proposed patient or to a request made by any party if the proposed patient is absent such that further proceedings can not be held until the proposed patient has been located. The court also, upon the request of any party, may advance the date of the hearing if necessary and in the best interests of all concerned.

Sec. 221. K.S.A. 59-29b63 is hereby amended to read as follows: 59-29b63. (a) Notice as required by subsection (a)(6) of K.S.A. 59-29b60, and amendments thereto, shall be given to the proposed patient named in the petition, the proposed patient's legal guardian if there is one, the attorney appointed to represent the proposed patient, the proposed patient's spouse or nearest relative and to such other persons as the court directs.

(b) The notice shall state:

(1) That a petition has been filed, alleging that the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act and requesting that the court order treatment;

(2) the date, time and place of the trial;

(3) the name of the attorney appointed to represent the proposed patient and the time and place where the proposed patient shall have the opportunity to consult with this attorney;

(4) that the proposed patient has a right to a jury trial if a written demand for such is filed with the court at least four days prior to the time set for trial; and

(5) that if the proposed patient demands a jury trial, the trial date may have to be continued by the court for a reasonable time in order to empanel a jury, but that this continuance shall not exceed 30 days from the date of the filing of the demand.

(c) The court may order any of the following persons to serve the notice upon the proposed patient:

(1) The physician or psychologist currently administering to the proposed patient, if the physician or psychologist consents to doing so;

(2) the head of the treatment facility where the proposed patient is being detained or the designee thereof;

(3) the local health officer or such officer's designee;

(4) the secretary of social and rehabilitation for aging and disability services or the secretary's designee if the proposed patient is being treated at a state psychiatric hospital pursuant to any provision of K.S.A. 59-2945 et seq., and amendments thereto;

(5) any law enforcement officer; or

(6) the attorney of the proposed patient.

(d) The notice shall be served personally on the proposed patient as soon as possible, but not less than six days prior to the date of the trial, and immediate return thereof shall be made to the court by the person serving notice. Unless otherwise ordered by the court, notice shall be served on the proposed patient by a nonuniformed person.

(e) Notice to all other persons may be made by mail or in such other manner as directed by the court.

Sec. 222. K.S.A. 2013 Supp. 59-29b66 is hereby amended to read as follows: 59-29b66. (a) Upon the completion of the trial, if the court or jury finds by clear and convincing evidence that the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, the court shall order treatment for such person for a specified period of time not to exceed three months from the date of the trial at a treatment facility. Whenever an involuntary patient is ordered to receive treatment, the clerk of the district court shall send a copy of the order to the Kansas bureau of investigation within five days after receipt of the order. The Kansas bureau of investigation shall immediately enter the order into the national criminal information center and other appropriate databases. An order for treatment in a treatment facility shall be conditioned upon the consent of the head of that treatment facility to accepting the patient. In the event no appropriate treatment facility has agreed to provide treatment for the patient, then the secretary of social and rehabilitation for aging and disability services shall be given responsibility for providing or securing treatment for the patient.

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

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

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

Sec. 223. K.S.A. 59-29b78 is hereby amended to read as follows: 59-29b78. (a) Every patient being treated in any treatment facility, in addition to all other rights preserved by the provisions of this act, shall have the following rights:

(1) To wear the patient's own clothes, keep and use the patient's own personal possessions including toilet articles and keep and be allowed to spend the patient's own money;

(2) to communicate by all reasonable means with a reasonable number of persons at reasonable hours of the day and night, including both to make and receive confidential telephone calls, and by letter, both to mail and receive unopened correspondence, except that if the head of the treatment facility should deny a patient's right to mail or to receive unopened correspondence under the provisions of subsection (b), such

correspondence shall be opened and examined in the presence of the patient;

(3) to conjugal visits if facilities are available for such visits;

(4) to receive visitors in reasonable numbers and at reasonable times each day;

(5) to refuse involuntary labor other than the housekeeping of the patient's own bedroom and bathroom, provided that nothing herein shall be construed so as to prohibit a patient from performing labor as a part of a therapeutic program to which the patient has given their written consent and for which the patient receives reasonable compensation;

(6) not to be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the patient or the written consent of a parent or legal guardian, if such patient is a minor or has a legal guardian provided that the guardian has obtained authority to consent to such from the court which has venue over the guardianship following a hearing held for that purpose;

(7) to have explained, the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other treatments ordered;

(8) to communicate by letter with the secretary of social and rehabilitation for aging and disability services, the head of the treatment facility and any court, attorney, physician, psychologist or minister of religion, including a Christian Science practitioner. All such communications shall be forwarded at once to the addressee without examination and communications from such persons shall be delivered to the patient without examination;

(9) to contact or consult privately with the patient's physician or psychologist, minister of religion, including a Christian Science practitioner, legal guardian or attorney at any time and if the patient is a minor, their parent;

(10) to be visited by the patient's physician, psychologist, minister of religion, including a Christian Science practitioner, legal guardian or attorney at any time and if the patient is a minor, their parent;

(11) to be informed orally and in writing of their rights under this section upon admission to a treatment facility; and

(12) to be treated humanely consistent with generally accepted ethics and practices.

(b) The head of the treatment facility may, for good cause only, restrict a patient's rights under this section, except that the rights enumerated in subsections (a)(5) through (a)(12), and the right to mail any correspondence which does not violate postal regulations, shall not be restricted by the head of the treatment facility under any circumstances. Each treatment facility shall adopt regulations governing the conduct of all patients being treated in such treatment facility, which regulations shall be consistent with the provisions of this section. A statement explaining the reasons for any restriction of a patient's rights shall be immediately entered on such patient's medical record and copies of such statement shall be made available to the patient or to the parent, or legal guardian if such patient is a minor or has a legal guardian, and to the patient's attorney. In addition, notice of any restriction of a patient's rights shall be communicated to the patient in a timely fashion.

(c) Any person willfully depriving any patient of the rights protected by this section, except for the restriction of such rights in accordance with the provisions of subsection (b) or in accordance with a properly obtained court order, shall be guilty of a

class C misdemeanor.

Sec. 224. K.S.A. 59-29b81 is hereby amended to read as follows: 59-29b81. In each proceeding the court shall allow and order paid to any individual or treatment facility as part of the costs thereof a reasonable fee and expenses for any professional services ordered performed by the court pursuant to this act, and including the fee of counsel for the patient when counsel is appointed by the court and the costs of the county or district attorney incurred in cases involving change of venue. Other costs and fees shall be allowed and paid as are allowed by law for similar services in other cases. The costs shall be taxed to the estate of the patient, to those bound by law to support such patient or to the county of the residence of the patient as the court having jurisdiction shall direct, except that if a proposed patient is found not to be a person with an alcohol or substance abuse problem subject to involuntary commitment under this act, the costs shall not be assessed against such patient's estate but may at the discretion of the court be assessed against the petitioner or may be paid from the general fund of the county of the residence of the proposed patient. 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 the patient is not a resident of that county. In such case it shall transmit the statement of costs to the secretary of social and rehabilitation for aging and disability services who shall determine the question of residence and certify the secretary's findings to each district court. Whenever a district court has sent a statement of costs to the district court of another county and such costs have not been paid within 90 days after the statement was sent, the district court that sent the statement may transmit such statement of costs to the secretary for determination and certification as provided in this section. If the claim for costs is not paid within 30 days after such certification, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county. The findings made by the secretary of social and rehabilitation for aging and disability services as to the residence of the patient shall be applicable only to the assessment of costs. Any county of residence which pays from its general fund court costs to the district court of another county may recover the same in any court of competent jurisdiction from the estate of the patient or from those bound by law to support such patient, unless the court shall find that the proceedings in which such costs were incurred were instituted without probable cause and not in good faith.

Sec. 225. K.S.A. 59-3065 is hereby amended to read as follows: 59-3065. (a) Upon the filing of a petition as provided for in K.S.A. 59-3058, 59-3059, 59-3060, 59-3061 or 59-3062, and amendments thereto, or at any time thereafter until the trial provided for in K.S.A. 59-3067, and amendments thereto, the court may enter any of the following:

(1) An order for an investigation and report concerning the proposed ward's or proposed conservatee's family relationships, past conduct, the nature and extent of any property or income of the proposed ward or proposed conservatee; whether the proposed ward or proposed conservatee is likely to injure self or others, or other matters as the court may specify. If requested to do so by the court, the secretary of social and rehabilitation services for children and families shall conduct this investigation. Otherwise, the court may appoint any other person who is qualified to conduct this investigation, and the costs of this investigation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.

(2) Any orders requested or authorized pursuant to K.S.A. 59-3073, and amendments thereto.

(3) For good cause shown, an order of continuance of the trial set pursuant to K.S.A. 59-3063, and amendments thereto.

(4) For good cause shown, an order of advancement of the trial set pursuant to K.S.A. 59-3063, and amendments thereto.

(5) For good cause shown, an order changing the place of the trial set pursuant to K.S.A. 59-3063, and amendments thereto.

(6) A notice in the manner provided for in K.S.A. 59-3066, and amendments thereto.

(b) Upon the filing of a petition as provided for in K.S.A. 59-3059, and amendments thereto, alleging that the proposed ward or proposed conservatee is a minor in need of a guardian or conservator, or both, the court may issue any of the following:

(1) An order of temporary custody of the minor.

(2) An order requiring that the minor appear at the time and place of the trial set pursuant to subsection (b) of K.S.A. 59-3063, and amendments thereto. If an order to appear is entered, but is later rescinded, the court shall enter in the record of the proceedings the facts upon which the court found subsequent to the issuance of the order that the presence of the minor should be excused.

(3) An order appointing an attorney to represent the minor. The court shall give preference, in the appointment of the attorney, to any attorney who has represented the minor in other matters if the court has knowledge of that prior representation, or to an attorney whom the minor, if 14 years of age or older, has requested. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order. Thereafter, an attorney may be appointed by the court if requested, in writing, by the guardian, conservator or minor, if 14 years of age or older, or upon the court's own motion.

(4) A notice in the manner provided for in K.S.A. 59-3066, and amendments thereto.

(5) An order for a psychological or other examination and evaluation of the minor as may be specified by the court. The court may order the minor to submit to such an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health center, community developmental disability organization, or by a private physician, psychiatrist, psychologist or other person appointed by the court who is qualified to examine and evaluate the minor. The costs of this examination and evaluation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.

(c) Upon the filing of a petition as provided for in K.S.A. 59-3060, and amendments thereto, alleging that the proposed ward or proposed conservatee is a minor with an impairment in need of a guardian or conservator, or both, the court may issue an order of temporary custody of the minor.

(d) Upon the filing of a petition as provided for in K.S.A. 59-3061, and amendments thereto, alleging that the proposed ward or proposed conservatee is a person who has been previously adjudged as impaired in another state, the court may issue any of the following:

(1) An order appointing an attorney to represent the proposed ward or proposed conservatee. In making this appointment, the court shall consider the appointment of any attorney who has represented the proposed ward or proposed conservatee in other matters if the court has knowledge of that prior representation. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order. Thereafter, an attorney may be appointed at any time if requested, in writing, by the ward, conservatee, guardian or conservator, or upon the court's own motion.

(2) An order requiring that the proposed ward or proposed conservatee appear at the time and place of the trial set pursuant to subsection (d) of K.S.A. 59-3063, and amendments thereto. If an order to appear is entered, but later rescinded, the court shall enter in the record of the proceedings the facts upon which the court found subsequent to the issuance of the order that the presence of the proposed ward or proposed conservatee should be excused.

(3) An order for an examination and evaluation of the proposed ward or proposed conservatee as may be specified by the court. The court may order the proposed ward or proposed conservatee to submit to such an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health center, community developmental disability organization, or by a private physician, psychiatrist, psychologist or other person appointed by the court who is qualified to examine and evaluate the proposed ward or proposed conservatee. The costs of this examination and evaluation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.

(4) A notice in the manner provided for in K.S.A. 59-3066, and amendments thereto.

(e) Upon the filing of a petition as provided for in K.S.A. 59-3062, and amendments thereto, alleging that the proposed conservatee is a person in need of an ancillary conservator and requesting the appointment of an ancillary conservator in Kansas, the court may issue any of the following:

(1) An order appointing an attorney to represent the proposed conservatee. In making this appointment, the court shall consider the appointment of any attorney who has represented the proposed conservatee in other matters if the court has knowledge of that prior representation. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order. Thereafter, an attorney may be appointed at any time if requested, in writing, by the conservatee or conservator, or upon the court's own motion.

(2) A notice in the manner provided for in K.S.A. 59-3066, and amendments thereto.

Sec. 226. K.S.A. 59-3067 is hereby amended to read as follows: 59-3067. (a) The trial upon a petition filed pursuant to K.S.A. 59-3058, 59-3059, 59-3060, 59-3061 or 59-3062, and amendments thereto, shall be held at the time and place specified in the court's order entered pursuant to K.S.A. 59-3063, and amendments thereto, unless an order of advancement, continuance or change of place has been issued pursuant to K.S.A. 59-3065, and amendments thereto, and may be consolidated with the trial provided for in the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto, or the care and treatment act for persons with an alcohol

or substance abuse problem, K.S.A. 59-29b45, and amendments thereto, if the petition also incorporates the allegations required by, and is filed in compliance with, the provisions of either of those acts.

(b) If the petition alleges that the proposed ward or proposed conservatee is an adult with an impairment in need of a guardian or conservator, or both, the trial may be held to a jury if, at least four days prior to the date of the trial, a written demand for jury trial is filed with the court by the proposed ward or proposed conservatee. In all other cases, the trial shall be held to the court.

(c) The jury, if one is demanded, shall consist of six persons and shall be selected as provided by law. Notwithstanding any provision of K.S.A. 43-166, and amendments thereto, to the contrary, a panel of prospective jurors may be assembled by the clerk upon less than 20 days notice in this circumstance. From this panel, 12 qualified jurors who have been passed for cause shall be empaneled. Prior service as a juror in any other court shall not exempt, for that reason alone, any person from jury service hereunder. From the panel so obtained, the proposed ward or proposed conservatee, or the attorney for the proposed ward or proposed conservatee, shall strike one name; then the petitioner, or the petitioner's attorney, shall strike one name; and so on alternatively until each has stricken three names so as to reach the jury of six persons. During this process, if either party neglects or refuses to aid in striking the names, the court shall strike a name on behalf of such party.

(d) The petitioner and the proposed ward or proposed conservatee shall each be afforded an opportunity to appear at the trial, to testify and to present and cross-examine witnesses. If the trial has been consolidated with a trial being held pursuant to either the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem persons not necessary for the conduct of the proceedings may be excluded as provided for in those acts. The trial shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall have the authority to receive all relevant and material evidence which may be offered, including the testimony or written report, findings or recommendations of any professional or other person who has examined or evaluated the proposed ward or proposed conservatee and the testimony and written findings and recommendations of the secretary of social and rehabilitation services for children and families or any other person appointed by the court to conduct an investigation pursuant to K.S.A. 59-3065, and amendments thereto. Such evidence shall not be privileged for the purpose of this trial.

(e) Upon completion of the trial:

(1) If the court finds by clear and convincing evidence that the proposed ward or proposed conservatee is an adult with an impairment in need of a guardian or a conservator, or both, or a minor in need of a guardian or a conservator, or both, or a minor with an impairment in need of a guardian or a conservator, or both, or a person who has been previously adjudged as impaired in another state, the court, pursuant to K.S.A. 59-3068, and amendments thereto, shall appoint a qualified and suitable individual or corporation as the guardian or conservator, or both, and shall specify what duties, responsibilities, powers and authorities as provided for in K.S.A. 59-3075, 59-3076, 59-3077, 59-3078 or 59-3079, and amendments thereto, the guardian or conservator shall have. If the court appoints co-guardians or co-conservators, or both, the court shall specify whether such co-guardians or co-conservators, or both, shall have

the authority to act independently, to act only in concert, or under what circumstances or with regard to what matter they may act independently and when they may act only in concert.

(2) If a jury has been demanded in the case of an adult and the jury finds by clear and convincing evidence that the proposed ward or proposed conservatee is unable to meet essential needs for physical health, safety or welfare, or is unable to manage such person's estate, then the court shall determine if the proposed ward or proposed conservatee is in need of a guardian or a conservator, or both, and if so, the court, pursuant to K.S.A. 59-3068, and amendments thereto, shall appoint a qualified and suitable individual or corporation as the guardian or conservator, or both, and shall specify what duties, responsibilities, powers and authorities as provided for in K.S.A. 59-3075, 59-3076, 59-3077, 59-3078 or 59-3079, and amendments thereto, the guardian or conservator shall have. If the court appoints co-guardians or co-conservators, or both, the court shall specify whether such co-guardians or co-conservators, or both, shall have the authority to act independently or whether they shall be required to act only in concert.

(3) If the court finds by clear and convincing evidence that the proposed conservatee is a person in need of an ancillary conservator, the court, pursuant to K.S.A. 59-3068, and amendments thereto, shall appoint a qualified and suitable individual or corporation as the ancillary conservator, and shall specify what duties, responsibilities, powers and authorities as provided for in K.S.A. 59-3078 or 59-3079, and amendments thereto, the ancillary conservator shall have. If the court appoints co-ancillary conservators, the court shall specify whether such co-ancillary conservators shall have the authority to act independently or whether they shall be required to act only in concert.

(f) If the court does not find by clear and convincing evidence that the proposed ward or proposed conservatee is an adult with an impairment in need of a guardian or a conservator, or both, or a minor in need of a guardian or a conservator, or both, or a person who has been previously adjudged as impaired in another state, or a person in need of an ancillary conservator, or does not find that the proposed ward or proposed conservatee is in need of a guardian or a conservator, even though the jury has determined that the proposed ward or proposed conservatee is unable to meet essential needs for physical health, safety or welfare, or is unable to manage such person's estate, because other appropriate alternatives exist and are sufficient to meet those needs of the proposed ward or proposed conservatee, then the court shall deny the requested appointments.

Sec. 227. K.S.A. 2013 Supp. 59-3069 is hereby amended to read as follows: 59-3069. (a) When the court appoints an individual or a corporation as a guardian, the court shall require that the individual or a representative on behalf of the corporation file with the court an oath or affirmation as required by K.S.A. 59-1702, and amendments thereto.

(b) When the court appoints an individual or a corporation as a conservator, except as provided for in subsections (c), (d) or (e), or in K.S.A. 59-3055, and amendments thereto, the court shall require that the individual or a representative on behalf of the corporation file with the court a bond in the amount of 125% of the combined value of the tangible and intangible personal property in the conservatee's estate and the total of

any annual income from any source which the conservator may be expected to receive on behalf of the conservatee, minus any reasonably expected expenses, conditioned upon the faithful discharge of all the duties of the conservator's trust according to law, and with sufficient sureties as the court may determine necessary or appropriate.

(c) When the court appoints an individual or a corporation as a conservator pursuant to a request for a voluntary conservatorship as provided for in K.S.A. 59-3056, and amendments thereto, and the person for whom the voluntary conservatorship is established has requested that the individual or corporation appointed not be required to file a bond, the court may waive the filing of a bond; provided that the court may later require the filing of a bond if circumstances so require.

(d) If, at the time of the appointment of a conservator, there is no property in the possession of the conservatee requiring a conservatorship, but the court finds that there is likely to be such at some point in time, the court may waive the filing of a bond and order that the conservator shall immediately file a report with the court upon either the conservator coming into possession of any property of the conservatee, or if the conservatee becomes entitled to receive any property which the conservator believes should be placed within the conservatorship. Upon the filing of such a report, the court, following any hearing the court may determine appropriate, may require the conservator to file a bond as provided for herein.

(e) If the conservator appointed is the individual or corporation suggested by a testator or settlor as provided for in K.S.A. 59-3054, and amendments thereto, and the testator or settlor has provided by will or trust that no bond should be required of such conservator, the court may waive the filing of a bond; provided that the court may later require the filing of a bond if circumstances so require.

(f) If the conservator is a bank having trust authority or a trust company organized and having its principal place of business within the state of Kansas, the court may waive the filing of a bond.

(g) If the conservator appointed is under contract with the Kansas guardianship program, the department of social and rehabilitation services Kansas department for children and families shall act as surety on the bond. The court shall order that a certified copy of the order appointing a conservator who is under contract with the Kansas guardianship program be sent to the director of the Kansas guardianship program.

(h) If the individual appointed as guardian or conservator, or both, resides outside of Kansas, the court shall require that person, and in the case of a corporation being appointed as guardian or conservator, or both, the court shall require a representative of the corporation, to appoint, in writing, a resident agent pursuant to K.S.A. 59-1706, and amendments thereto.

(i) Upon the filing of the required oath or bond, and appointment and consent of a resident agent, the court shall issue letters of guardianship to the guardian or letters of conservatorship to the conservator, or both. The court may order that a certified copy of these letters be sent to such persons or agencies as the court specifies.

(j) Every individual appointed as guardian or conservator on or after January 1, 2009, shall file with the court evidence of completion of a basic instructional program concerning the duties and responsibilities of a guardian or conservator prior to the issuance of letters of guardianship or conservatorship. The court shall have the authority to require any guardian or conservator appointed prior to January 1, 2009, to complete

the basic instructional program and provide evidence thereof to the court. The materials comprising the basic instructional program shall be prepared by the judicial council.

Sec. 228. K.S.A. 59-3070 is hereby amended to read as follows: 59-3070. (a) Any corporation organized under the Kansas general corporation code may act as guardian for an individual found to be in need of a guardian under the act for obtaining a guardian or conservator, or both, if the corporation has been certified by the secretary of social and rehabilitation services for children and families as a suitable agency to perform the duties of a guardian.

(b) The secretary of social and rehabilitation services for children and families shall establish criteria for determining whether a corporation should be certified as a suitable agency to perform the duties of a guardian. The criteria shall be designed for the protection of the ward and shall include, but not be limited to, the following:

- (1) Whether the corporation is capable of performing the duties of a guardian;
- (2) whether the staff of the corporation is accessible and available to wards and to other persons concerned about their well-being and is adequate in number to properly perform the duties and responsibilities of a guardian;
- (3) whether the corporation is a stable organization which is likely to continue in existence for some time; and
- (4) whether the corporation will agree to submit such reports and answer such questions as the secretary may require in monitoring corporate guardianships.

(c) Application for certification under this section shall be made to the secretary of social and rehabilitation services for children and families in such manner as the secretary may direct. The secretary of social and rehabilitation services for children and families may suspend or revoke certification of a corporation under this section, after notice and hearing, upon a finding that such corporation has failed to comply with the criteria established by rules and regulations under subsection (b). Such corporation shall not be appointed as a guardian during the period of time the certificate is suspended or revoked.

(d) No corporation shall be eligible for appointment as provided for in K.S.A. 59-3068, and amendments thereto, as the guardian of any person if such corporation provides care, treatment or housing to that person or is the owner, part owner or operator of any adult care home, lodging establishment or institution utilized for the care, treatment or housing of that person.

(e) The secretary of social and rehabilitation services for children and families may adopt rules and regulations necessary to administer the provisions of this section.

Sec. 229. K.S.A. 59-3080 is hereby amended to read as follows: 59-3080. (a) At any time the conservator, or the guardian if the guardian has been granted the authority to exercise control or authority over the ward's estate pursuant to subsection (e)(8) of K.S.A. 59-3075, and amendments thereto, may file a verified petition requesting that the court grant authority to the conservator or guardian to establish an irrevocable trust which will enable the conservatee or ward to qualify for benefits from any federal, state or local government program, or which will accelerate the conservatee's or ward's qualification for such benefits.

(b) The petition shall include:

- (1) The conservator's or guardian's name and address, and if the conservator is the petitioner and is both the conservator and the guardian, a statement of that fact, or if the guardian is the petitioner, a statement that the court has previously granted to the

guardian the authority to exercise control or authority over the ward's estate;

(2) the conservatee's or ward's name, age, date of birth, address of permanent residence, and present address or whereabouts, if different from the conservatee's or ward's permanent residence;

(3) the name and address of the conservatee's court appointed guardian, if a guardian has been appointed by the court and is different from the conservator;

(4) the names and addresses of any spouse, adult children and adult grandchildren of the conservatee or ward, and those of any parents and adult siblings of the conservatee or ward, or if no such names or addresses are known to the petitioner, the name and address of at least one adult who is nearest in kinship to the conservatee, or if none, that fact. If no such names and addresses are known to the petitioner, but the petitioner has reason to believe such persons exist, then the petition shall state that fact and that the petitioner has made diligent inquiry to learn those names and addresses;

(5) a statement of whether the secretary of social and rehabilitation services for children and families has an interest in the matter by virtue of the purpose of the trust being to enable the conservatee or ward to qualify for benefits from any program administered by the secretary;

(6) the names and addresses of other persons, if any, whom the petitioner knows to have an interest in the matter, or a statement that the petitioner knows of no other persons having an interest in the matter;

(7) a description of the funds or assets of the conservatee or ward which the petitioner proposes to transfer to a trust;

(8) the factual basis upon which the petitioner alleges the need for such a trust;

(9) the names and addresses of witnesses by whom the truth of this petition may be proved; and

(10) a request that the court find that the conservator or guardian should be granted such authority, and that the court grant to the conservator or guardian the authority to establish such a trust.

(c) The petition shall be accompanied by a draft of the instrument by which the trust is proposed to be established.

(d) Upon the filing of such a petition, the court shall issue an order fixing the date, time and place of a hearing upon the petition, which hearing may be held forthwith and without further notice if those persons named within the petition pursuant to the requirements of subsections (b)(4), (b)(5) and (b)(6), as applicable, have entered their appearances, waived notice and agreed to the court's granting to the conservator or guardian the authority to establish the proposed trust. Otherwise, the court shall require the petitioner to give notice of this hearing to such persons and in such manner as the court may direct, including therewith a copy of the proposed trust instrument. This notice shall advise such persons that if they have any objections to this authority being granted to the conservator or guardian, that they must file their written objections with the court prior to the scheduled hearing or that they must appear at the hearing to present those objections. The court may appoint an attorney to represent the conservatee or ward in this matter similarly as provided for in subsection (a)(3) of K.S.A. 59-3063, and amendments thereto, and in such event, the court shall require the petitioner to also give this notice to that attorney.

(e) At the conclusion of the hearing, if the court finds by a preponderance of the evidence that:

(1) The establishment of such a trust will enable the conservatee or ward to qualify for benefits from any federal, state or local government program, or will accelerate the qualification of the conservatee or ward for such benefits;

(2) the conservatee or ward will be the sole beneficiary of such trust;

(3) the term of the trust will not extend beyond the lifetime of the conservatee or ward;

(4) the provisions of the trust will provide for the distribution of the trust estate for the benefit of the conservatee or ward for special needs not satisfied from governmental benefits and that such distributions made for special needs not satisfied from governmental benefits will only be made in similar manner and under similar circumstances as the conservatee's or ward's estate would otherwise have been distributed by the conservator or guardian for the benefit of the conservatee or ward had the trust not been established;

(5) if the provisions of the trust will grant discretion to the trustee to terminate the trust during the lifetime of the conservatee or ward, that such provisions shall preclude the exercise thereof if such termination of the trust will disqualify the conservatee or ward from being eligible for any governmental benefits; and

(6) the provisions of the trust will provide that, upon termination of the trust, the remaining trust estate will first be expended to reimburse the governmental entities for the benefits which have been provided to the conservatee or ward, if such reimbursement was ever required as a condition for the conservatee's or ward's qualification for such benefits, and then any remaining balance shall be paid over and assigned as follows:

(A) To the conservator, if the termination occurs during the lifetime of the conservatee and the conservatorship remains open, or to the guardian, if the termination occurs during the lifetime of the ward and the guardianship remains open, or to the conservatee or ward, in the event the conservatorship or guardianship has been terminated and the conservatee or ward has been restored to capacity; or

(B) if the termination of the trust occurs by virtue of the conservatee's or ward's death, as follows: (i) If a testamentary power of appointment was granted to the conservatee or ward in the trust instrument, pursuant to the conservatee's or ward's valid exercise of such testamentary power of appointment which specifically references such power of appointment; or (ii) in the absence of any such power of appointment or to the extent such power was not validly exercised by the conservatee or ward over the entirety of the trust assets, to: (a) The devisees and legatees the trustee determines would have otherwise received such trust assets, and in the manner they would have received it, under the provisions of the conservatee's or ward's last will and testament had such last will and testament been admitted to probate and the trust assets constituted a portion of the conservatee's or ward's estate; (b) in the absence of a valid duly probated last will and testament of the conservatee or ward, the persons who would have received such trust assets, and in the manner they would receive it, under the intestacy laws of the state of residence of the conservatee or ward at the time of the death of the conservatee or ward had such trust assets constituted a portion of the estate of the conservatee or ward; or (c) the personal representative of the estate of the conservatee or ward, then the court may grant to the conservator or guardian the authority to establish such a trust and to transfer specified property or assets from the conservatee's or ward's estate to the trust. The court shall order the conservator or

guardian to report any such transfer within the conservator's or guardian's next accounting as required by K.S.A. 59-3083, and amendments thereto.

(f) The court may require as a condition of the court's granting to the conservator or guardian the authority to establish such a trust that the sole trustee of the trust be the court appointed conservator or guardian, and that the conservator or guardian, acting as the trustee, shall be subject to the same requirements and limitations as provided for in this act concerning conservatorships and shall report and account to the court concerning the trust estate the same as if the trust estate remained within the conservatee's or ward's estate.

Sec. 230. K.S.A. 59-3094 is hereby amended to read as follows: 59-3094. (a) In each proceeding the court shall allow and order paid to any individual or institution as a part of the costs thereof a reasonable fee and expenses for any professional services ordered performed by the court pursuant to this act other than those performed by any individual or institution under the jurisdiction of the department of social and rehabilitation services Kansas department for children and families, but including the fee of counsel for the proposed ward or proposed conservatee or ward or conservatee when counsel is appointed by the court. The court may allow and order paid the fee of counsel for the petitioner and any respondent. Other costs and fees may be allowed and paid as are allowed by law for similar services in other cases. The costs shall be taxed to the estate of the proposed ward or proposed conservatee or ward or conservatee, to those bound by law to support the proposed ward or proposed conservatee or ward or conservatee, to other parties whenever it would be just and equitable to do so, or to the county of residence of the proposed ward or proposed conservatee or ward or conservatee as the court having venue shall direct.

(b) In any contested proceeding or matter the court, in its discretion, may require one or more parties to give security for the costs thereof, or in lieu thereof to file a poverty affidavit as provided for in the code of civil procedure.

(c) Any district court receiving a statement of costs from another district court shall 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 grounds that the proposed ward or proposed conservatee or ward or conservatee is not a resident of that county. In such case it shall transmit the statement of costs to the secretary of social and rehabilitation services for children and families who shall determine the question of residence and certify those findings to each district court. If the claim for costs is not paid within 30 days after such certification, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county. The findings made by the secretary of social and rehabilitation services for children and families as to the residence of the proposed ward or proposed conservatee or ward or conservatee shall be applicable only to the assessment of costs. Any county of residence which pays from its general fund court costs to the district court of another county may recover the same in any court of competent jurisdiction from the estate of the proposed ward or proposed conservatee or ward or conservatee or from those bound by law to support the proposed ward or proposed conservatee or ward or conservatee, unless the court finds that the proceedings in which such costs were incurred were instituted without good cause and not in good faith.

Sec. 231. K.S.A. 2013 Supp. 60-1501 is hereby amended to read as follows: 60-1501. (a) Subject to the provisions of K.S.A. 60-1507, and amendments thereto, any

person in this state who is detained, confined or restrained of liberty on any pretense whatsoever, and any parent, guardian, or next friend for the protection of infants or allegedly incapacitated or incompetent persons, physically present in this state may prosecute a writ of habeas corpus in the supreme court, court of appeals or the district court of the county in which such restraint is taking place. No docket fee shall be required, as long as the petitioner complies with the provisions of subsection (b) of K.S.A. 60-2001, and amendments thereto.

(b) Except as provided in K.S.A. 60-1507, and amendments thereto, an inmate in the custody of the secretary of corrections shall file a petition for writ pursuant to subsection (a) within 30 days from the date the action was final, but such time is extended during the pendency of the inmate's timely attempts to exhaust such inmate's administrative remedies.

(c) Except as provided in K.S.A. 60-1507, and amendments thereto, a patient in the custody of the secretary of social and rehabilitation for aging and disability services pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall file a petition for writ pursuant to subsection (a) within 30 days from the date the action was final, but such time is extended during the pendency of the patient's timely attempts to exhaust such patient's administrative remedies.

Sec. 232. K.S.A. 60-2204 is hereby amended to read as follows: 60-2204. Whenever a judgment or decree of divorce has been made or subsequently becomes a lien on real property in favor of the minor child or children of the person holding legal title to such real property, the parent, legal guardian or other person having legal custody of such minor child or children may release such lien on said real property on behalf of such minor child or children. If the support rights accruing under such judgment or decree of divorce have been assigned to the secretary of social and rehabilitation services for children and families pursuant to the provisions of K.S.A. 39-709, and amendments thereto, such lien may not be released without the written consent of the secretary or the secretary's designee. Such release shall be filed in the office of the clerk of the district court in which the journal entry of such judgment was filed pursuant to K.S.A. 60-2202, and amendments thereto, and shall be filed in the office of register of deeds of any county in which said real property is situated. Any such release made pursuant to this section shall be binding upon such minor child or children.

Sec. 233. K.S.A. 2013 Supp. 60-2308 is hereby amended to read as follows: 60-2308. (a) Money received by any debtor as pensioner of the United States within three months next preceding the issuing of an execution, or attachment, or garnishment process, cannot be applied to the payment of the debts of such pensioner when it appears by the affidavit of the debtor or otherwise that such pension money is necessary for the maintenance of the debtor's support or a family support wholly or in part by the pension money. The filing of the affidavit by the debtor, or making proof as provided in this section, shall be prima facie evidence of the necessity of such pension money for such support. It shall be the duty of the court in which such proceeding is pending to release all moneys held by such attachment or garnishment process, immediately upon the filing of such affidavit, or the making of such proof.

(b) Except as provided in subsection (c), any money or other assets payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified under sections 401(a), 403(a), 403(b), 408, 408A or 409 of the federal internal revenue code of 1986, and amendments thereto, shall be

exempt from any and all claims of creditors of the beneficiary or participant. Any such plan shall be conclusively presumed to be a spendthrift trust under these statutes and the common law of the state.

(c) Any plan or arrangement described in subsection (b) shall not be exempt from the claims of an alternate payee under a qualified domestic relations order. However, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state department of social and rehabilitation services Kansas department for children and families, of the alternate payee. As used in this subsection, the terms "alternate payee" and "qualified domestic relations order" have the meaning ascribed to them in section 414(p) of the federal internal revenue code of 1986, and amendments thereto.

(d) The provisions of subsections (b) and (c) shall apply to any proceeding which: (1) Is filed on or after July 1, 1986; or (2) was filed on or after January 1, 1986, and is pending or on appeal July 1, 1986.

(e) Money held by the central unit for collection and disbursement of support payments designated pursuant to K.S.A. 2013 Supp. 39-7,135, and amendments thereto, the state department of social and rehabilitation services Kansas department for children and families, any clerk of a district court or any district court trustee in connection with a court order for the support of any person, whether the money is identified as child support, spousal support, alimony or maintenance, shall be exempt from execution, attachment or garnishment process.

(f) (1) The provisions of this subsection shall apply to any proceeding which:

(A) Is filed on or after January 1, 2002; or

(B) was filed prior to January 1, 2002, and is pending on or on appeal after January 1, 2002.

(2) Except as provided by paragraphs (3) and (4) of this subsection, if the designated beneficiary of a family postsecondary education savings account established pursuant to K.S.A. 2013 Supp. 75-640 et seq., and amendments thereto, is a lineal descendant of the account owner, all moneys in the account shall be exempt from any claims of creditors of the account owner or designated beneficiary.

(3) The provisions of paragraph (2) of this subsection shall not apply to:

(A) Claims of any creditor of an account owner, as to amounts contributed within a one-year period preceding the date of the filing of a bankruptcy petition under 11 U.S.C. § 101 et seq.; or

(B) claims of any creditor of an account owner, as to amounts contributed within a one-year period preceding an execution on judgment for such claims against the account owner.

(4) The provisions of paragraph (2) of this subsection shall not apply to:

(A) Claims of any creditor of an account owner, as to amounts exceeding \$5,000 contributed within a period of time which is more than one year but less than two years preceding the date of the filing of a bankruptcy petition under 11 U.S.C. § 101 et seq.; or

(B) claims of any creditor of an account owner, as to amounts exceeding \$5,000 contributed within a period of time which is more than one year but less than two years preceding an execution on judgment for such claims against the account owner.

Sec. 234. K.S.A. 60-2310 is hereby amended to read as follows: 60-2310. (a) *Definitions.* As used in this act and the acts of which this act is amendatory, unless the

context otherwise requires, the following words and phrases shall have the meanings respectively ascribed to them:

(1) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus or otherwise;

(2) "disposable earnings" means that part of the earnings of any individual remaining after the deduction from such earnings of any amounts required by law to be withheld;

(3) "wage garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt; and

(4) "federal minimum hourly wage" means that wage prescribed by subsection (a) (1) of section 6 of the federal fair labor standards act of 1938, and any amendments thereto.

(b) *Restriction on wage garnishment.* Subject to the provisions of subsection (e), only the aggregate disposable earnings of an individual may be subjected to wage garnishment. The maximum part of such earnings of any wage earning individual which may be subjected to wage garnishment for any workweek or multiple thereof may not exceed the lesser of: (1) Twenty-five percent of the individual's aggregate disposable earnings for that workweek or multiple thereof; (2) the amount by which the individual's aggregate disposable earnings for that workweek or multiple thereof exceed an amount equal to 30 times the federal minimum hourly wage, or equivalent multiple thereof for such longer period; or (3) the amount of the plaintiff's claim as found in the order for garnishment. No one creditor may issue more than one garnishment against the earnings of the same judgment debtor during any one 30-day period, but the court shall allow the creditor to file amendments or corrections of names or addresses of any party to the order of garnishment at any time. In answering such order the garnishee-employer shall withhold from all earnings of the judgment-debtor for any pay period or periods ending during such 30-day period an amount or amounts as are allowed and required by law. Nothing in this act shall be construed as charging the plaintiff in any garnishment action with the knowledge of the amount of any defendant's earnings prior to the commencement of such garnishment action.

(c) *Sickness preventing work.* If any debtor is prevented from working at the debtor's regular trade, profession or calling for any period greater than two weeks because of illness of the debtor or any member of the family of the debtor, and this fact is shown by the affidavit of the debtor, the provisions of this section shall not be invoked against any such debtor until after the expiration of two months after recovery from such illness.

(d) *Assignment of account.* If any person, firm or corporation sells or assigns an account to any person or collecting agency, that person, firm or corporation or their assignees shall not have or be entitled to the benefits of wage garnishment. The provision of this subsection shall not apply to the following:

(1) Assignments of support rights to the secretary of social and rehabilitation services for children and families pursuant to K.S.A. 39-709 and 39-756, and amendments thereto, and support enforcement actions conducted by court trustees pursuant to K.S.A. 23-492, et seq., and amendments thereto;

(2) support rights which have been assigned to any other state pursuant to title IV-D of the federal social security act (, 42 U.S.C. § 651 et seq.);

(3) assignments of accounts receivable or taxes receivable to the director of

accounts and reports made under K.S.A. 75-3728b, and amendments thereto; or

(4) collections pursuant to contracts entered into in accordance with K.S.A. 75-719, and amendments thereto, involving the collection of restitution or debts to district courts.

(e) *Exceptions to restrictions on wage garnishment.* The restrictions on the amount of disposable earnings subject to wage garnishment as provided in subsection (b) shall not apply in the following instances:

(1) Any order of any court for the support of any person, including any order for support in the form of alimony, but the foregoing shall be subject to the restriction provided for in subsection (g);

(2) any order of any court of bankruptcy under chapter XIII of the federal bankruptcy act; and

(3) any debt due for any state or federal tax.

(f) *Prohibition on courts.* No court of this state may make, execute or enforce any order or process in violation of this section.

(g) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed:

(1) If the individual is supporting a spouse or dependent child (other than a spouse or child with respect to whose support such order is used), 50% of the individual's disposable earnings for that week;

(2) if the individual is not supporting a spouse or dependent child described in clause (1), 60% of such individual's disposable earnings for that week; and

(3) with respect to the disposable earnings of any individual for any workweek, the 50% specified in clause (1) shall be 55% and the 60% specified in clause (2) shall be 65%, if such earnings are subject to garnishment to enforce a support order for a period which is prior to the twelve-week period which ends with the beginning of such workweek.

Sec. 235. K.S.A. 60-2401 is hereby amended to read as follows: 60-2401. (a) *Definitions.* A general execution is a direction to an officer to seize any nonexempt property of a judgment debtor and cause it to be sold in satisfaction of the judgment. A special execution or order of sale is a direction to an officer to effect some action with regard to specified property as the court determines necessary in adjudicating the rights of parties to an action. Notwithstanding the provisions of K.S.A. 60-706, and amendments thereto, executions served under this section shall be by personal service and not by certified mail return receipt requested. If personal service cannot be obtained, other forms of service of process are hereby authorized.

(b) *By whom issued.* At the request of any interested person, executions and orders of sale shall be issued by the clerk and signed by a judge. Such executions and orders shall be directed to the appropriate officers of the counties where such executions and orders are to be levied.

To the extent authorized by K.S.A. 39-7,152, and amendments thereto, the secretary of social and rehabilitation services for children and families may issue an order of execution, which shall be directed to the appropriate officer of the county where the execution is to be levied. The secretary shall deliver the execution to the appropriate officer, and a copy of the execution shall be filed with the clerk of the district court where the support order was entered or registered. The execution shall thereafter be

treated in all respects as though it had been issued at the request of the secretary by the clerk of court where the support order was entered or registered.

(c) *When returnable.* The officer to whom any execution or order of sale is directed shall return it to the court from which it is issued within 60 days from the date thereof. If the execution was issued by the secretary of social and rehabilitation services for children and families, the return shall be made to the court where the underlying support order was entered or registered.

(d) *Manner of levy.* Except as provided in subsection (a), a general execution shall be levied upon any real or personal nonexempt property of the judgment debtor in the manner provided for the service and execution of orders of attachment under K.S.A. 60-706 through 60-710, and amendments thereto. Oil and gas leaseholds, for the purposes of this article, shall be treated as real property. Special executions or orders of sale shall be levied and executed as the court determines.

Sec. 236. K.S.A. 65-116i is hereby amended to read as follows: 65-116i. Except as otherwise provided by K.S.A. 65-116l, and amendments thereto, the expenses incurred in the inpatient care, maintenance and treatment of patients committed under the provisions of K.S.A. 65-116e, and amendments thereto, or of other persons having communicable or infectious tuberculosis who voluntarily agree to accept care and treatment shall be paid from state funds appropriated to the department of social and rehabilitation Kansas department for aging and disability services for the purpose of paying medical care facilities and physicians qualified to treat persons infected with tuberculosis.

Sec. 237. K.S.A. 65-116j is hereby amended to read as follows: 65-116j. The secretary of health and environment is hereby granted and may exercise the following powers and duties in providing for the care, maintenance and treatment of persons having communicable or infectious tuberculosis:

(a) To select medical care facilities qualified to treat persons infected with tuberculosis for the purpose of caring for, maintaining and treating patients committed in accordance with the provisions of K.S.A. 65-116e, and amendments thereto, and other persons having communicable or infectious tuberculosis who voluntarily agree to accept care and treatment by a medical care facility on either an inpatient or an outpatient basis;

(b) To inspect the facilities, operations and administration of those medical care facilities receiving financial assistance from the department of social and rehabilitation Kansas department for aging and disability services for the purpose of providing care, maintenance or treatment for persons infected with communicable or infectious tuberculosis;

(c) To provide public health nursing services to persons having infectious or communicable tuberculosis who are being treated on an outpatient basis; and

(d) To adopt rules and regulations establishing standards for the hospital admission and discharge, care, treatment and maintenance of persons having communicable or infectious tuberculosis.

Sec. 238. K.S.A. 65-116k is hereby amended to read as follows: 65-116k. The secretary of social and rehabilitation for aging and disability services is hereby authorized and directed to adopt rules and regulations establishing reasonable rates and administrative procedures to be followed in making payments to the medical care facilities and physicians providing care and treatment under the provisions of this act.

Payments shall only be made directly to medical care facilities and physicians except that this act shall not be deemed to create any rights or causes of action against the state or the secretary of social and rehabilitation for aging and disability services in such a medical care facility or physician, their heirs or assigns. No payments shall be made for expenses incurred prior to the time the secretary assumes payment responsibility and payments made by the secretary on behalf of an individual eligible for payments under the provisions of this act shall constitute a complete settlement of the claim upon which such payment is based.

Sec. 239. K.S.A. 65-116l is hereby amended to read as follows: 65-116l. No funds appropriated to the department of social and rehabilitation Kansas department for aging and disability services for the purpose of carrying out the provisions of K.S.A. 65-116i, and amendments thereto, shall be used for meeting the cost of the care, maintenance or treatment of any person who has communicable or infectious tuberculosis by a medical care facility on an inpatient basis to the extent that such cost is covered by insurance or other third party payments, or to the extent that such person or a person who is legally responsible for the support of such person is able to assume the cost of such care, maintenance, treatment or transportation. The secretary of social and rehabilitation for aging and disability services in determining the ability of a person to assume such costs shall consider the following factors: (a) The age of such person; (b) the number of such person's dependents and their ages and physical condition; (c) the person's length of care, maintenance or treatment, if such person is the person receiving the care, maintenance or treatment; (d) such person's liabilities; (e) such person's assets; and (f) such other factors as the secretary deems important. The secretary of social and rehabilitation for aging and disability services may adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 240. K.S.A. 65-116m is hereby amended to read as follows: 65-116m. Where funds appropriated to the department of social and rehabilitation Kansas department for aging and disability services have been expended for the purpose of meeting the cost of the care, maintenance or treatment of any person who has communicable or infectious tuberculosis pursuant to the provisions of this act and a third party has a legal obligation to pay such cost to or on behalf of the recipient, the secretary of social and rehabilitation for aging and disability services may recover the same from the recipient or from the third party and in all respects shall be subrogated to the rights of the recipient in such cases.

Sec. 241. K.S.A. 65-1,108 is hereby amended to read as follows: 65-1,108. (a) It shall be unlawful for any person or laboratory to perform tests to evaluate biological specimens for the presence of controlled substances included in schedule I or II of the uniform controlled substances act or metabolites thereof, unless the laboratory in which such tests are performed has been approved by the secretary of health and environment to perform such tests. Any person violating any of the provisions of this section shall be deemed guilty of a class B misdemeanor.

(b) As used in this section and in K.S.A. 65-1,107, and amendments thereto, "laboratory" shall not include: (1) The office or clinic of a person licensed to practice medicine and surgery in which laboratory tests are performed as part of and incidental to the examination or treatment of a patient of such person; (2) the Kansas bureau of investigation forensic laboratory; (3) urinalysis tests for controlled substances performed only for management purposes on inmates, parolees or probationers by

personnel of the department of corrections or office of judicial administration and which shall not be used for revoking or denying parole or probation; (4) urinalysis tests approved by the secretary of corrections for controlled substances performed by the community corrections programs; (5) urinalysis tests approved by the secretary of corrections for controlled substances performed by personnel of the community correctional conservation camp in Labette county which is operated under agreements entered into by the secretary of corrections and the board of county commissioners of Labette county pursuant to K.S.A. 75-52,132, and amendments thereto; or (6) urinalysis tests performed for management purposes only by personnel of alcohol and drug treatment programs which are licensed or certified by the secretary of social and rehabilitation for aging and disability services.

Sec. 242. K.S.A. 65-1,120 is hereby amended to read as follows: 65-1,120. As used in this act:

(a) "Medication aide" means an unlicensed person certified as having satisfactorily completed a training program in medication administration approved by the secretary of health and environment for the purposes of subsection (i) of K.S.A. 65-1124, and amendments thereto.

(b) "Secretary" means the secretary of health and environment for aging and disability services.

Sec. 243. K.S.A. 65-1,159 is hereby amended to read as follows: 65-1,159. (a) On or before January 1, 1993, the secretary of health and environment, in cooperation with the secretary of social and rehabilitation for aging and disability services, the commissioner of education and the commissioner of insurance, shall develop and submit to the governor, the joint committee on health care decisions for the 1990's and the Kansas commission on the future of health care, inc., a proposal for consolidating all existing health programs required by law for pregnant women and children into one comprehensive plan to be implemented by one or several agencies through interagency contracts, contracts with private agencies or by providing direct services. Such proposal shall:

(1) Include a time schedule for phasing in implementation of the comprehensive plan;

(2) provide cost estimates for the plan;

(3) identify federal waivers necessary to implement the plan;

(4) identify sources of funding for the plan; and

(5) examine innovative programs.

(b) The comprehensive plan developed pursuant to subsection (a) shall, at a minimum, provide for the following statewide:

(1) Comprehensive prenatal services for all pregnant women who qualify for existing programs through the Kansas department of social and rehabilitation for aging and disability services or the department of health and environment or other government-funded programs;

(2) comprehensive medical care for all children under 18 years of age;

(3) preventative and restorative dental care for all children under 18 years of age of each family qualifying under the plan;

(4) periodic sight and hearing tests for all children under 18 years of age and such eyeglasses and hearing aids as such children are found to need;

(5) a case management system under which each family with a child under the plan

is assigned a case manager and under which every reasonable effort is made to assure continuity of case management and access to other appropriate social services; and

(6) services regardless of, and fees for services based on, clients' ability to pay.

Sec. 244. K.S.A. 65-1,162 is hereby amended to read as follows: 65-1,162. (a) The secretary of health and environment, in collaboration with the secretary of social and rehabilitation for aging and disability services, shall provide an educational program to health care professionals who provide health care services to pregnant women for the purpose of:

(1) Assuring accurate and appropriate patient education regarding the effects of drugs on pregnancy and fetal outcome;

(2) taking accurate and complete drug histories;

(3) counseling techniques for drug abusing women to improve referral to and compliance with drug treatment programs; and

(4) other additional topics as deemed necessary.

(b) This section shall take effect and be in force from and after January 1, 1993.

Sec. 245. K.S.A. 65-1,165 is hereby amended to read as follows: 65-1,165. (a) A pregnant woman referred for substance abuse treatment shall be a first priority user of substance abuse treatment available through social and rehabilitation aging and disability services. All records and reports regarding such pregnant woman shall be kept confidential. The secretary of social and rehabilitation for aging and disability services shall ensure that family oriented substance abuse treatment is available. Substance abuse treatment facilities which receive public funds shall not refuse to treat women solely because they are pregnant.

(b) This section shall take effect and be in force from and after January 1, 1993.

Sec. 246. K.S.A. 2013 Supp. 65-1,246 is hereby amended to read as follows: 65-1,246. Three years after the date a birth defects information system is implemented pursuant to K.S.A. 2013 Supp. 65-1,241, and amendments thereto, and annually thereafter, the secretary shall prepare a report regarding the birth defects information system. The department shall file the report with the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the departments of social and rehabilitation Kansas department for aging and disability services, and the departments of education and human resources labor.

Sec. 247. K.S.A. 2013 Supp. 65-445 is hereby amended to read as follows: 65-445. (a) Every medical care facility shall keep written records of all pregnancies which are lawfully terminated within such medical care facility and shall annually submit a written report thereon to the secretary of health and environment in the manner and form prescribed by the secretary. Every person licensed to practice medicine and surgery shall keep a record of all pregnancies which are lawfully terminated by such person in a location other than a medical care facility and shall annually submit a written report thereon to the secretary of health and environment in the manner and form prescribed by the secretary.

(b) Each report required by this section shall include the number of pregnancies terminated during the period of time covered by the report, the type of medical facility in which the pregnancy was terminated, information required to be reported under subsections (b) and (c) of K.S.A. 65-6703, subsection (j) of K.S.A. 65-6705, subsection (c) of K.S.A. 65-6721 and K.S.A. 2013 Supp. 65-6724, and amendments thereto, if

applicable to the pregnancy terminated, and such other information as may be required by the secretary of health and environment, but the report shall not include the names of the persons whose pregnancies were so terminated. Each report required by subsections (b) and (c) of K.S.A. 65-6703, subsection (j) of K.S.A. 65-6705 and subsection (c) of K.S.A. 65-6721, and amendments thereto, shall specify the medical diagnosis and condition constituting a substantial and irreversible impairment of a major bodily function or the medical diagnosis and condition which necessitated performance of an abortion to preserve the life of the pregnant woman. Each report required by K.S.A. 65-6703, and amendments thereto, shall include a sworn statement by the physician performing the abortion and the referring physician that such physicians are not legally or financially affiliated.

(c) Information obtained by the secretary of health and environment under this section shall be confidential and shall not be disclosed in a manner that would reveal the identity of any person licensed to practice medicine and surgery who submits a report to the secretary under this section or the identity of any medical care facility which submits a report to the secretary under this section, except that such information, including information identifying such persons and facilities may be disclosed to the state board of healing arts upon request of the board for disciplinary action conducted by the board and may be disclosed to the attorney general or any district or county attorney in this state upon a showing that a reasonable cause exists to believe that a violation of this act has occurred. Any information disclosed to the state board of healing arts, the attorney general or any district or county attorney pursuant to this subsection shall be used solely for the purposes of a disciplinary action or criminal proceeding. Except as otherwise provided in this subsection, information obtained by the secretary under this section may be used only for statistical purposes and such information shall not be released in a manner which would identify any county or other area of this state in which the termination of the pregnancy occurred. A violation of this subsection (c) is a class A nonperson misdemeanor.

(d) In addition to such criminal penalty under subsection (c), any person licensed to practice medicine and surgery or medical care facility whose identity is revealed in violation of this section may bring a civil action against the responsible person or persons for any damages to the person licensed to practice medicine and surgery or medical care facility caused by such violation.

(e) For the purpose of maintaining confidentiality as provided by subsections (c) and (d), reports of terminations of pregnancies required by this section shall identify the person or facility submitting such reports only by confidential code number assigned by the secretary of health and environment to such person or facility and the department of health and environment shall maintain such reports only by such number.

(f) The annual public report on abortions performed in Kansas issued by the secretary of health and environment shall contain the information required to be reported by this section to the extent such information is not deemed confidential pursuant to this section. The secretary of health and environment shall adopt rules and regulations to implement this section. Such rules and regulations shall prescribe, in detail, the information required to be kept by the physicians and hospitals and the information required in the reports which must be submitted to the secretary.

(g) The department of social and rehabilitation services Kansas department for children and families shall prepare and publish an annual report on the number of

reports of child sexual abuse received by the department from abortion providers. Such report shall be categorized by the age of the victim and the month the report was submitted to the department. The name of the victim and any other identifying information shall be kept confidential by the department and shall not be released as part of the public report.

Sec. 248. K.S.A. 2013 Supp. 65-503 is hereby amended to read as follows: 65-503. As used in this act:

(a) "Child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care.

(b) "Child care resource and referral agency" means a business or service conducted, maintained or operated by a person engaged in providing resource and referral services, including information of specific services provided by child care facilities, to assist parents to find child care.

(c) "Child care facility" means:

(1) A facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food or lodging, or both, except children in the custody of the secretary of social and rehabilitation services for children and families who are placed with a prospective adoptive family pursuant to the provisions of an adoptive placement agreement or who are related to the person by blood, marriage or legal adoption;

(2) a children's home, orphanage, maternity home, day care facility or other facility of a type determined by the secretary to require regulation under the provisions of this act;

(3) a child placement agency or child care resource and referral agency, or a facility maintained by such an agency for the purpose of caring for children under 16 years of age; or

(4) any receiving or detention home for children under 16 years of age provided or maintained by, or receiving aid from, any city or county or the state.

(d) "Day care facility" means a child care facility that includes a day care home, preschool, child care center, school-age program or other facility of a type determined by the secretary to require regulation under the provisions of K.S.A. 65-501 et seq., and amendments thereto.

(e) "Person" means any individual, association, partnership, corporation, government, governmental subdivision or other entity.

(f) "Boarding school" means a facility which provides 24-hour care to school age children, provides education as its primary function, and is accredited by an accrediting agency acceptable to the secretary of health and environment.

(g) "Maternity center" means a facility which provides delivery services for normal, uncomplicated pregnancies but does not include a medical care facility as defined by K.S.A. 65-425, and amendments thereto.

Sec. 249. K.S.A. 2013 Supp. 65-504 is hereby amended to read as follows: 65-504.

(a) The secretary of health and environment shall have the power to grant a license to a person to maintain a maternity center or child care facility for children under 16 years of age. A license granted to maintain a maternity center or child care facility shall state the name of the licensee, describe the particular premises in or at which the business

shall be carried on, whether it shall receive and care for women or children, and the number of women or children that may be treated, maintained, boarded or cared for at any one time. No greater number of women or children than is authorized in the license shall be kept on those premises and the business shall not be carried on in a building or place not designated in the license. The license shall be kept posted in a conspicuous place on the premises where the business is conducted. A license granted to maintain a day care facility shall have on its face an expiration sticker stating the date of expiration of the license.

The secretary of health and environment shall grant no license in any case until careful inspection of the maternity center or child care facility shall have been made according to the terms of this act and until such maternity center or child care facility has complied with all the requirements of this act. Except as provided by this subsection, no license shall be granted without the approval of the secretary of social and rehabilitation services for children and families. The secretary of health and environment may issue, without the approval of the secretary of social and rehabilitation services for children and families, a temporary permit to operate for a period not to exceed 90 days upon receipt of an initial application for license. The secretary of health and environment may extend, without the approval of the secretary of social and rehabilitation services for children and families, the temporary permit to operate for an additional period not to exceed 90 days if an applicant is not in full compliance with the requirements of this act but has made efforts towards full compliance.

(b) (1) In all cases where the secretary of social and rehabilitation services for children and families deems it necessary, an investigation of the maternity center or child care facility shall be made under the supervision of the secretary of social and rehabilitation services for children and families or other designated qualified agents. For that purpose and for any subsequent investigations they shall have the right of entry and access to the premises of the center or facility and to any information deemed necessary to the completion of the investigation. In all cases where an investigation is made, a report of the investigation of such center or facility shall be filed with the secretary of health and environment.

(2) In cases where neither approval or disapproval can be given within a period of 30 days following formal request for such a study, the secretary of health and environment may issue a temporary license without fee pending final approval or disapproval of the center or facility.

(c) Whenever the secretary of health and environment refuses to grant a license to an applicant, the secretary shall issue an order to that effect stating the reasons for such denial and within five days after the issuance of such order shall notify the applicant of the refusal. Upon application not more than 15 days after the date of its issuance a hearing on the order shall be held in accordance with the provisions of the Kansas administrative procedure act.

(d) When the secretary of health and environment finds upon investigation or is advised by the secretary of social and rehabilitation services for children and families that any of the provisions of this act or the provisions of K.S.A. 59-2123, and amendments thereto, are being violated, or that the maternity center or child care facility is maintained without due regard to the health, safety or welfare of any woman or child, the secretary of health and environment may issue an order revoking such

license after giving notice and conducting a hearing in accordance with the provisions of the Kansas administrative procedure act. The order shall clearly state the reason for the revocation.

(e) If the secretary revokes or refuses to renew a license, the licensee who had a license revoked or not renewed shall not be eligible to apply for a license for a period of one year subsequent to the date such revocation or refusal to renew becomes final. If the secretary revokes or refuses to renew a license of a licensee who is a repeat, three or more times, violator of statutory requirements or rules and regulations or is found to have contributed to the death or serious bodily harm of a child under such licensee's care, such licensee shall be permanently prohibited from applying for a new license to provide child care or from seeking employment under another licensee.

(f) Any applicant or licensee aggrieved by a final order of the secretary of health and environment denying or revoking a license under this act may appeal the order in accordance with the Kansas judicial review act.

Sec. 250. K.S.A. 2013 Supp. 65-506 is hereby amended to read as follows: 65-506. The secretary of health and environment shall serve notice of the issuance, limitation, modification, suspension or revocation of a license to conduct a maternity center or child care facility to the secretary of social and rehabilitation services for children and families, juvenile justice authority, department of education, office of the state fire marshal, county, city-county or multi-county department of health, and to any licensed child placement agency or licensed child care resource and referral agency serving the area where the center or facility is located. A maternity center or child care facility that has had a license limited, modified, suspended, revoked or denied by the secretary of health and environment shall notify in writing the parents or guardians of the enrollees of the limitation, modification, suspension, revocation or denial. Neither the secretary of social and rehabilitation services for children and families nor any other person shall place or cause to be placed any woman or child under 16 years of age in any maternity center or child care facility not licensed by the secretary of health and environment.

Sec. 251. K.S.A. 65-507 is hereby amended to read as follows: 65-507. (a) Each maternity center licensee shall keep a record upon forms prescribed and provided by the secretary of health and environment and the secretary of social and rehabilitation services for children and families which shall include the name of every patient, together with the patient's place of residence during the year preceding admission to the center and the name and address of the attending physician. Each child care facility licensee shall keep a record upon forms prescribed and provided by the secretary of health and environment which shall include the name and age of each child received and cared for in the facility; the name of the physician who attended any sick children in the facility, together with the names and addresses of the parents or guardians of such children; and such other information as the secretary of health and environment or secretary of social and rehabilitation services for children and families may require. Each maternity center licensee and each child care facility licensee shall apply to and shall receive without charge from the secretary of health and environment and the secretary of social and rehabilitation services for children and families forms for such records as may be required, which forms shall contain a copy of this act.

(b) Information obtained under this section shall be confidential and shall not be made public in a manner which would identify individuals.

Sec. 252. K.S.A. 2013 Supp. 65-508 is hereby amended to read as follows: 65-508.

(a) Any maternity center or child care facility subject to the provisions of this act shall: (1) Be properly heated, plumbed, lighted and ventilated; (2) have plumbing, water and sewerage systems which conform to all applicable state and local laws; and (3) be operated with strict regard to the health, safety and welfare of any woman or child.

(b) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee individual towel, wash cloth, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition. Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

(c) (1) The secretary of health and environment with the cooperation of the secretary of social and rehabilitation services for children and families shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of any woman or child served in such facilities by ensuring safe and adequate physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents.

(2) Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in day care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground supervision, pool and water safety practices.

(d) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.

(e) The immunization requirement of subsection (d) shall not apply if one of the following is obtained:

(1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or

(2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

Sec. 253. K.S.A. 65-513 is hereby amended to read as follows: 65-513. Whenever an authorized agent of the secretary of health and environment or secretary of social and rehabilitation services for children and families finds a maternity center or child care facility is not being conducted according to law, it shall be the duty of such agent to notify the licensee in writing of such changes or alterations as the agent determines necessary in order to comply with the requirements of the law, and the agent shall file a copy of such notice with the secretary of health and environment. It shall thereupon be the duty of the licensee to make such changes or alterations as are contained in the written notice within five days from the receipt of such notice. Notice shall be given in accordance with the provisions of the Kansas administrative procedure act.

Sec. 254. K.S.A. 2013 Supp. 65-516 is hereby amended to read as follows: 65-516. (a) No person shall knowingly maintain a child care facility if, there resides, works or regularly volunteers any person who in this state or in other states or the federal government:

(1) (A) Has a felony conviction for a crime against persons; (B) has a felony conviction under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; (C) has a conviction of any act which is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or a conviction of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and amendments thereto, to commit any such act or a conviction of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2013 Supp. 21-5302, and amendments thereto, to commit such act, or similar statutes of other states or the federal government; or (D) has been convicted of any act which is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2013 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;

(2) has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of a felony and which is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or similar statutes of other states or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2013 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;

(3) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the department of social and rehabilitation services Kansas department for children and families pursuant to K.S.A. 2013 Supp. 38-2226, and amendments thereto, and (A) the person has failed to successfully complete a corrective action plan which had been

deemed appropriate and approved by the department of social and rehabilitation services Kansas department for children and families, or (B) the record has not been expunged pursuant to rules and regulations adopted by the secretary of social and rehabilitation services for children and families;

(4) has had a child removed from home based on a court order pursuant to K.S.A. 2013 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;

(5) has had parental rights terminated pursuant to the Kansas juvenile code or K.S.A. 2013 Supp. 38-2266 through 38-2270, and amendments thereto, or a similar statute of other states;

(6) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 2013 Supp. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(7) has an infectious or contagious disease.

(b) No person shall maintain a child care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

(c) Any person who resides in a child care facility and who has been found to be in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.

(d) In accordance with the provisions of this subsection, the secretary of health and environment shall have access to any court orders or adjudications of any court of record, any records of such orders or adjudications, criminal history record information including, but not limited to, diversion agreements, in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 2013 Supp. 38-2226, and amendments thereto, in the possession of the department of social and rehabilitation services Kansas department for children and families or court of this state concerning persons working, regularly volunteering or residing in a child care facility. The secretary shall have access to these records for the purpose of determining whether or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.

(e) In accordance with the provisions of this subsection, the secretary is authorized to conduct national criminal history record checks to determine criminal history on persons residing, working or regularly volunteering in a child care facility. In order to conduct a national criminal history check the secretary shall require fingerprinting for identification and determination of criminal history. The secretary shall submit the fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation and receive a reply to enable the secretary to verify the identity of such person and whether such person has been convicted of any crime that would prohibit such person from residing, working or regularly volunteering in a child care facility. The secretary is authorized to use information obtained from the national criminal history record check to determine such person's fitness to reside, work or regularly

volunteer in a child care facility.

(f) The secretary shall notify the child care applicant or licensee, within seven days by certified mail with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsection (a)(1) through (7) with regard to the person who is the subject of the review.

(g) No child care facility or the employees thereof, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such facility's or home's compliance with the provisions of this section if such home acts in good faith to comply with this section.

(h) For the purpose of subsection (a)(3), a person listed in the child abuse and neglect central registry shall not be prohibited from residing, working or volunteering in a child care facility unless such person has: (1) Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and (2) been given notice of the agency decision and an opportunity to appeal such decision to the secretary and to the courts pursuant to the Kansas judicial review act.

(i) In regard to Kansas issued criminal history records:

(1) The secretary of health and environment shall provide in writing information available to the secretary to each child placement agency requesting information under this section, including the information provided by the Kansas bureau of investigation pursuant to this section, for the purpose of assessing the fitness of persons living, working or regularly volunteering in a family foster home under the child placement agency's sponsorship.

(2) The child placement agency is considered to be a governmental entity and the designee of the secretary of health and environment for the purposes of obtaining, using and disseminating information obtained under this section.

(3) The information shall be provided to the child placement agency regardless of whether the information discloses that the subject of the request has been convicted of any offense.

(4) Whenever the information available to the secretary reveals that the subject of the request has no criminal history on record, the secretary shall provide notice thereof in writing to each child placement agency requesting information under this section.

(5) Any staff person of a child placement agency who receives information under this subsection shall keep such information confidential, except that the staff person may disclose such information on a need-to-know basis to: (A) The person who is the subject of the request for information; (B) the applicant or operator of the family foster home in which the person lives, works or regularly volunteers; (C) the department of health and environment; (D) the department of social and rehabilitation services Kansas department for children and families; (E) the juvenile justice authority; and (F) the courts.

(6) A violation of the provisions of subsection (i)(5) shall be an unclassified misdemeanor punishable by a fine of \$100 for each violation.

(j) No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except where extraordinary circumstances exist, the secretary of health and environment may exercise discretion to make exceptions to this requirement. The provisions of this subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010 or who had an application for an initial license or the renewal of an existing license pending on July

1, 2010.

Sec. 255. K.S.A. 2013 Supp. 65-1456 is hereby amended to read as follows: 65-1456. (a) The board may suspend or revoke the license of any dentist who shall permit any dental hygienist operating under such dentist's supervision to perform any operation other than that permitted under the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and may suspend or revoke the license of any hygienist found guilty of performing any operation other than those permitted under article 14 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. No license of any dentist or dental hygienist shall be suspended or revoked in any administrative proceedings without first complying with the notice and hearing requirements of the Kansas administrative procedure act.

(b) The practice of dental hygiene shall include those educational, preventive, and therapeutic procedures which result in the removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci. Included among those educational, preventive and therapeutic procedures are the instruction of the patient as to daily personal care, protecting the teeth from dental caries, the scaling and polishing of the crown surfaces and the planing of the root surfaces, in addition to the curettage of those soft tissues lining the free gingiva to the depth of the gingival sulcus and such additional educational, preventive and therapeutic procedures as the board may establish by rules and regulations.

(c) Subject to such prohibitions, limitations and conditions as the board may prescribe by rules and regulations, any licensed dental hygienist may practice dental hygiene and may also perform such dental service as may be performed by a dental assistant under the provisions of K.S.A. 65-1423, and amendments thereto.

(d) Except as otherwise provided in this section, the practice of dental hygiene shall be performed under the direct or general supervision of a licensed dentist at the office of such licensed dentist. The board shall designate by rules and regulations the procedures which may be performed by a dental hygienist under direct supervision and the procedures which may be performed under general supervision of a licensed dentist. As used in this section: (1) "Direct supervision" means that the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient evaluates the performance; and (2) "general supervision" means a Kansas licensed dentist may delegate verbally or by written authorization the performance of a service, task or procedure to a licensed dental hygienist under the supervision and responsibility of the dentist, if the dental hygienist is licensed to perform the function, and the supervising dentist examines the patient at the time the dental hygiene procedure is performed, or during the 12 calendar months preceding the performance of the procedure, except that the licensed hygienist shall not be permitted to diagnose a dental disease or ailment, prescribe any treatment or a regimen thereof, prescribe, order or dispense medication or perform any procedure which is irreversible or which involves the intentional cutting of the soft or hard tissue by any means. A dentist is not required to be on the premises at the time a hygienist performs a function delegated under part (2) of this subsection.

(e) The practice of dental hygiene may be performed at an adult care home, hospital long-term care unit, state institution, local health department or indigent health care clinic on a resident of a facility, client or patient thereof so long as:

(1) A licensed dentist has delegated the performance of the service, task or

procedure;

- (2) the dental hygienist is under the supervision and responsibility of the dentist;
- (3) either the supervising dentist is personally present or the services, tasks and procedures are limited to the cleaning of teeth, education and preventive care; and
- (4) the supervising dentist examines the patient at the time the dental hygiene procedure is performed or has examined the patient during the 12 calendar months preceding performance of the procedure.

(f) The practice of dental hygiene may be performed with consent of the parent or legal guardian, on children participating in residential and nonresidential centers for therapeutic services, on all children in families which are receiving family preservation services, on all children in the custody of the secretary of social and rehabilitation services for children and families or the commissioner of juvenile justice authority and in an out-of-home placement residing in foster care homes, on children being served by runaway youth programs and homeless shelters; and on children birth to five and children in public and nonpublic schools kindergarten through grade 12 regardless of the time of year and children participating in youth organizations, so long as such children who are dentally underserved are targeted; at any state correctional institution, local health department or indigent health care clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any federally qualified health center, federally qualified health center look-alike or a community health center that receives funding from section 330 of the health center consolidation act, on a person, inmate, client or patient thereof and on other persons as may be defined by the board; so long as:

(1) The dental hygienist has received an "extended care permit I" from the Kansas dental board specifying that the dental hygienist has performed 1,200 hours of dental hygiene care within the past three years or has been an instructor at an accredited dental hygiene program for two academic years within the past three years;

- (2) the dental hygienist shows proof of professional liability insurance;
- (3) the dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit;

(4) the tasks and procedures are limited to: (A) Removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the application of topical anesthetic if the dental hygienist has completed the required course of instruction approved by the dental board; (C) the application of fluoride; (D) dental hygiene instruction; (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; and (F) other duties as may be delegated verbally or in writing by the sponsoring dentists consistent with this act;

(5) the dental hygienist advises the patient and legal guardian that the services are preventive in nature and do not constitute a comprehensive dental diagnosis and care;

(6) the dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in this subsection; and

(7) any payment to the dental hygienist for dental hygiene services is received from the sponsoring dentist or the participating organization found in this subsection.

(g) The practice of dental hygiene may be performed on persons with

developmental disabilities and on persons who are 65 years and older who live in a residential center, an adult care home, subsidized housing, hospital long-term care unit, state institution or are served in a community senior service center, elderly nutrition program or at the home of a homebound person who qualifies for the federal home and community based service (HCBS) waiver on a resident of a facility, client or patient thereof so long as:

(1) The dental hygienist has received an "extended care permit II" from the Kansas dental board specifying that the dental hygienist has: (A) Performed 1,600 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for two academic years within the past three years; and (B) completed six hours of training on the care of special needs patients or other training as may be accepted by the board;

(2) the dental hygienist shows proof of professional liability insurance;

(3) the dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit II;

(4) the tasks and procedures are limited to: (A) Removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the application of topical anesthetic if the dental hygienist has completed the required course of instruction approved by the dental board; (C) the application of fluoride; (D) dental hygiene instruction; (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; and (F) other duties as may be delegated verbally or in writing by the sponsoring dentist consistent with this act;

(5) the dental hygienist advises the patient and legal guardian that the services are preventive in nature and do not constitute comprehensive dental diagnosis and care;

(6) the dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in this subsection;

(7) any payment to the dental hygienist for dental hygiene services is received from the sponsoring dentist or the participating organization found in this subsection; and

(8) the dental hygienist completes a minimum of three hours of education in the area of special needs care within the board's continuing dental education requirements for relicensure.

(h) The expanded practice of dental hygiene may be performed with consent of the parent or legal guardian, on children participating in residential and nonresidential centers for therapeutic services, on all children in families which are receiving family preservation services, on all children in the custody of the secretary of social and rehabilitation services for children and families or the commissioner of juvenile justice authority and in an out-of-home placement residing in foster care homes, on children being served by runaway youth programs and homeless shelters; and on children birth to five and children in public and nonpublic schools kindergarten through grade 12 regardless of the time of year and children participating in youth organizations, so long as such children who are dentally underserved are targeted; at any state correctional institution, local health department or indigent health care clinic, as defined in K.S.A. 65-1466, and amendments thereto, and at any federally qualified health center, federally

qualified health center look-alike or a community health center that receives funding from section 330 of the health center consolidation act, on a person, inmate, client or patient; on persons with developmental disabilities and on persons who are 65 years and older who live in a residential center, an adult care home, subsidized housing, hospital long-term care unit, state institution or are served in a community senior service center, elderly nutrition program or at the home of a homebound person who qualifies for the federal home and community based service (HCBS) waiver on a resident of a facility, client or patient thereof so long as:

(1) The dental hygienist has received an "extended care permit III" from the Kansas dental board specifying that the dental hygienist has: (A) Performed 2,000 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for three academic years within the past four years; and (B) completed a course of study of 18 seat hours approved by the board which includes, but is not limited to, emergency dental care techniques, the preparation and placement of temporary restorations, the adjustment of dental prostheses and appropriate pharmacology;

(2) the dental hygienist shows proof of professional liability insurance;

(3) the dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit III;

(4) the tasks and procedures are limited to: (A) Removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) the application of topical anesthetic if the dental hygienist has completed the required course of instruction approved by the dental board; (C) the application of fluoride; (D) dental hygiene instruction; (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; (F) identification and removal of decay using hand instrumentation and placing a temporary filling, including glass ionomer and other palliative materials; (G) adjustment of dentures, placing soft relines in dentures, checking partial dentures for sore spots and placing permanent identification labeling in dentures; (H) smoothing of a sharp tooth with a slow speed dental handpiece; (I) use of local anesthetic, including topical, infiltration and block anesthesia, when appropriate to assist with procedures where medical services are available in a nursing home, health clinic or any other settings if the dental hygienist has completed a course on local anesthesia and nitrous oxide as required in this act; (J) extraction of deciduous teeth that are partially exfoliated with class 4 mobility; and (K) other duties as may be delegated verbally or in writing by the sponsoring dentist consistent with this act;

(5) the dental hygienist advises the patient and legal guardian that the services are palliative or preventive in nature and do not constitute comprehensive dental diagnosis and care;

(6) the dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in this subsection;

(7) the dental hygienist notifies the patient or the patient's parent or legal guardian of such patient's need for treatment by a dentist, when the dental hygienist finds an apparent need for evaluation to diagnose the presence of dental caries and other abnormalities;

(8) any payment to the dental hygienist for dental hygiene services is received from the sponsoring dentist or the participating organization found in this subsection; and

(9) the dental hygienist completes a minimum of three hours of education related to the expanded scope of dental hygiene practice in subsection (h)(4) of this act within the board's continuing dental education requirements for relicensure.

(i) In addition to the duties specifically mentioned in subsection (b) any duly licensed dental hygienist may:

(1) Give fluoride treatments as a prophylactic measure, as defined by the United States public health service and as recommended for use in dentistry;

(2) remove overhanging restoration margins and periodontal surgery materials by hand scaling instruments; and

(3) administer local block and infiltration anaesthesia and nitrous oxide. (A) The administration of local anaesthesia shall be performed under the direct supervision of a licensed dentist except that topically applied local anaesthesia, as defined by the board, may be administered under the general supervision of a licensed dentist. (B) Each dental hygienist who administers local anaesthesia regardless of the type shall have completed courses of instruction in local anaesthesia and nitrous oxide which have been approved by the board.

(j) (1) The courses of instruction required in subsection (i)(3)(B) shall provide a minimum of 12 hours of instruction at a teaching institution accredited by the American dental association.

(2) The courses of instruction shall include courses which provide both didactic and clinical instruction in: (A) Theory of pain control; (B) anatomy; (C) medical history; (D) pharmacology; and (E) emergencies and complications.

(3) Certification in cardiac pulmonary resuscitation shall be required in all cases.

(k) The board is authorized to issue to a qualified dental hygienist an extended care permit I or extended care permit II, or extended care permit III as provided in subsections (f), (g) and (h) of this section.

(l) Nothing in this section shall be construed to prevent a dental hygienist from providing dental hygiene instruction or visual oral health care screenings or fluoride applications in a school or community based setting regardless of the age of the patient.

(m) As used in this section, "dentally underserved" means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 75-6120, and amendments thereto.

Sec. 256. K.S.A. 2013 Supp. 65-1673 is hereby amended to read as follows: 65-1673. (a) For matters related only to the lawful donation, acceptance or dispensing of medications under the utilization of unused medications act, the following persons and entities, in compliance with the utilization of unused medications act, in the absence of bad faith or gross negligence, shall not be subject to criminal or civil liability for injury other than death, or loss to person or property, or professional disciplinary action:

(1) The state board of pharmacy;

(2) the department of health and environment;

(3) the department on aging Kansas department for aging and disability services;

(4) any governmental entity or donating entity donating medications under the utilization of unused medications act;

(5) any qualifying center or clinic that accepts or dispenses medications under the

utilization of unused medications act; and

(6) any qualifying center or clinic that employs a practitioner or mid-level practitioner who accepts or can legally dispense prescription drugs under the utilization of unused medications act and the pharmacy act of the state of Kansas.

(b) For matters related to the donation, acceptance or dispensing of a medication manufactured by the prescription drug manufacturer that is donated by any entity under the utilization of unused medications act, a prescription drug manufacturer shall not, in the absence of bad faith or gross negligence, be subject to criminal or civil liability for injury other than for death, or loss to person or property including, but not limited to, liability for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug.

(c) Any person who in good faith donates medications without charge under the utilization of unused medications act, which medications are in compliance with such act at the time donated, shall not be subject to criminal or civil liability arising from any injury or death due to the condition of such medications unless such injury or death is a direct result of the willful, wanton, malicious or intentional misconduct of such person.

Sec. 257. K.S.A. 2013 Supp. 65-2409a is hereby amended to read as follows: 65-2409a. (a) A certificate of birth for each live birth which occurs in this state shall be filed with the state registrar within five days after such birth and shall be registered by such registrar if such certificate has been completed and filed in accordance with this section. If a birth occurs on a moving conveyance, a birth certificate shall indicate as the place of birth the location where the child was first removed from the conveyance.

(b) When a birth occurs in an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file such certificate with the state registrar. The physician in attendance or, in the absence of the physician, the person in charge of the institution or that person's designated representative shall certify to the facts of birth and provide the medical information required by the certificate within five days after the birth. When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority: (1) The physician in attendance at or immediately after the birth, or in the absence of such a person; (2) any other person in attendance at or immediately after the birth, or in the absence of such a person; or (3) the father, the mother or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(c) If the mother was married at the time of either conception or birth, or at any time between conception and birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered. If the mother was not married either at the time of conception or of birth, or at any time between conception and birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and of the person to be named as the father on a form provided by the state registrar pursuant to K.S.A. 2013 Supp. 23-2204, and amendments thereto, unless a determination of paternity has been made by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

(d) One of the parents of any child shall sign the certificate of live birth to attest to

the accuracy of the personal data entered thereon, in time to permit its filing within the five days prescribed above.

(e) Except as otherwise provided by this subsection, a fee of \$4 shall be paid for each certificate of live birth filed with the state registrar. Such fee shall be paid by the parent or parents of the child. If a birth occurs in an institution, the person in charge of the institution or the person's designated representative shall be responsible for collecting the fee and shall remit such fee to the secretary of health and environment not later than the 15th day following the end of the calendar quarter during which the birth occurred. If a birth occurs other than in an institution, the person completing the birth certificate shall be responsible for collecting the fee and shall remit such fee to the secretary of health and environment not later than the 15th day of the month following the birth.

The fee provided for by this subsection shall not be required to be paid if the parent or parents of the child are at the time of the birth receiving assistance, as defined by K.S.A. 39-702, and amendments thereto, from the secretary of social and rehabilitation services for children and families.

(f) Except as provided in this subsection, when a certificate of birth is filed pursuant to this act, each parent shall furnish the social security number or numbers issued to the parent. Social security numbers furnished pursuant to this subsection shall not be recorded on the birth certificate. A parent shall not be required to furnish such person's social security number pursuant to this subsection if no social security number has been issued to the parent; the social security number is unknown; or the secretary determines that good cause, as defined in federal regulations promulgated pursuant to title IV-D of the federal social security act, exists for not requiring the social security number. Nothing in this subsection shall delay the filing or issuance of the birth certificate.

Sec. 258. K.S.A. 65-2422b is hereby amended to read as follows: 65-2422b. For each divorce and annulment of marriage granted by any court in this state, a report shall be prepared and filed by the clerk of court with the state registrar of vital statistics. The information necessary to prepare the report shall be furnished to the clerk of the court by the prevailing party or the legal representative of the prevailing party on forms prescribed and furnished by the state registrar of vital statistics. On or before the 15th day of each month, the clerk of the court shall forward to the state registrar of vital statistics the report of each divorce and annulment granted during the preceding calendar month and such related reports as may be required by rules and regulations issued under this act. The information provided shall include the social security numbers of both parties. Information in the report which will assist the secretary of social and rehabilitation services for children and families in establishing, modifying or enforcing a support obligation shall be made available to the secretary of social and rehabilitation services for children and families or the secretary's designee.

Sec. 259. K.S.A. 2013 Supp. 65-2422d is hereby amended to read as follows: 65-2422d. (a) The records and files of the division of public health pertaining to vital statistics shall be open to inspection, subject to the provisions of the uniform vital statistics act and rules and regulations of the secretary. It shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by the uniform vital statistics act and the secretary, and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records

under contract with the state to disclose any data contained in the records, except as authorized by law.

(b) No information concerning the birth of a child shall be disclosed in a manner that enables determination that the child was born out of wedlock, except upon order of a court in a case where the information is necessary for the determination of personal or property rights and then only for that purpose, or except that employees of the office of child support enforcement of the federal department of health and human services shall be provided information when the information is necessary to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act or except that the secretary of social and rehabilitation services for children and families or the secretary's designee performing child support enforcement functions pursuant to title IV-D of the federal social security act shall be provided information and copies of birth certificates when the information is necessary to establish parentage in legal actions or to ensure compliance with federal reporting and audit requirements pursuant to title IV-D of the federal social security act. Nothing in this subsection shall be construed as exempting such employees of the federal department of health and human services or the secretary of social and rehabilitation services for children and families or the secretary's designee from the fees prescribed by K.S.A. 65-2418, and amendments thereto.

(c) Except as provided in subsection (b), and amendments thereto, the state registrar shall not permit inspection of the records or issue a certified copy or abstract of a certificate or part thereof unless the state registrar is satisfied the applicant therefor has a direct interest in the matter recorded and the information contained in the record is necessary for the determination of personal or property rights. The state registrar's decision shall be subject, however, to review by the secretary or by a court in accordance with the Kansas judicial review act, subject to the limitations of this section.

(d) The secretary shall permit the use of data contained in vital statistical records for research purposes only, but no identifying use of them shall be made. The secretary shall permit the use of birth, death and still birth certificates as identifiable data for purposes of maternal and child health surveillance and monitoring. The secretary or the secretary's designee may interview individuals for purposes of maternal and child health surveillance and monitoring only with an approval of the health and environmental institutional review board as provided in title 45, part 46 of the code of federal regulations. The secretary shall inform such individuals that the participation in such surveillance and monitoring is voluntary and may only be conducted with the written consent of the person who is the subject of the information or with the informed consent of a parent or legal guardian if the person is under 18 years of age. Informed consent is not required if the person who is the subject of the information is deceased.

(e) Subject to the provisions of this section the secretary may direct the state registrar to release birth, death and stillbirth certificate data to federal, state or municipal agencies.

(f) On or before the 20th day of each month, the state registrar shall furnish to the county election officer of each county and the clerk of the district court in each county, without charge, a list of deceased residents of the county who were at least 18 years of age and for whom death certificates have been filed in the office of the state registrar during the preceding calendar month. The list shall include the name, age or date of birth, address and date of death of each of the deceased persons and shall be used solely

by the election officer for the purpose of correcting records of their offices and by the clerk of the district court in each county for the purpose of correcting juror information for such county. Information provided under this subsection to the clerk of the district court shall be considered confidential and shall not be disclosed to the public. The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection.

(g) No person shall prepare or issue any certificate which purports to be an original, certified copy or abstract or copy of a certificate of birth, death or fetal death, except as authorized in this act or rules and regulations adopted under this act.

(h) Records of births, deaths or marriages which are not in the custody of the secretary of health and environment and which were created before July 1, 1911, pursuant to chapter 129 of the 1885 Session Laws of Kansas, and any copies of such records, shall be open to inspection by any person and the provisions of this section shall not apply to such records.

(i) Social security numbers furnished pursuant to K.S.A. 65-2409a, and amendments thereto, shall only be used as permitted by title IV-D of the federal social security act, and amendments thereto, or as permitted by section 7(a) of the federal privacy act of 1974, and amendments thereto. The secretary shall make social security numbers furnished pursuant to K.S.A. 65-2409a, and amendments thereto, available to the department of social and rehabilitation services Kansas department for children and families for purposes permitted under title IV-D of the federal social security act.

(j) Fact of death information may be disseminated to state and federal agencies administering benefit programs. Such information shall be used for file clearance purposes only.

Sec. 260. K.S.A. 2013 Supp. 65-2895 is hereby amended to read as follows: 65-2895. (a) There is hereby created an institutional license which may be issued by the board to a person who:

(1) Is a graduate of an accredited school of medicine or osteopathic medicine or a school which has been in operation for not less than 15 years and the graduates of which have been licensed in another state or states which have standards similar to Kansas;

(2) has completed at least two years in a postgraduate training program in the United States approved by the board; and

(3) who is employed as provided in this section.

(b) Subject to the restrictions of this section, the institutional license shall confer upon the holder the right and privilege to practice medicine and surgery and shall obligate the holder to comply with all requirements of such license.

(c) The practice privileges of institutional license holders are restricted and shall be valid only during the period in which:

(1) The holder is employed by any institution within the department of social and rehabilitation Kansas department for aging and disability services, employed by any institution within the department of corrections or employed pursuant to a contract entered into by the department of social and rehabilitation Kansas department for aging and disability services or the department of corrections with a third party, and only within the institution to which the holder is assigned;

(2) the holder has been employed for at least three years as described in subsection (c)(1) and is employed to provide mental health services in the employ of a Kansas

licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, or a contractor of a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto, in a psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto, or a contractor of such educational institution, medical care facility or psychiatric hospital, and whose practice, in any such employment, is limited to providing mental health services, is a part of the duties of such licensee's paid position and is performed solely on behalf of the employer; or

(3) the holder has been employed for at least three years as described in subsection (c)(1) and is providing mental health services pursuant to a written protocol with a person who holds a license to practice medicine and surgery other than an institutional license.

(d) An institutional license shall be valid for a period of two years after the date of issuance and may be renewed for additional two-year periods if the applicant for renewal meets the requirements under subsection (c) of this section, has submitted an application for renewal on a form provided by the board, has paid the renewal fee established by rules and regulations of the board of not to exceed \$500 and has submitted evidence of satisfactory completion of a program of continuing education required by the board. In addition, an applicant for renewal who is employed as described in subsection (c)(1) shall submit with the application for renewal a recommendation that the institutional license be renewed signed by the superintendent of the institution to which the institutional license holder is assigned.

(e) Nothing in this section shall prohibit any person who was issued an institutional license prior to the effective date of this act from having the institutional license reinstated by the board if the person meets the requirements for an institutional license described in subsection (a).

(f) This section shall be a part of and supplemental to the Kansas healing arts act.

Sec. 261. K.S.A. 2013 Supp. 65-3503 is hereby amended to read as follows: 65-3503. (a) It shall be the duty of the board to:

(1) Develop, impose and enforce standards which shall be met by individuals in order to receive a license as an adult care home administrator, which standards shall be designed to ensure that adult care home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as adult care home administrators;

(2) develop examinations and investigations for determining whether an individual meets such standards;

(3) issue licenses to individuals who meet such standards, and revoke or suspend licenses issued by the board or reprimand, censure or otherwise discipline a person holding any such license as provided under K.S.A. 65-3508, and amendments thereto;

(4) establish and carry out procedures designed to ensure that individuals licensed as adult care home administrators comply with the requirements of such standards; and

(5) receive, investigate and take appropriate action under K.S.A. 65-3505, and amendments thereto, and rules and regulations adopted by the board with respect to any charge or complaint filed with the board to the effect that any person licensed as an adult care home administrator may be subject to disciplinary action under K.S.A. 65-

3505 and 65-3508, and amendments thereto.

(b) The board shall also have the power to make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to have subpoenas issued pursuant to K.S.A. 60-245, and amendments thereto, in the board's exercise of its power and to take such other actions as may be necessary to enable the state to meet the requirements set forth in section 1908 of the social security act, the federal rules and regulations promulgated thereunder and other pertinent federal authority.

(c) The board shall fix by rules and regulations the licensure fee, temporary license fee, renewal fee, late renewal fee, reinstatement fee, reciprocity fee, sponsorship fee, wall or wallet card license replacement fee, duplicate wall license fee for any administrator serving as administrator in more than one facility and, if necessary, an examination fee under this act. Such fees shall be fixed in an amount to cover the costs of administering the provisions of the act. No fee shall be more than \$200. The secretary of health and environment for aging and disability services shall remit all moneys received from fees, charges or penalties 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 state general fund.

(d) The board upon request shall receive from the Kansas bureau of investigation, without charge, such criminal history record information relating to criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board.

Sec. 262. K.S.A. 2013 Supp. 65-3504 is hereby amended to read as follows: 65-3504. (a) The board shall admit to examination for licensure as an adult care home administrator any candidate who pays a licensure and examination fee, if required, to the department of health and environment for aging and disability services to be fixed by rules and regulations; submits evidence that such candidate is at least 18 years old; has completed preliminary education satisfactory to the board as prescribed in rules and regulations; and has met board established standards of good character, training and experience.

(b) Nothing in the provisions of article 35 of chapter 65 of the Kansas Statutes Annotated, or acts amendatory of the provisions thereof or supplemental and amendments thereto, or any rules and regulations adopted pursuant thereto shall prohibit a candidate for licensure as an adult care home administrator who is a member of a recognized church or religious denomination whose religious teachings prohibit the acquisition of formal education which would qualify such candidate for examination as required by the board under subsection (a) from being admitted to examination under subsection (a) so long as such candidate otherwise meets the qualifications for admission to examination under subsection (a). A candidate for licensure as an adult care home administrator who qualifies to take the examination for licensure under this subsection (b), who passes the examination and who is licensed as an adult care home administrator shall engage in the practice of adult care home administration only in an adult care home which is owned and operated by such recognized church or religious denomination.

Sec. 263. K.S.A. 2013 Supp. 65-3506 is hereby amended to read as follows: 65-3506. (a) There is hereby established the board of adult care home administrators. The

board shall be attached to the department of health and environment Kansas department for aging and disability services and shall be within the department as a part thereof. All budgeting, purchasing and related management functions of the board shall be administered under the direction and supervision of the secretary of health and environment for aging and disability services. The department shall serve as the administrative agency of the board in all respects and shall perform such services and duties as it may be legally called upon to perform. The attorney for the board shall be an assistant attorney general appointed by the attorney general. The office of the attorney general shall serve as the enforcement agency for the board. All vouchers for expenditures and all payrolls of the board shall be approved by the chairperson of the board and by the secretary of health and environment for aging and disability services.

(b) The board of adult care home administrators shall be composed of seven members appointed by the governor as follows:

(1) Two members shall be representatives of professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients;

(2) two members shall be consumer representatives who have no current or previous involvement in the financial affairs or as a member of the governing body of any adult care home or any association directly concerned with the regulation or licensure of adult care homes in the state; and

(3) three members shall be licensed in Kansas as licensed adult care home administrators, subject to the following requirements:

(A) (i) One such member shall be a representative of the not-for-profit adult care home industry in Kansas. At least 30 days prior to the expiration of such member's term, Leading Age Kansas, or the successor of such entity, shall submit at least one but not more than three names of persons of recognized ability and qualification to the governor, who may consider such list in making appointments to the board under subsection (b)(3);

(ii) one such member shall be a representative of the for-profit adult care home industry in Kansas. At least 30 days prior to the expiration of such member's term, the Kansas health care association, or the successor of such entity, shall submit at least one but not more than three names of persons of recognized ability and qualification to the governor, who may consider such list in making appointments to the board under subsection (b)(3); and

(iii) one such member shall be a representative of the professional association for the adult care home industry in Kansas. At least 30 days prior to the expiration of such member's term, the Kansas adult care executives association, or the successor of such entity, shall submit at least one but not more than three names of persons of recognized ability and qualification to the governor, who may consider such list in making appointments to the board under subsection (b)(3);

(B) all such members shall have been actively engaged in the administration of adult care homes within the state of Kansas for the three years immediately preceding appointment;

(C) all such members shall be actively engaged in the administration of adult care homes within the state of Kansas; and

(D) no such members shall have had or shall have any published disciplinary action taken by the board of adult care administrators against such members.

(c) No more than three members of the board may be licensed adult care home

administrators. Members of the board, other than the licensed adult care home administrators, shall have no direct financial interest in adult care homes. Members of the board shall serve on the board for terms of three years or until otherwise disqualified from serving on the board. On the effective date of this act, the current expiration date of the term of office of each existing board member shall be extended by one year from such expiration date. On and after the effective date of this act, no member shall serve more than two consecutive terms. The provisions of article 35 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall not affect the office of any member of the board of adult care home administrators appointed prior to the effective date of this section. On and after the effective date of this act, as positions become vacant on the board, appointments shall be made in a manner so as to comply with the provisions of this section.

(d) Members of the board of adult care home administrators shall meet at such times as may be appropriate but in no case less than once each four months. The chairperson of the board shall be elected annually from among the members of the board. All final orders shall be in writing and shall be issued in accordance with the Kansas administrative procedure act.

(e) Members of the board who attend meetings of such board, or attend 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.

Sec. 264. K.S.A. 65-3507 is hereby amended to read as follows: 65-3507. (a) All of the powers, duties and functions of the secretary of health and environment for aging and disability services granted by K.S.A. 65-3501 to 65-3505, inclusive, and amendments thereto, relating to the licensure and registration of skilled nursing home administrators, are transferred to and conferred and imposed upon the board of adult care home administrators established by K.S.A. 65-3506, and amendments thereto, except as otherwise provided by this act.

(b) Whenever the secretary of health and environment for aging and disability services or the department of health and environment for aging and disability services, or words of like effect, is referred to or designated by a contract or other document executed pursuant to the powers, duties and functions granted to the secretary of health and environment for aging and disability services by K.S.A. 65-3501 to 65-3505, inclusive, and amendments thereto, such reference or designation shall be deemed to apply to the board of adult care home administrators established by K.S.A. 65-3506, and amendments thereto.

(c) All rules and regulations and all orders or directives of the secretary of health and environment for aging and disability services adopted in administering the powers, duties and functions granted to such secretary by K.S.A. 65-3501 to 65-3505, inclusive, and amendments thereto, and in existence on the effective date of this act shall continue to be effective and shall be deemed to be the rules and regulations and orders or directives of the board of adult care home administrators created by K.S.A. 65-3506, and amendments thereto, until revised, amended, repealed or nullified pursuant to law.

Sec. 265. K.S.A. 2013 Supp. 65-4024a is hereby amended to read as follows: 65-4024a. As used in this act:

- (a) "Act" means the alcohol or other drug addiction treatment act;
- (b) "Alcohol or other drug addiction" means a pattern of substance use, leading to

significant impairment or distress, manifested by three or more of the following occurring at any time in the same 12-month period:

(1) Tolerance, defined as: (A) A need for markedly increased amounts of the substance to achieve intoxication or desired effect; or (B) a markedly diminished effect with continued use of the same amount of substance;

(2) withdrawal, as manifested by either of the following: (A) The characteristic withdrawal syndrome for the substance; or (B) the same or a closely related substance is taken to relieve or avoid withdrawal symptoms;

(3) the substance is often taken in larger amounts or over a longer period than was intended;

(4) there is a persistent desire or unsuccessful efforts to cut down or control substance use;

(5) a great deal of time is spent in activities necessary to obtain the substance, use the substance or recover from its effects;

(6) important social, occupational or recreational activities are given up or reduced because of substance use;

(7) the substance use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance.

(c) "Care or treatment" means such necessary services as are in the best interests of the physical and mental health of the patient.

(d) "Committee" means the Kansas citizens committee on alcohol and other drug abuse.

(e) "Counselor" means an individual whose education, experience and training has been evaluated and approved by the department of social and rehabilitation Kansas department for aging and disability services to provide the scope of practice afforded to an alcohol and drug credentialed counselor or counselor assistant working in a licensed, certified alcohol and drug treatment program.

(f) "Department" means the department of social and rehabilitation Kansas department for aging and disability services.

(g) "Designated state funded assessment center" or "assessment center" means a treatment facility designated by the secretary.

(h) "Discharge" shall have the meaning ascribed to it in K.S.A. 59-29b46, and amendments thereto.

(i) "Government unit" means any county, municipality or other political subdivision of the state; or any department, division, board or other agency of any of the foregoing.

(j) "Head of the treatment facility" shall have the meaning ascribed to it in K.S.A. 59-29b46, and amendments thereto.

(k) "Incapacitated by alcohol" shall have the meaning ascribed to it in K.S.A. 59-29b46, and amendments thereto.

(l) "Intoxicated individual" means an individual who is under the influence of alcohol or drugs or both.

(m) "Law enforcement officer" shall have the meaning ascribed to it in K.S.A. 59-29b46, and amendments thereto.

(n) "Patient" shall have the meaning ascribed to it in K.S.A. 59-29b46, and amendments thereto.

(o) "Private treatment facility" shall have the meaning ascribed to it in K.S.A. 59-

29b46, and amendments thereto.

(p) "Public treatment facility" shall have the meaning ascribed to it in K.S.A. 59-29b46, and amendments thereto.

(q) "Treatment" shall have the meaning ascribed to it in K.S.A. 59-29b46, and amendments thereto.

(r) "Treatment facility" shall have the meaning ascribed to it in K.S.A. 59-29b46, and amendments thereto.

(s) "Secretary" means the secretary of social and rehabilitation for aging and disability services.

Sec. 266. K.S.A. 2013 Supp. 65-4024b is hereby amended to read as follows: 65-4024b. The secretary shall remit all moneys received from fees for licensing alcohol or other drug treatment facilities 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. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the other state fees fund of the department of social and rehabilitation Kansas department for aging and disability services.

Sec. 267. K.S.A. 2013 Supp. 65-4412 is hereby amended to read as follows: 65-4412. (a) "Community facilities for people with intellectual disability" means: (1) Any community facility for people with intellectual disability organized pursuant to the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto; or (2) any intellectual disability governing board which contracts with a nonprofit corporation to provide services for people with intellectual disability.

(b) "Secretary" means secretary of social and rehabilitation for aging and disability services.

Sec. 268. K.S.A. 65-4432 is hereby amended to read as follows: 65-4432. (a) "Mental health center" means any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto, or mental health clinics organized pursuant to the provisions of K.S.A. 65-211 to 65-215, inclusive, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto.

(b) "Secretary" means the secretary of social and rehabilitation for aging and disability services.

Sec. 269. K.S.A. 65-5101 is hereby amended to read as follows: 65-5101. As used in this act, unless the context otherwise requires:

(a) "Council" means the home health services advisory council created by this act;

(b) "home health agency" means a public or private agency or organization or a subdivision or subunit of such agency or organization that provides for a fee one or more home health services at the residence of a patient but does not include local health departments which are not federally certified home health agencies, durable medical equipment companies which provide home health services by use of specialized equipment, independent living agencies, the department of social and rehabilitation Kansas department for aging and disability services and the department of health and environment;

(c) "home health services" means any of the following services provided at the residence of the patient on a full-time, part-time or intermittent basis: Nursing, physical

therapy, speech therapy, nutritional or dietetic consulting, occupational therapy, respiratory therapy, home health aid, attendant care services or medical social service;

(d) "home health aide" means an employee of a home health agency who is not licensed or professionally registered to provide home health services but who assists, under supervision, in the provision of home health services and who provides related health care to patients but shall not include employees of a home health agency providing only attendant care services;

(e) "independent living agency" means a public or private agency or organization or a subunit of such agency or organization whose primary function is to provide at least four independent living services, including independent living skills training, advocacy, peer counseling and information and referral as defined by the rehabilitation act of 1973, title VII, part B, and such agency shall be recognized by the secretary of social and rehabilitation for aging and disability services as an independent living agency. Such agencies include independent living centers and programs which meet the following quality assurances:

(1) Accreditation by a nationally recognized accrediting body such as the commission on accreditation of rehabilitation facilities; or

(2) receipt of grants from the state or the federal government and currently meets standards for independent living under the rehabilitation act of 1973, title VII, part B, sections (a) through (k), or comparable standards established by the state; or

(3) compliance with requirements established by the federal government under rehabilitation services administration standards for centers for independent living;

(f) "part-time or intermittent basis" means the providing of home health services in an interrupted interval sequence on the average of not to exceed three hours in any twenty-four-hour period;

(g) "patient's residence" means the actual place of residence of the person receiving home health services, including institutional residences as well as individual dwelling units;

(h) "secretary" means secretary of health and environment;

(i) "subunit" or "subdivision" means any organizational unit of a larger organization which can be clearly defined as a separate entity within the larger structure, which can meet all of the requirements of this act independent of the larger organization, which can be held accountable for the care of patients it is serving and which provides to all patients care and services meeting the standards and requirements of this act; and

(j) "attendant care services" shall have the meaning ascribed to such term under K.S.A. 65-6201, and amendments thereto.

Sec. 270. K.S.A. 65-5902 is hereby amended to read as follows: 65-5902. For the purposes of this act:

(a) "Secretary" means the secretary of health and environment for aging and disability services.

(b) "Department" means the department of health and environment Kansas department for aging and disability services.

(c) "Licensed dietitian" means a person licensed under this act.

(d) "Dietetics practice" means the integration and application of principles derived from the sciences of nutrition, biochemistry, food, physiology, management and behavioral and social sciences to achieve and maintain the health of people through:

(1) Assessing the nutritional needs of clients;

(2) establishing priorities, goals and objectives that meet nutritional needs of clients; and

(3) advising and assisting individuals or groups on appropriate nutritional intake by integrating information from a nutritional assessment with information on food and other sources of nutrients and meal preparation.

(e) "Nutritional assessment" means the evaluation of the nutritional needs of clients based upon appropriate biochemical, anthropometric, physical and dietary data to determine nutrient needs and recommend appropriate nutritional intake including enteral and parenteral nutrition.

(f) "Dietitian" means a person engaged in dietetics practice.

(g) "Sponsor" means entities approved by the secretary of health and environment for aging and disability services to provide continuing education programs or courses on an ongoing basis under this act and in accordance with any rules and regulations promulgated by the secretary in accordance with this act.

Sec. 271. K.S.A. 2013 Supp. 65-6205 is hereby amended to read as follows: 65-6205. (a) A community service provider as defined in K.S.A. 39-1803, and amendments thereto, a mental health center as defined in K.S.A. 65-4432, and amendments thereto, and an independent living agency as defined in K.S.A. 65-5101, and amendments thereto, may request for the purpose of obtaining background information on applicants for employment with such entity information:

(1) From the department of social and rehabilitation services Kansas department for children and families as to whether such applicant has committed an act of physical, mental or emotional abuse or neglect or sexual abuse as validated by the department of social and rehabilitation services Kansas department for children and families pursuant to K.S.A. 2013 Supp. 38-2226, and amendments thereto;

(2) from the department of social and rehabilitation services Kansas department for children and families as to whether such applicant has been found to have committed an act of abuse, neglect or exploitation of a resident as contained in the register of reports under K.S.A. 39-1404, and amendments thereto, or an act of abuse, neglect or exploitation of an adult as contained in the register of reports under K.S.A. 39-1434, and amendments thereto;

(3) from the department of health and environment for aging and disability services as to whether such applicant has been found to have committed an act of abuse, neglect or exploitation of a resident as contained in the register of reports under K.S.A. 39-936 and 39-1411, and amendments thereto;

(4) from the department of health and environment for aging and disability services any information concerning the applicant in the state registry which contains information about unlicensed employees of adult care homes under K.S.A. 39-936, and amendments thereto.

(b) No community service provider, mental health center or independent living agency shall be liable for civil damages to any person refused employment, discharged from employment or whose terms of employment are affected because of actions taken by the community service provider, mental health center or independent living agency in good faith based on information received under this section.

Sec. 272. K.S.A. 2013 Supp. 65-6207 is hereby amended to read as follows: 65-6207. As used in K.S.A. 2013 Supp. 65-6207 to 65-6220, inclusive, and amendments thereto, the following have the meaning respectively ascribed thereto, unless the context

requires otherwise:

(a) "Department" means the Kansas department of social and rehabilitation for aging and disability services or the Kansas department of health and environment, or both.

(b) "Fund" means the health care access improvement fund.

(c) "Health maintenance organization" has the meaning provided in K.S.A. 40-3202, and amendments thereto.

(d) "Hospital" has the meaning provided in K.S.A. 65-425, and amendments thereto.

(e) "Hospital provider" means a person licensed by the department of health and environment to operate, conduct or maintain a hospital, regardless of whether the person is a federal medicaid provider.

(f) "Pharmacy provider" means an area, premises or other site where drugs are offered for sale, where there are pharmacists, as defined in K.S.A. 65-1626, and amendments thereto, and where prescriptions, as defined in K.S.A. 65-1626, and amendments thereto, are compounded and dispensed.

(g) "Assessment revenues" means the revenues generated directly by the assessments imposed by K.S.A. 2013 Supp. 65-6208 and 65-6213, and amendments thereto, any penalty assessments and all interest credited to the fund under this act, and any federal matching funds obtained through the use of such assessments, penalties and interest amounts.

Sec. 273. K.S.A. 2013 Supp. 65-6210 is hereby amended to read as follows: 65-6210.(a) The assessment imposed by K.S.A. 2013 Supp. 65-6208, and amendments thereto, for any state fiscal year to which this statute applies shall be due and payable in equal installments on or before June 30 and December 31, commencing with whichever date first occurs after the hospital has received payments for 150 days after the effective date of the payment methodology approved by the centers for medicare and medicaid services. No installment payment of an assessment under this act shall be due and payable, however, until after:

(1) The hospital provider receives written notice from the department that the payment methodologies to hospitals required under this act have been approved by the centers for medicare and medicaid services of the United States department of health and human services under 42 C.F.R. § 433.68 for the assessment imposed by K.S.A. 2013 Supp. 65-6208, and amendments thereto, has been granted by the centers for medicare and medicaid services of the United States department of health and human services; and

(2) in the case of a hospital provider, the hospital has received payments for 150 days after the effective date of the payment methodology approved by the centers for medicare and medicaid services.

(b) The department is authorized to establish delayed payment schedules for hospital providers that are unable to make installment payments when due under this section due to financial difficulties, as determined by the department.

(c) If a hospital provider fails to pay the full amount of an installment when due, including any extensions granted under this section, there shall be added to the assessment imposed by K.S.A. 2013 Supp. 65-6208, and amendments thereto, unless waived by the department for reasonable cause, a penalty assessment equal to the lesser of:

(1) An amount equal to 5% of the installment amount not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each month thereafter; or

(2) an amount equal to 100% of the installment amount not paid on or before the due date.

For purposes of subsection (c), payments will be credited first to unpaid installment amounts, rather than to penalty or interest amounts, beginning with the most delinquent installment.

(d) The effective date for the payment methodology applicable to hospital providers approved by the centers for medicare and medicaid services shall be the date of July 1 or January 1, whichever date is designated in the state plan submitted by the department of social and rehabilitation services health and environment for approval by the centers for medicare and medicaid services.

Sec. 274. K.S.A. 2013 Supp. 65-6214 is hereby amended to read as follows: 65-6214.(a) The assessment imposed by K.S.A. 2013 Supp. 65-6213, and amendments thereto, for any state fiscal year to which this statute applies shall be due and payable in equal installments on or before June 30 and December 31, commencing with whichever date first occurs after the health maintenance organization has received payments for 150 days after the effective date of the payment methodology approved by the centers for medicare and medicaid services. No installment payment of an assessment under this act shall be due and payable, however, until after:

(1) The health maintenance organization receives written notice from the department that the payment methodologies to health maintenance organizations required under this act have been approved by the centers for medicare and medicaid services of the United States department of health and human services and the state plan amendment for the assessment imposed by K.S.A. 2013 Supp. 65-6213, and amendments thereto, has been granted by the centers for medicare and medicaid services of the United States department of health and human services; and

(2) the health maintenance organization has received payments for 150 days after the effective date of the payment methodology approved by the centers for medicare and medicaid services.

(b) The department is authorized to establish delayed payment schedules for health maintenance organizations that are unable to make installment payments when due under this section due to financial difficulties, as determined by the department.

(c) If a health maintenance organization fails to pay the full amount of an installment when due, including any extensions of time for delayed payment granted under this section, there shall be added to the assessment imposed by K.S.A. 2013 Supp. 65-6213, and amendments thereto, unless waived by the department for reasonable cause, a penalty assessment equal to the lesser of:

(1) An amount equal to 5% of the installment amount not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each month thereafter; or

(2) an amount equal to 100% of the installment amount not paid on or before the due date.

For purposes of this subsection (c), payments shall be credited first to unpaid installment amounts, rather than to penalty or interest amounts, beginning with the most delinquent installment.

(d) The effective date for the payment methodology applicable to health maintenance organizations approved by the centers for medicare and medicaid services shall be the date of July 1 or January 1, whichever date is designated in the state plan submitted by the department of social and rehabilitation services health and environment for approval by the centers for medicare and medicaid services.

Sec. 275. K.S.A. 2013 Supp. 65-6217 is hereby amended to read as follows: 65-6217. (a) There is hereby created in the state treasury the health care access improvement fund, which shall be administered by the secretary of social and rehabilitation of health and environment. All moneys received for the assessments imposed by K.S.A. 2013 Supp. 65-6208 and 65-6213, and amendments thereto, including any penalty assessments imposed thereon, shall be remitted to the state treasurer in accordance with 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 health care access improvement fund. All expenditures from the health care access improvement fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the secretary of social and rehabilitation services of health and environment or the secretary's designee.

(b) The fund shall not be used to replace any moneys appropriated by the legislature for the department's medicaid program.

(c) The fund is created for the purpose of receiving moneys in accordance with this act and disbursing moneys only for the purpose of improving health care delivery and related health activities, notwithstanding any other provision of law.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the health care access improvement fund interest earnings based on:

(1) The average daily balance of moneys in the health care access improvement fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) The fund shall consist of the following:

(1) All moneys collected or received by the department from the hospital provider assessment and the health maintenance organization assessment imposed by this act;

(2) any interest or penalty levied in conjunction with the administration of this act; and

(3) all other moneys received for the fund from any other source.

(f) (1) On July 1 of each fiscal year, the director of accounts and reports shall record a debit to the state treasurer's receivables for the health care access improvement fund and shall record a corresponding credit to the health care access improvement fund in an amount certified by the director of the budget which shall be equal to the sum of 80% of the moneys estimated by the director of the budget to be received from the assessment imposed on hospital providers pursuant to K.S.A. 2013 Supp. 65-6208, and amendments thereto, and credited to the health care access improvement fund during such fiscal year, plus 53% of the moneys estimated by the director of the budget to be received from the assessment imposed on health maintenance organizations pursuant to K.S.A. 2013 Supp. 65-6213, and amendments thereto, and credited to the health care access improvement fund during such fiscal year, except that such amount shall be

proportionally adjusted during such fiscal year with respect to any change in the moneys estimated by the director of the budget to be received for such assessments, deposited in the state treasury and credited to the health care access improvement fund during such fiscal year. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts from such assessments for the current fiscal year and the preceding fiscal year in determining the amount to be certified under this subsection (f). All moneys received for the assessments imposed pursuant to K.S.A. 2013 Supp. 65-6208 and 65-6213, and amendments thereto, deposited in the state treasury and credited to the health care access improvement fund during a fiscal year shall reduce the amount debited and credited to the health care access improvement fund under this subsection (f) for such fiscal year.

(2) On June 30 of each fiscal year, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the health care access improvement fund pursuant to this subsection (f), to reflect all moneys actually received for the assessments imposed pursuant to K.S.A. 2013 Supp. 65-6208 and 65-6213, and amendments thereto, deposited in the state treasury and credited to the health care access improvement fund during the current fiscal year.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the health care access improvement fund pursuant to this subsection (f) and all reductions and adjustments thereto made pursuant to this subsection (f). 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 health care access improvement fund by the state treasurer in accordance with the notice thereof.

Sec. 276. K.S.A. 2013 Supp. 65-6218 is hereby amended to read as follows: 65-6218. (a) Assessment revenues generated from the hospital provider assessments shall be disbursed as follows:

(1) Not less than 80% of assessment revenues shall be disbursed to hospital providers through a combination of medicaid access improvement payments and increased medicaid rates on designated diagnostic related groupings, procedures or codes;

(2) not more than 20% of assessment revenues shall be disbursed to providers who are persons licensed to practice medicine and surgery or dentistry through increased medicaid rates on designated procedures and codes; and

(3) not more than 3.2% of hospital provider assessment revenues shall be used to fund health care access improvement programs in undergraduate, graduate or continuing medical education, including the medical student loan act.

(b) Assessment revenues generated from the health maintenance organization assessment shall be disbursed as follows:

(1) Not less than 53% of health maintenance organization assessment revenues shall be disbursed to health maintenance organizations that have a contract with the department through increased medicaid capitation payments;

(2) not more than 30% of health maintenance organization assessment revenues shall be disbursed to fund activities to increase access to dental care, primary care safety net clinics, increased medicaid rates on designated procedures and codes for providers who are persons licensed to practice dentistry, and home and community-based services;

(3) not more than 17% of health maintenance organization assessment revenues shall be disbursed to pharmacy providers through increased medicaid rates.

(c) For the purposes of administering and selecting the disbursements described in subsections (a) and (b) of this section, the health care access improvement panel is hereby established. The panel shall consist of the following: Three members appointed by the Kansas hospital association, two members who are persons licensed to practice medicine and surgery appointed by the Kansas medical society, one member appointed by each health maintenance organization that has a medicaid managed care contract with the department of social and rehabilitation Kansas department for aging and disability services, one member appointed by the Kansas association for the medically underserved, and one representative of the department of social and rehabilitation services health and environment appointed by the governor. The panel shall meet as soon as possible subsequent to the effective date of this act and shall elect a chairperson from among the members appointed by the Kansas hospital association. A representative of the panel shall be required to make an annual report to the legislature regarding the collection and distribution of all funds received and distributed under this act.

Sec. 277. K.S.A. 2013 Supp. 65-6220 is hereby amended to read as follows: 65-6220. The secretary of social and rehabilitation for aging and disability services with the advice and subject to the approval of the health care access improvement panel may adopt rules and regulations necessary to implement this act.

Sec. 278. K.S.A. 2013 Supp. 65-6501 is hereby amended to read as follows: 65-6501. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(a) "Secretary" means the secretary of aging for aging and disability services.

(b) "Speech-language pathology" means the application of principles, methods and procedures related to the development and disorders of human communication. Disorders include any and all conditions, whether of organic or nonorganic origin, that impede the normal process of human communication including disorders and related disorders of speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition/communication, and oral pharyngeal or laryngeal sensorimotor competencies, or both. Speech-language pathology does not mean diagnosis or treatment of medical conditions as defined by K.S.A. 65-2869, and amendments thereto.

(c) "Practice of speech-language pathology" means:

(1) Rendering or offering to render to individuals or groups of individuals who have or are suspected of having disorders of communication, any service in speech-language pathology including prevention, identification, evaluation, consultation, habilitation and rehabilitation;

(2) determining the need for personal augmentative communication systems, recommending such systems and providing training in utilization of such systems; and

(3) planning, directing, conducting or supervising such services.

(d) "Speech-language pathologist" means a person who engages in the practice of speech-language pathology and who meets the qualifications set forth in this act.

(e) "Audiology" means the application of principles, methods and procedures related to hearing and the disorders of hearing and to related language and speech disorders. Disorders include any and all conditions, whether of organic or nonorganic

origin, peripheral or central, that impede the normal process of human communication including, but not limited to, disorders of auditory sensitivity, acuity, function or processing. Audiology does not mean diagnosis or treatment of medical conditions as defined by K.S.A. 65-2869, and amendments thereto.

(f) "Practice of audiology" means:

(1) Rendering or offering to render to individuals or groups of individuals who have or are suspected of having disorders of hearing, any service in audiology, including prevention, identification, evaluation, consultation and habilitation or rehabilitation (other than hearing aid or other assistive listening device dispensing);

(2) participating in hearing conservation;

(3) providing auditory training and speech reading;

(4) conducting tests of vestibular function;

(5) evaluating tinnitus; and

(6) planning, directing, conducting or supervising services.

(g) "Audiologist" means any person who engages in the practice of audiology and who meets the qualifications set forth in this act.

(h) "Speech-language pathology assistant" means an individual who meets minimum qualifications established by the secretary which are less than those established by this act as necessary for licensing as a speech-language pathologist; does not act independently; and works under the direction and supervision of a speech-language pathologist licensed under this act.

(i) "Audiology assistant" means an individual who meets minimum qualifications established by the secretary, which are less than those established by this act as necessary for licensing as an audiologist; does not act independently; and works under the direction and supervision of an audiologist licensed under this act.

(j) "Sponsor" means entities approved by the secretary of aging for aging and disability services to provide continuing education programs or courses on an ongoing basis under this act and in accordance with any rules and regulations promulgated by the secretary in accordance with this act.

Sec. 279. K.S.A. 2013 Supp. 65-6502 is hereby amended to read as follows: 65-6502. (a) There is hereby established a speech-language pathology and audiology board. Such board shall be advisory to the secretary for aging and disability services in all matters concerning standards, rules and regulations and all matters relating to this act.

(b) The board shall be composed of five persons appointed by the secretary who have been residents of this state for at least two years. Two members shall be licensed, or initially eligible for licensure, as speech-language pathologists; one member shall be licensed, or initially eligible for licensure, as an audiologist; one member shall be a person licensed to practice medicine and surgery; and one member shall be a member of the general public who is not a health care provider. The secretary may make appointments from a list submitted by professional organizations representing speech pathologists and audiologists.

(c) Members of the board attending meetings of such board or attending a subcommittee meeting thereof authorized by such board shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(d) Board members shall be appointed for a term of two years and until their successors are appointed and qualified, except that of the initial appointments, which shall be made within 60 days after the effective date of this act, two members first

appointed, as specified by the secretary, shall serve on the board for terms of one year and thereafter, upon expiration of such one-year terms, successors shall be appointed in the same manner as the original appointments. The chairperson of the board shall be elected annually from among the members of the board. Whenever a vacancy occurs on the board by reason other than the expiration of a term of office, the secretary shall appoint a successor of like qualifications for the remainder of the unexpired term. No person shall be appointed to serve more than three successive two-year terms.

(e) Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the term. The secretary may terminate the appointment of any member for cause which in the opinion of the secretary reasonably justifies such termination.

Sec. 280. K.S.A. 2013 Supp. 65-6503 is hereby amended to read as follows: 65-6503. (a) The secretary shall:

(1) Issue to each person who has met the education and training requirements listed in K.S.A. 65-6505, and amendments thereto, and such other reasonable qualifications as may be established by rules and regulations promulgated by the secretary, the appropriate license as a speech-language pathologist or audiologist;

(2) establish by rules and regulations the methods and procedures for examination of candidates for licensure;

(3) appoint employees necessary to administer this act and fix their compensation within the limits of appropriations made for that purpose;

(4) keep a record of the board's proceedings and a register of all applicants for and recipients of licenses; and

(5) make all such reasonable rules and regulations as deemed necessary to carry out and enforce the provisions of this act.

(b) All rules and regulations, orders and directives of the secretary of health and environment concerning speech-language pathologists and audiologists in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations, orders and directives of the secretary of aging for aging and disability services until revised, amended, revoked or nullified pursuant to law.

(c) All records of the department of health and environment concerning speech-language pathologists and audiologists in existence on the effective date of this act are hereby transferred to the secretary of aging for aging and disability services.

(d) Whenever a reference or designation is made to the department of health and environment concerning speech-language pathologists or audiologists by a contract or other document, such reference or designation shall be deemed to apply to the secretary of aging for aging and disability services.

Sec. 281. K.S.A. 2013 Supp. 65-6610 is hereby amended to read as follows: 65-6610. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

(1) Has attained the age of 21; and

(2) (A) has completed at least a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board; or

(B) has completed at least a baccalaureate degree from a college or university approved by the board in a related field that includes a minimum number of semester hours of coursework on substance use disorders as approved by the board; or

(C) has completed at least a baccalaureate degree from a college or university approved by the board in a related field with additional coursework in addiction counseling from a college or university approved by the board, and such degree program and the additional coursework includes a minimum number of semester hours of coursework on substance use disorders as approved by the board; or

(D) is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; or

(E) is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed masters level psychologist; and

(3) has passed an examination approved by the board; and

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) each applicant has paid the application fee established by the board under K.S.A. 2013 Supp. 65-6618, and amendments thereto.

(b) Applications for licensure as a clinical addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) Has attained the age of 21; and

(2) (A) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(B) (i) has completed a master's degree from a college or university approved by the board in a related field that includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500

hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(C) (i) has completed a master's degree from a college or university approved by the board in a related field with additional coursework in addiction counseling from a college or university approved by the board and such degree program and additional coursework includes a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(D) (i) has completed a master's degree in a related field from a college or university approved by the board and is licensed by the board as a licensed addiction counselor; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual

supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(E) is currently licensed in Kansas as a licensed psychologist, licensed specialist clinical social worker, licensed clinical professional counselor, licensed clinical psychotherapist or licensed clinical marriage and family therapist and provides to the board an attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders; and

(3) has passed an examination approved by the board; and

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) has paid the application fee fixed under K.S.A. 2013 Supp. 65-6618, and amendments thereto.

(c) A person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the department of social and rehabilitation Kansas department for aging and disability services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, who was registered in Kansas as an alcohol and other drug counselor, an alcohol and drug credentialed counselor or a credentialed alcohol and other drug abuse counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed addiction counselor by providing demonstration acceptable to the board of competence to perform the duties of an addiction counselor.

(d) Any person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the department of social and rehabilitation services as an alcohol and drug credentialed counselor or credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, and who is also licensed to practice independently as a mental health practitioner or person licensed to practice medicine and surgery, and who was registered or credentialed in Kansas as an alcohol and other drug counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and

completion of applicable continuing education requirements, shall be licensed as a licensed clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

(e) Any person who was credentialed by the department of social and rehabilitation services as an alcohol and drug counselor and has been actively engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four years and holds a master's degree in a related field from a college or university approved by the board and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

(f) A licensed addiction counselor shall engage in the practice of addiction counseling only in a state licensed or certified alcohol and other drug treatment program, unless otherwise exempt from licensure under subsection (m) of K.S.A. 59-29b46, and amendments thereto.

Sec. 282. K.S.A. 2013 Supp. 72-962 is hereby amended to read as follows: 72-962. As used in this act:

- (a) "School district" means any public school district.
- (b) "Board" means the board of education of any school district.
- (c) "State board" means the state board of education.
- (d) "Department" means the state department of education.
- (e) "State institution" means any institution under the jurisdiction of a state agency.
- (f) "State agency" means the department of social and rehabilitation services Kansas department for children and families, the Kansas department for aging and disability services, the department of corrections and the juvenile justice authority.
- (g) "Exceptional children" means persons who are children with disabilities or gifted children and are school age, to be determined in accordance with rules and regulations adopted by the state board, which age may differ from the ages of children required to attend school under the provisions of K.S.A. 72-1111, and amendments thereto.
- (h) "Gifted children" means exceptional children who are determined to be within the gifted category of exceptionality as such category is defined by the state board.
- (i) "Special education" means specially designed instruction provided at no cost to parents to meet the unique needs of an exceptional child, including:
 - (1) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
 - (2) instruction in physical education.
- (j) "Special teacher" means a person, employed by or under contract with a school district or a state institution to provide special education or related services, who is: (1) Qualified to provide special education or related services to exceptional children as determined pursuant to standards established by the state board; or (2) qualified to assist in the provision of special education or related services to exceptional children as

determined pursuant to standards established by the state board.

(k) "State plan" means the state plan for special education and related services authorized by this act.

(l) "Agency" means boards and the state agencies.

(m) "Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a person acting as parent; (4) a legal guardian; (5) an education advocate; or (6) a foster parent, if the foster parent has been appointed the education advocate of an exceptional child.

(n) "Person acting as parent" means a person such as a grandparent, stepparent or other relative with whom a child lives or a person other than a parent who is legally responsible for the welfare of a child.

(o) "Education advocate" means a person appointed by the state board in accordance with the provisions of K.S.A. 2013 Supp. 38-2218, and amendments thereto. A person appointed as an education advocate for a child shall not be: (1) An employee of the agency which is required by law to provide special education or related services for the child; (2) an employee of the state board, the department, or any agency which is directly involved in providing educational services for the child; or (3) any person having a professional or personal interest which would conflict with the interests of the child.

(p) "Free appropriate public education" means special education and related services that: (1) Are provided at public expense, under public supervision and direction, and without charge; (2) meet the standards of the state board; (3) include an appropriate preschool, elementary, or secondary school education; and (4) are provided in conformity with an individualized education program.

(q) "Federal law" means the individuals with disabilities education act, as amended.

(r) "Individualized education program" or "IEP" means a written statement for each exceptional child that is developed, reviewed, and revised in accordance with the provisions of K.S.A. 72-987, and amendments thereto.

(s) (1) "Related services" means transportation, and such developmental, corrective, and other supportive services, including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only, as may be required to assist an exceptional child to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(2) "Related services" shall not mean any medical device that is surgically implanted or the replacement of any such device.

(t) "Supplementary aids and services" means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

(u) "Individualized education program team" or "IEP team" means a group of individuals composed of: (1) The parents of a child; (2) at least one regular education teacher of the child, if the child is, or may be, participating in the regular education

environment; (3) at least one special education teacher or, where appropriate, at least one special education provider of the child; (4) a representative of the agency directly involved in providing educational services for the child who: (A) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of exceptional children; (B) is knowledgeable about the general curriculum; and (C) is knowledgeable about the availability of resources of the agency; (5) an individual who can interpret the instructional implications of evaluation results; (6) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and (7) whenever appropriate, the child.

(v) "Evaluation" means a multisourced and multidisciplinary examination, conducted in accordance with the provisions of K.S.A. 72-986, and amendments thereto, to determine whether a child is an exceptional child.

(w) "Independent educational evaluation" means an examination which is obtained by the parent of an exceptional child and performed by an individual or group of individuals who meet state and local standards to conduct such an examination.

(x) "Elementary school" means any nonprofit institutional day or residential school that offers instruction in any or all of the grades kindergarten through nine.

(y) "Secondary school" means any nonprofit institutional day or residential school that offers instruction in any or all of the grades nine through 12.

(z) "Children with disabilities" means: (1) Children with intellectual disability, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities and who, by reason thereof, need special education and related services; and (2) children experiencing one or more developmental delays and, by reason thereof, need special education and related services if such children are ages three through nine.

(aa) "Substantial change in placement" means the movement of an exceptional child, for more than 25% of the child's school day, from a less restrictive environment to a more restrictive environment or from a more restrictive environment to a less restrictive environment.

(bb) "Material change in services" means an increase or decrease of 25% or more of the duration or frequency of a special education service, a related service or a supplementary aid or a service specified on the IEP of an exceptional child.

(cc) "Developmental delay" means such a deviation from average development in one or more of the following developmental areas, as determined by appropriate diagnostic instruments and procedures, as indicates that special education and related services are required: (1) Physical; (2) cognitive; (3) adaptive behavior; (4) communication; or (5) social or emotional development.

(dd) "Homeless children" means "homeless children and youths" as defined in the federal McKinney-Vento homeless assistance act, 42 U.S.C. § 11434a.

(ee) "Limited English proficient" means an individual who meets the qualifications specified in section 9101 of the federal elementary and secondary education act of 1965, as amended.

Sec. 283. K.S.A. 2013 Supp. 72-973 is hereby amended to read as follows: 72-973. (a) (1) Except as hereinafter provided, within 15 days of receipt of a due process complaint notice from a parent, the agency shall convene a meeting with the parent and

the member or members of the IEP team who have specific knowledge of the facts identified in the complaint, and a representative of the agency who has the authority to make binding decisions on behalf of the agency. This meeting shall not include the agency's attorney unless the parent is accompanied by an attorney.

(2) At this meeting, the parent of the child shall discuss and explain the complaint, including the facts that form the basis of the complaint and the agency shall be provided the opportunity to resolve the complaint.

(3) If the meeting of the parties results in a resolution of the complaint, the parties shall execute a written agreement that both the parent and the representative of the agency shall sign and that, at a minimum, includes the following statements:

(A) The agreed upon resolution of each issue presented in the complaint;

(B) that each party understands that the agreement is legally binding upon them, unless the party provides written notice to the other party, within three days of signing the agreement, that the party giving notice is voiding the agreement; and

(C) if not voided, each party understands that the agreement may be enforced in state or federal court.

(4) If a resolution of the complaint is not reached at the meeting held under this subsection and the agency has not resolved the complaint to the satisfaction of the parent within 30 days of the agency's receipt of the complaint, the due process hearing procedures shall be implemented and all of the applicable timelines for a due process hearing shall commence. All discussions that occurred during the meeting shall be confidential and may not be used as evidence in any subsequent hearing or civil proceeding.

(5) A meeting shall not be required under this subsection if the parent and the agency agree, in writing, to waive such a meeting, or they agree to use mediation to attempt to resolve the complaint.

(b) Any due process hearing provided for under this act, shall be held at a time and place reasonably convenient to the parent of the involved child, be a closed hearing unless the parent requests an open hearing and be conducted in accordance with procedural due process rights, including the following:

(1) The right of the parties to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(2) the right of the parties to be present at the hearing;

(3) the right of the parties to confront and cross-examine witnesses who appear in person at the hearing, either voluntarily or as a result of the issuance of a subpoena;

(4) the right of the parties to present witnesses in person or their testimony by affidavit, including expert medical, psychological or educational testimony;

(5) the right of the parties to prohibit the presentation of any evidence at the hearing which has not been disclosed to the opposite party at least five days prior to the hearing, including any evaluations completed by that date and any recommendations based on such evaluations;

(6) the right to prohibit the other party from raising, at the due process hearing, any issue that was not raised in the due process complaint notice or in a prehearing conference held prior to the hearing;

(7) the right of the parties to have a written or, at the option of the parent, an electronic, verbatim record of the hearing; and

(8) the right to a written or, at the option of the parent, an electronic decision, including findings of facts and conclusions.

(c) Except as provided by subsection (a), each due process hearing, other than an expedited hearing under K.S.A. 72-993, and amendments thereto, shall be held not later than 35 days from the date on which the request therefor is received. The parties shall be notified in writing of the time and place of the hearing at least five days prior thereto. At any reasonable time prior to the hearing, the parent and the counsel or advisor of the involved child shall be given access to all records, tests, reports or clinical evaluations relating to the proposed action.

(d) (1) Except as otherwise provided in K.S.A. 72-993, and amendments thereto, during the pendency of any proceedings conducted under this act, unless the agency and parent otherwise agree, the child shall remain in the then-current educational placement of such child.

(2) If proceedings arise in connection with the initial admission of the child to school, the child shall be placed in the appropriate regular education classroom or program in compliance with K.S.A. 72-1111, and amendments thereto, unless otherwise directed pursuant to K.S.A. 2013 Supp. 72-992a, and amendments thereto.

(e) Subject to the provisions of K.S.A. 72-973a, and amendments thereto, the agency shall appoint a hearing officer for the purpose of conducting the hearing. Members of the state board, the secretary of social and rehabilitation services for children and families, the secretary of corrections, the commissioner of the juvenile justice authority, and members of any board or agency involved in the education of the child shall not serve as hearing officers. No hearing officer shall be any person responsible for recommending the proposed action upon which the hearing is based, any person having a personal or professional interest which would conflict with objectivity in the hearing, or any person who is an employee of the state board or any agency involved in the education of the child. A person shall not be considered an employee of the agency solely because the person is paid by the agency to serve as a hearing officer. Each agency shall maintain a list of hearing officers. Such list shall include a statement of the qualifications of each hearing officer. Each hearing officer and each state review officer shall be qualified in accordance with standards and requirements established by the state board and shall have satisfactorily completed a training program conducted or approved by the state board.

(f) (1) Any party to a due process hearing who has grounds to believe that the hearing officer cannot afford the party a fair and impartial hearing due to bias, prejudice or a conflict of interest may file a written request for the hearing officer to disqualify such officer and have another hearing officer appointed by the state board. Any such written request shall state the grounds for the request and the facts upon which the request is based.

(2) If a request for disqualification is filed, the hearing officer shall review the request and determine the sufficiency of the grounds stated in the request. The hearing officer then shall prepare a written order concerning the request and serve the order on the parties to the hearing. If the grounds are found to be insufficient, the hearing officer shall continue to serve as the hearing officer. If the grounds are found to be sufficient, the hearing officer immediately shall notify the state board and request the state board to appoint another hearing officer.

(g) (1) Except as provided in paragraph (2), the decision of the hearing officer in

each due process hearing shall be based on substantive grounds and a determination of whether the child received a free appropriate public education.

(2) In due process hearings in which procedural violations are alleged, the hearing officer may find that the child did not receive a free appropriate public education only if the hearing officer concludes the procedural violations did occur and those violations:

- (A) Impeded the child's right to a free appropriate public education;
- (B) significantly impeded the parents' opportunity to participate in the decision making process regarding the provision of a free appropriate public education to the parents' child; or
- (C) caused a deprivation of educational benefits.

(3) Nothing in this subsection shall be construed to preclude a hearing officer from ordering a local educational agency to comply with procedural requirements under this act.

(h) Whenever a hearing officer conducts any hearing, such hearing officer shall render a decision on the matter, including findings of fact and conclusions, not later than 10 days after the close of the hearing. The decision shall be written or, at the option of the parent, shall be an electronic decision. Any action of the hearing officer in accordance with this subsection shall be final, subject to appeal and review in accordance with this act.

Sec. 284. K.S.A. 2013 Supp. 72-997 is hereby amended to read as follows: 72-997. All records of an exceptional child who transfers, or who is transferred, from one school district to another shall be transferred at the same time that such child transfers, or is transferred, or as soon thereafter as possible. If the transfer is a result of the change in placement by the secretary of the department of social and rehabilitation services for children and families, it shall be the duty of the secretary to transfer, or make provision for the transfer, of such records to the district or school to which the child is transferred. If the transfer is a result of the change in placement by the commissioner of juvenile justice, it shall be the duty of the commissioner to transfer, or make provision for the transfer, of such records to the district or school to which the child is transferred. If the transfer is a result of the change in placement by the secretary of the department of corrections, it shall be the duty of the secretary to transfer, or make provision for the transfer, of such records to the district or school to which the child is transferred.

Sec. 285. K.S.A. 72-1046 is hereby amended to read as follows: 72-1046. (a) Any child who has attained the age of eligibility for school attendance may attend school in the district in which the child lives if: (1) The child lives with a resident of the district and the resident is the parent, or a person acting as parent, of the child; or (2) subject to the provisions of subsection (c), the child lives in the district as a result of placement therein by a district court or by the secretary of social and rehabilitation services for children and families; or (3) the child is a homeless child.

(b) Any child who has attained the age of eligibility for school attendance may attend school in a school district in which the child is not a resident if the school district in which the child resides has entered into an agreement with such other school district in accordance with and under authority of K.S.A. 72-8233, and amendments thereto.

(c) Any child who has attained the age of eligibility for school attendance and who lives at the Judge James V. Riddel Boys Ranch as a result of placement at such ranch by a district court or by the secretary of social and rehabilitation services for children and families shall be deemed a resident of unified school district No. 259, Sedgwick county,

Kansas, and any such child may attend school which shall be maintained for such child by the board of education of such school district as in the case of a child who is a bona fide resident of the district.

(d) As used in this section:

(1) "Parent" means and includes natural parents, adoptive parents, stepparents, and foster parents;

(2) "person acting as parent" means (A) a guardian or conservator, or (B) a person, other than a parent, who is liable by law to maintain, care for, or support the child, or who has actual care and control of the child and is contributing the major portion of the cost of support of the child, or who has actual care and control of the child with the written consent of a person who has legal custody of the child, or who has been granted custody of the child by a court of competent jurisdiction; and

(3) "homeless child" means a child who lacks a fixed, regular, and adequate nighttime residence and whose primary nighttime residence is: (A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Sec. 286. K.S.A. 2013 Supp. 72-1113 is hereby amended to read as follows: 72-1113. (a) Each board of education shall designate one or more employees who shall report to the secretary of social and rehabilitation services for children and families, or a designee thereof, or to the appropriate county or district attorney pursuant to an agreement as provided in this section, all cases of children who are less than 13 years of age and are not attending school as required by law, and to the appropriate county or district attorney, or a designee thereof, all cases of children who are 13 or more years of age but less than 18 years of age and are not attending school as required by law. The designation shall be made no later than September 1 of each school year and shall be certified no later than 10 days thereafter by the board of education to the secretary of social and rehabilitation services for children and families, or the designee thereof, to the county or district attorney, or the designee thereof, and to the commissioner of education. The commissioner of education shall compile and maintain a list of the designated employees of each board of education. The local area office of the department of social and rehabilitation services Kansas department for children and families may enter into an agreement with the appropriate county or district attorney to provide that the designated employees of such board of education shall make the report as provided in this section for all cases of children who are less than 13 years of age and are not attending school as provided by law to the county or district attorney in lieu of the secretary, or the secretary's designee. If such agreement is made, the county or district attorney shall carry out all duties as otherwise provided by this subsection conferred on the secretary or the secretary's designee. A copy of such agreement shall be provided to the director of such area office of the department of social and rehabilitation services Kansas department for children and families and to the school districts affected by the agreement.

(b) Whenever a child is required by law to attend school, and the child is not enrolled in a public or nonpublic school, the child shall be considered to be not attending school as required by law and a report thereof shall be made in accordance

with the provisions of subsection (a) by a designated employee of the board of education of the school district in which the child resides. The provisions of this subsection are subject to the provisions of subsection (d).

(c) (1) Whenever a child is required by law to attend school and is enrolled in school, and the child is inexcusably absent therefrom on either three consecutive school days or five school days in any semester or seven school days in any school year, whichever of the foregoing occurs first, the child shall be considered to be not attending school as required by law. A child is inexcusably absent from school if the child is absent therefrom all or a significant part of a school day without a valid excuse acceptable to the school employee designated by the board of education to have responsibility for the school attendance of such child.

(2) Each board of education shall adopt rules for determination of valid excuse for absence from school and for determination of what shall constitute a "significant part of a school day" for the purpose of this section.

(3) Each board of education shall designate one or more employees, who shall each be responsible for determining the acceptability and validity of offered excuses for absence from school of specified children, so that a designee is responsible for making such determination for each child enrolled in school.

(4) Whenever a determination is made in accordance with the provisions of this subsection that a child is not attending school as required by law, the designated employee who is responsible for such determination shall make a report thereof in accordance with the provisions of subsection (a).

(5) The provisions of this subsection are subject to the provisions of subsection (d).

(d) (1) Prior to making any report under this section that a child is not attending school as required by law, the designated employee of the board of education shall serve written notice thereof, by personal delivery or by first class mail, upon a parent or person acting as parent of the child. The notice shall inform the parent or person acting as parent that continued failure of the child to attend school without a valid excuse will result in a report being made to the secretary of social and rehabilitation services for children and families or to the county or district attorney. Upon failure, on the school day next succeeding personal delivery of the notice or within three school days after the notice was mailed, of attendance at school by the child or of an acceptable response, as determined by the designated employee, to the notice by a parent or person acting as parent of the child, the designated employee shall make a report thereof in accordance with the provisions of subsection (a). The designated employee shall submit with the report a certificate verifying the manner in which notice was provided to the parent or person acting as parent.

(2) Whenever a law enforcement officer assumes temporary custody of a child who is found away from home or school without a valid excuse during the hours school is actually in session, and the law enforcement officer delivers the child to the school in which the child is enrolled or to a location designated by the school in which the child is enrolled to address truancy issues, the designated employee of the board of education shall serve notice thereof upon a parent or person acting as parent of the child. The notice may be oral or written and shall inform the parent or person acting as parent of the child that the child was absent from school without a valid excuse and was delivered to school by a law enforcement officer.

(e) Whenever the secretary of social and rehabilitation services for children and

families receives a report required under this section, the secretary shall investigate the matter. If, during the investigation, the secretary determines that the reported child is not attending school as required by law, the secretary shall institute proceedings under the revised Kansas code for care of children. If, during the investigation, the secretary determines that a criminal prosecution should be considered, the secretary shall make a report of the case to the appropriate law enforcement agency.

(f) Whenever a county or district attorney receives a report required under this section, the county or district attorney shall investigate the matter. If, during the investigation, the county or district attorney determines that the reported child is not attending school as required by law, the county or district attorney shall prepare and file a petition alleging that the child is a child in need of care. If, during the investigation, the county or district attorney determines that a criminal prosecution is necessary, the county or district attorney shall commence such action.

(g) As used in this section, "board of education" means the board of education of a school district or the governing authority of a nonpublic school. The provisions of this act shall apply to both public and nonpublic schools.

Sec. 287. K.S.A. 72-3608 is hereby amended to read as follows: 72-3608. The state board in cooperation with the state department of social and rehabilitation services Kansas department for children and families, the state department of health and environment, and other appropriate associations and organizations, may provide any board, upon its request therefor, with technical advice and assistance regarding the development and operation of a parent education program or an application for a grant of state moneys, and may make studies and gather and disseminate information regarding materials, resources, procedures, and personnel which are or may become available to assist school districts in the development and operation of parent education programs.

Sec. 288. K.S.A. 72-4311 is hereby amended to read as follows: 72-4311. The secretary of social and rehabilitation services for children and families may disburse all funds allotted to the state by the federal government under any act of congress, and such other funds as may be made available from public and private sources for the vocational rehabilitation of persons disabled in industry or otherwise. The secretary may make studies, investigations, demonstrations, and reports, and provide training and instruction, including tuition and maintenance necessary in preparing staff in matters relating to vocational rehabilitation, and establish and operate rehabilitation facilities and workshops necessary to vocationally rehabilitate and place in remunerative occupations persons eligible for the benefits of this act. The secretary may adopt rules and regulations for the administration of this act including regulations providing the procedure for fair hearings for applicants or recipients and for the protection of confidential records and other information.

Sec. 289. K.S.A. 72-4314a is hereby amended to read as follows: 72-4314a. The secretary of social and rehabilitation services for children and families may adopt rules and regulations in the field of vocational rehabilitation.

Sec. 290. K.S.A. 72-4316 is hereby amended to read as follows: 72-4316. The director of accounts and reports shall draw his warrants on the state treasurer for the purpose mentioned in this act, upon vouchers approved by the secretary of social and rehabilitation services for children and families or a person or persons designated by him the secretary.

Sec. 291. K.S.A. 2013 Supp. 72-53,106 is hereby amended to read as follows: 72-53,106. (a) As used in this section:

(1) "School" means every school district and every nonpublic school operating in this state.

(2) "School board" means the board of education of a school district or the governing authority of a nonpublic school.

(3) "Proof of identity" means: (A) In the case of a child enrolling in kindergarten or first grade, a certified copy of the birth certificate of the child or, as an alternative, for a child who is in the custody of the secretary of social and rehabilitation services for children and families, a certified copy of the court order placing the child in the custody of the secretary and, in the case of a child enrolling in any of the grades two through 12, a certified transcript or other similar pupil records or data; or (B) any documentary evidence which a school board deems to be satisfactory proof of identity.

(b) Whenever a child enrolls or is enrolled in a school for the first time, the school board of the school in which the child is enrolling or being enrolled shall require, in accordance with a policy adopted by the school board, presentation of proof of identity of the child. If proof of identity of the child is not presented to the school board within 30 days after enrollment, the school board shall immediately give written notice thereof to a law enforcement agency having jurisdiction within the home county of the school. Upon receipt of the written notice, the law enforcement agency shall promptly conduct an investigation to determine the identity of the child. No person or persons claiming custody of the child shall be informed of the investigation while it is being conducted.

(c) Schools and law enforcement agencies shall cooperate with each other in the conducting of any investigation required by this section. School personnel shall provide law enforcement agencies with access on school premises to any child whose identity is being investigated. School personnel shall be present at all times any law enforcement agency personnel are on school premises for the purpose of conducting any such investigation unless the school personnel and the law enforcement agency personnel agree that their joint presence is not in the best interests of the child. School personnel who are present during the conducting by a law enforcement agency of an investigation on school premises to determine the identity of a child in accordance with the requirements of this section are subject to the confidentiality requirements of the revised Kansas code for care of children.

(d) Upon receipt by a school of a notice from a law enforcement agency that a child who is or has been enrolled in the school has been reported as a missing child, the school shall make note of the same in a conspicuous manner on the school records of the child and shall keep such school records separate from the school records of all other children enrolled in the school. Upon receipt by the school of a request for the school records of the child, the school shall notify the law enforcement agency of the request.

(e) Each school board may designate and authorize one or more of its school personnel to act on behalf of the school board in complying with the requirements of this section.

(f) Information gathered in the course of the investigation to establish the identity of a child pursuant to this section shall be confidential and shall be used only to establish the identity of the child or in support of any criminal prosecution emanating from the investigation.

Sec. 292. K.S.A. 2013 Supp. 72-8187 is hereby amended to read as follows: 72-8187. (a) In each school year, to the extent that appropriations are available, each school district which has provided educational services for pupils residing at the Flint Hills job corps center, for pupils housed at a psychiatric residential treatment facility or for pupils confined in a juvenile detention facility is eligible to receive a grant of state moneys in an amount to be determined by the state board of education.

(b) In order to be eligible for a grant of state moneys provided for by this section, each school district which has provided educational services for pupils residing at the Flint Hills job corps center, for pupils housed at a psychiatric residential treatment facility or for pupils confined in a juvenile detention facility shall submit to the state board of education an application for a grant and shall certify the amount expended, and not reimbursed or otherwise financed, in the school year for the services provided. The application and certification shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of applications for grants of state moneys is prerequisite to the award of grants.

(c) Each school district which is awarded a grant under this section shall make such periodic and special reports of statistical and financial information to the state board as it may request.

(d) All moneys received by a school district under authority of this section shall be deposited in the general fund of the school district and shall be considered reimbursement of the district for the purpose of the school district finance and quality performance act.

(e) The state board of education shall approve applications of school districts for grants, determine the amount of grants and be responsible for payment of grants to school districts. In determining the amount of a grant which a school district is eligible to receive, the state board shall compute the amount of state financial aid the district would have received on the basis of enrollment of pupils residing at the Flint Hills job corps center, housed at a psychiatric residential treatment facility or confined in a juvenile detention facility if such pupils had been counted as two pupils under the school district finance and quality performance act and compare such computed amount to the amount certified by the district under subsection (b). The amount of the grant the district is eligible to receive shall be an amount equal to the lesser of the amount computed under this subsection or the amount certified under subsection (b). If the amount of appropriations for the payment of grants under this section is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount appropriated among all school districts which are eligible to receive grants of state moneys in proportion to the amount each school district is determined to be eligible to receive.

(f) On or before July 1 of each year, the secretary of social and rehabilitation for aging and disability services shall submit to the Kansas department of education a list of facilities which have been certified and licensed as psychiatric residential treatment facilities.

(g) As used in this section:

(1) "Enrollment" means the number of pupils who are: (A) Residing at the Flint Hills job corps center, confined in a juvenile detention facility or residing at a psychiatric residential treatment facility; and (B) for whom a school district is providing

educational services on September 20, on November 20, or on April 20 of a school year, whichever is the greatest number of pupils;

(2) "juvenile detention facility" means any public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail; and

(3) "psychiatric residential treatment facility" means a facility which provides psychiatric services to individuals under the age of 21 and which conforms with the regulations of the centers for medicare/medicaid services, is licensed by the Kansas department of health and environment and is certified by the Kansas department of social and rehabilitation and certified by the Kansas department for aging and disability services pursuant to subsection (f).

Sec. 293. K.S.A. 2013 Supp. 72-8223 is hereby amended to read as follows: 72-8223. (a) The secretary of social and rehabilitation services for children and families shall pay tuition to the board of education of any school district for children in any institution under the jurisdiction of the secretary who attend any of the schools of such school district. The amount of tuition shall be determined on the basis of the average operating cost per pupil of the school district, less the proportionate amount of state aid received by such school district as determined by the state board of education. Whenever feasible, the board of education of such school district shall work with the department of social and rehabilitation services Kansas department for children and families to maximize federal matching funds.

(b) Payments of tuition received under this section by the board of education of any school district for attendance of children at school in regular educational programs shall be deposited in the tuition reimbursement fund.

(c) There is hereby established in every district a fund which shall be called the tuition reimbursement fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a district attributable to the costs of providing educational services to a child in an institution under the jurisdiction of the secretary who attends the school shall be paid from the tuition reimbursement fund.

Sec. 294. K.S.A. 72-8239 is hereby amended to read as follows: 72-8239. (a) The board of education of each school district in this state may establish a school attendance review board or may enter into a cooperative or interlocal cooperation agreement with one or more other boards of education for the joint establishment of a school attendance review board. Each school attendance review board shall include, but need not be limited to, one or more persons representing each of the following: (1) Parents of pupils of the district or districts; (2) the department of social and rehabilitation services Kansas department for children and families; (3) the superintendent of schools of each participating school district; (4) teachers of the school district or districts; (5) school guidance personnel; (6) law enforcement agencies having jurisdiction in the district or districts; and (7) community-based agencies providing services to youth.

(b) The superintendent of schools of the school district that has established a school attendance review board as provided in subsection (a), at the beginning of each school year, shall convene a meeting of the school attendance review board for the purpose of adopting plans to promote interagency and community cooperation and to reduce the duplication of services provided to youth who have serious school attendance problems. If more than one board of education is participating in a school attendance review board, the superintendent of schools of the school district having the most pupils shall

convene the meeting provided for by this subsection.

(c) The school attendance review board may elect from among its members a chairperson having responsibility for coordinating the services of the board and may elect such other officers as determined by the board.

(d) The school attendance review board may adopt rules and regulations as necessary to govern its procedure and to enable the board to carry out the provisions of this act.

Sec. 295. K.S.A. 72-8243 is hereby amended to read as follows: 72-8243. (a) If a pupil is required by law to attend school and is irregular in attendance at school, the pupil may be referred to the school attendance review board. Each board of education shall designate one or more employees to make such referrals. Upon making a referral, the employee shall notify the pupil and the pupil's parents or guardians, in writing, of the name and address of the school attendance review board and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board to consider a proper disposition of the referral.

(b) If the school attendance review board determines that available community services can resolve the problem of the referred pupil, the board shall direct the pupil or the pupil's parents or guardians, or both, to make use of those community services. The school attendance review board may require, at such time as it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

(c) If the school attendance review board determines that available community services cannot resolve the problem of the referred pupil or if the pupil or the pupil's parents or guardians, or both, have failed to respond to directives of the school attendance review board or to services provided, the school attendance review board may notify the secretary of social and rehabilitation services for children and families or the appropriate county or district attorney. If the case is referred to the district court, the school attendance review board shall submit to the district court documentation of efforts to secure attendance as well as the board's recommendations on what action the district court shall take in order to bring about proper disposition of the case.

Sec. 296. K.S.A. 72-89a02 is hereby amended to read as follows: 72-89a02. (a) Notwithstanding the provisions of subsection (a) of K.S.A. 72-8902, and amendments thereto, and subject to the other provisions of this section, each board of education in this state shall adopt a written policy requiring the expulsion from school for a period of not less than one year any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity. The policy shall be filed with the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.

(b) To the extent that the provisions contained in article 89 of chapter 72 of Kansas Statutes Annotated, and amendments thereto, do not conflict with the requirements of this act, such provisions shall apply to and be incorporated in the policy required to be adopted under subsection (a).

(c) If a pupil required to be expelled pursuant to a policy adopted under subsection (a) is confined in the custody of the secretary of social and rehabilitation services for children and families, the commissioner of juvenile justice or the secretary of corrections as a result of the violation upon which the expulsion is to be based, the

hearing required under the provisions of article 89 of chapter 72 of Kansas Statutes Annotated, and amendments thereto, shall be delayed until the pupil is released from custody.

(d) A hearing afforded a pupil required to be expelled pursuant to a policy adopted under subsection (a) shall be conducted by the chief administrative officer or other certificated employee of the school in which the pupil is enrolled, by any committee of certificated employees of the school in which the pupil is enrolled, or by a hearing officer appointed by the board of education of the school in which the pupil is enrolled.

(e) The chief administrative officer of the school in which a pupil required to be expelled pursuant to a policy adopted under subsection (a) is enrolled may modify the expulsion requirement in a manner which is consistent with the requirements of federal law. Nothing in this subsection shall be applied or construed in any manner so as to require the chief administrative officer of a school to modify the expulsion requirement of a policy adopted by a board of education pursuant to the provisions of subsection (a).

(f) The policy adopted by a board of education under subsection (a) shall contain a procedure for the referral of any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity to the appropriate state and local law enforcement agencies and, if the pupil is a juvenile, to the secretary of social and rehabilitation services for children and families or the commissioner of juvenile justice.

(g) Each board of education shall prepare an annual report on a form prescribed and furnished by the state board of education that contains a description of the circumstances surrounding any expulsions imposed on pupils pursuant to a policy adopted under subsection (a), including the name of the school or schools concerned, the number of pupils expelled, and the type of weapons concerned. The report shall be submitted to the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.

(h) The provisions of this section do not apply to the possession by pupils of weapons at school, on school property, or at a school supervised activity if the possession of weapons by pupils is connected with a weapons safety course of instruction or a weapons education course approved and authorized by the school or if the possession of weapons by pupils is specifically authorized in writing by the chief administrative officer of the school.

Sec. 297. K.S.A. 72-89b03 is hereby amended to read as follows: 72-89b03. (a) If a school employee has information that a pupil is a pupil to whom the provisions of this subsection apply, the school employee shall report such information and identify the pupil to the superintendent of schools. The superintendent of schools shall investigate the matter and, upon determining that the identified pupil is a pupil to whom the provisions of this subsection apply, shall provide the reported information and identify the pupil to all school employees who are directly involved or likely to be directly involved in teaching or providing other school related services to the pupil. The provisions of this subsection apply to:

(1) Any pupil who has been expelled for the reason provided by subsection (c) of K.S.A. 72-8901, and amendments thereto, for conduct which endangers the safety of others;

(2) any pupil who has been expelled for the reason provided by subsection (d) of K.S.A. 72-8901, and amendments thereto;

(3) any pupil who has been expelled under a policy adopted pursuant to K.S.A. 72-89a02, and amendments thereto;

(4) any pupil who has been adjudged to be a juvenile offender and whose offense, if committed by an adult, would constitute a felony under the laws of Kansas or the state where the offense was committed, except any pupil adjudicated as a juvenile offender for a felony theft offense involving no direct threat to human life; and

(5) any pupil who has been tried and convicted as an adult of any felony, except any pupil convicted of a felony theft crime involving no direct threat to human life.

A school employee and the superintendent of schools shall not be required to report information concerning a pupil specified in this subsection if the expulsion, adjudication as a juvenile offender or conviction of a felony occurred more than 365 days prior to the school employee's report to the superintendent of schools.

(b) Each board of education shall adopt a policy that includes:

(1) A requirement that an immediate report be made to the appropriate state or local law enforcement agency by or on behalf of any school employee who knows or has reason to believe that an act has been committed at school, on school property, or at a school supervised activity and that the act involved conduct which constitutes the commission of a felony or misdemeanor or which involves the possession, use or disposal of explosives, firearms or other weapons; and

(2) the procedures for making such a report.

(c) School employees shall not be subject to the provisions of subsection (b) of K.S.A. 72-89b04, and amendments thereto, if:

(1) They follow the procedures from a policy adopted pursuant to the provisions of subsection (b); or

(2) their board of education fails to adopt such policy.

(d) Each board of education shall annually compile and report to the state board of education at least the following information relating to school safety and security: The types and frequency of criminal acts that are required to be reported pursuant to the provisions of subsection (b), disaggregated by occurrences at school, on school property and at school supervised activities. The report shall be incorporated into and become part of the current report required under the quality performance accreditation system.

(e) Each board of education shall make available to pupils and their parents, to school employees and, upon request, to others, district policies and reports concerning school safety and security, except that the provisions of this subsection shall not apply to reports made by a superintendent of schools and school employees pursuant to subsection (a).

(f) Nothing in this section shall be construed or operate in any manner so as to prevent any school employee from reporting criminal acts to school officials and to appropriate state and local law enforcement agencies.

(g) The state board of education shall extract the information relating to school safety and security from the quality performance accreditation report and transmit the information to the governor, the legislature, the attorney general, the secretary of health and environment, the secretary of social and rehabilitation services for children and families and the commissioner of juvenile justice.

(h) No board of education, member of any such board, superintendent of schools or school employee shall be liable for damages in a civil action resulting from a person's good faith acts or omissions in complying with the requirements or provisions of the

Kansas school safety and security act.

Sec. 298. K.S.A. 2013 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 a technical college, community college, 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 Kansas department for children and families and the department of 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 technical colleges, community colleges, 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. 299. K.S.A. 2013 Supp. 74-32,160 is hereby amended to read as follows: 74-32,160. Financing of the workforce development loan program act shall be from moneys made available from the Kansas department of commerce received from the United States department of labor and the Kansas department of social and rehabilitation services for children and families received from the United States department of health and human services in accordance with the provisions of this section and in accordance with and subject to the provisions of Kansas appropriation

acts.

The Kansas department of commerce shall provide funding for the purpose of this act which shall be limited to the use of federal department of labor workforce investment act funds which are returned to the state as unspent local WIA program year adult, youth and dislocated worker funds. Such unspent funds shall be converted to and identified as state-level set-aside funds for use in carrying out activities as provided under this act. The annual amount of such funds shall not exceed \$500,000. The WIA set-aside funds shall be made available subject to the written approval from the United States department of labor authorizing the use of such for the purpose of this act and appropriated by the United States congress. Funding for this act by the Kansas department of commerce shall be contingent on the availability of WIA funding and shall terminate on or before the final WIA authorization date of June 30, 2005. Due to restrictions placed on the transfer of unspent federal funds to the state treasury and the need for timely disbursement of federal funds for WIA expenditures, the Kansas department of commerce shall develop in cooperation with the Kansas board of regents, a system for the reimbursement of actual expenses incurred pursuant to this act. Such reimbursement procedures shall be in compliance with acceptable federal department of labor and office of management and budget procedures established for the draw down and disbursement of federal WIA funds.

The secretary of the department of social and rehabilitation services for children and families shall cooperate in the administration of the workforce development loan program act which may be funded with the \$500,000 which is to be contributed annually by the Kansas department of social and rehabilitation services for children and families in accordance with and subject to the provisions of appropriation acts. When there is a candidate that appears to meet the eligibility guidelines for federal funding administered by the Kansas department of social and rehabilitation services for children and families, the Kansas board of regents shall notify the Kansas department of social and rehabilitation services for children and families. Upon the approval of the Kansas department of social and rehabilitation service's approval for children and families' of the candidate's eligibility, the director of accounts and reports shall transfer funding from the appropriate federal source as identified by the Kansas department of social and rehabilitation services for children and families to the Kansas state treasurer. All receipts and interest collected from repayments of federal funds transferred under the authority of this section shall be returned to the director of accounts and reports for deposit to the originating federal funding source.

Sec. 300. K.S.A. 2013 Supp. 74-32,161 is hereby amended to read as follows: 74-32,161. (a) As used in this section:

(1) "Kansas educational institution" means a postsecondary educational institution as defined by K.S.A. 74-3201b, and amendments thereto.

(2) "State board" means the state board of regents.

(b) Subject to appropriations therefor and except as otherwise provided by this section, every Kansas educational institution shall provide for enrollment without charge of tuition, undergraduate fees, including registration, matriculation and laboratory fees for any eligible applicant. No Kansas educational institution shall be required by this section to provide for the enrollment of more than five new applicants in any academic year. An applicant who was in the custody of social and rehabilitation services the Kansas department for children and families on the date such applicant

reached 18 years of age, who has graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care, was released from the custody of the Kansas department of social and rehabilitation services for children and families prior to age 18 after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and in the custody of the Kansas department of social and rehabilitation services for children and families, or an applicant who was adopted from a foster care placement on or after such applicant's 16th birthday, and who is accepted to a Kansas educational institution within two years following the date such applicant graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate shall be eligible for enrollment at a Kansas educational institution without charge of tuition or such fees through the semester the eligible applicant reaches 21 years of age not to exceed eight semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(c) Subject to appropriations therefor, any Kansas educational institution which at the time of enrollment did not charge tuition or fees as prescribed by subsection (b), and amendments thereto, of the eligible applicant may file a claim with the state board for reimbursement of the amount of such tuition and fees. 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 the educational institution is entitled. Such 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 applicants are enrolled for the total amount of tuition and fees not charged eligible applicants 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 such eligible applicant or applicants are enrolled. If an eligible applicant 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 applicant would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state on behalf of such applicant 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 tuition waiver gifts, grants and reimbursements fund unless such amount was from federal funds transferred under the authority of subsection (g) which funds shall be returned to the director of accounts and reports for deposit to the originating federal funding source.

(d) The chief executive officer of the state board shall submit a report to the house and senate committees on education during the 2005 and 2007 regular session of the legislature on the results, outcomes and effectiveness of the tuition waiver program authorized by this section.

(e) The state board is authorized to receive any grants, gifts, contributions or bequests made for the purpose of supporting the tuition waiver program authorized by this section and to expend the same.

(f) There is hereby established in the state treasury the tuition waiver gifts, grants and reimbursements fund. Expenditures from the fund may be made for the purpose of payment of claims of Kansas educational institutions pursuant to this section and for

such purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the chief executive officer of the state board, or such officer's designee and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief executive officer of the state board, or such officer's designee.

(g) During each year, the chief executive officer of the state board shall make one or more certifications of the amount or amounts required to pay claims received from Kansas educational institutions for tuition and fees under this section to the director of accounts and reports and the secretary of social and rehabilitation services for children and families. Each certification made by the chief executive officer shall include a provision stating that 20% of the total amount or amounts required to pay claims received from Kansas educational institutions for tuition and fees under this section are either cash, in-kind contributions, state general funds or other nonfederal sources not used to match other funds, and that the remaining 80% shall be paid from the federal award from the foster care assistance federal fund. Upon receipt of each such certification, the director of accounts shall transfer the amount certified from moneys received under the federal Chafee foster care independence grant and credited to the foster care assistance federal fund of the department of social and rehabilitation services Kansas department for children and families to the tuition waiver gifts, grants and reimbursements fund of the state board. Annual expenditures for the tuition waiver program made by the Kansas department of social and rehabilitation services for children and families shall not exceed a maximum of more than 30% of the amount of the federal award in effect on July 1 of each state fiscal year.

(h) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the tuition waiver gifts and grants fund interest earnings based on:

(1) The average daily balance of moneys in the tuition waiver gifts and grants fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(i) Applicants eligible for the benefits under this section shall be exempt from the provisions of K.S.A. 76-717, and amendments thereto.

(j) The state board shall adopt rules and regulations requiring eligible applicants to be enrolled as a full-time undergraduate student in good academic standing and to maintain part-time employment to remain eligible and other rules and regulations, as appropriate, for administration of the applicable provisions of this section. When there is a candidate that appears to meet the eligibility guidelines for federal Chafee funding administered by the Kansas department of social and rehabilitation services for children and families, the state board shall notify the Kansas department of social and rehabilitation services for children and families. The Kansas department of social and rehabilitation services for children and families shall notify the state board of approval of the candidate's eligibility.

(k) The provisions of this section shall expire on June 30, 2006, except that any eligible applicant who received a tuition waiver before June 30, 2006, and is deemed by the state board to be eligible pursuant to this section shall be allowed to remain eligible until such applicant completes such applicant's course of study or becomes ineligible

pursuant to the provisions of this section.

Sec. 301. K.S.A. 2013 Supp. 74-4902 is hereby amended to read as follows: 74-4902. As used in articles 49 and 49a of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, unless otherwise provided or the context otherwise requires:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which are credited to the member's account, with interest allowed thereon;

(2) "acts" means the provisions of articles 49 and 49a of the Kansas Statutes Annotated, and amendments thereto;

(3) "actuarial equivalent" means an annuity or benefit of equal value to the accumulated contributions, annuity or benefit, when computed upon the basis of the actuarial tables in use by the system. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion;

(4) "actuarial tables" means the actuarial tables approved and in use by the board at any given time;

(5) "actuary" means the actuary or firm of actuaries employed or retained by the board at any given time;

(6) "agent" means the individual designated by each participating employer through whom system transactions and communication are directed;

(7) "beneficiary" means, subject to the provisions of K.S.A. 74-4927, and amendments thereto, any natural person or persons, estate or trust, or any combination thereof, named by a member to receive any benefits as provided for by this act. Designations of beneficiaries by a member who is a member of more than one retirement system made on or after July 1, 1987, shall be the basis of any benefits payable under all systems unless otherwise provided by law. Except as otherwise provided by subsection (33) of this section, if there is no named beneficiary living at the time of the member's death, any benefits provided for by this act shall be paid to: (A) The member's surviving spouse; (B) the member's dependent child or children; (C) the member's dependent parent or parents; (D) the member's nondependent child or children; (E) the member's nondependent parent or parents; (F) the estate of the deceased member; in the order of preference as specified in this subsection;

(8) "board of trustees," "board" or "trustees" means the managing body of the system which is known as the Kansas public employees retirement system board of trustees;

(9) "compensation" means, except as otherwise provided, all salary, wages and other remuneration payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of compensation, but not including reimbursement for travel or moving expenses or on and after July 1, 1994, payment pursuant to an early retirement incentive program made prior to the retirement of the member. Beginning with the employer's fiscal year which begins in calendar year 1991 or for employers other than the state of Kansas, beginning with the fiscal year which begins in calendar year 1992, when the compensation of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in compensation, except that: (A) Any amount of compensation for accumulated sick leave or vacation or annual

leave paid to the member; (B) any increase in compensation for any member due to a reclassification or reallocation of such member's position or a reassignment of such member's job classification to a higher range or level; and (C) any increase in compensation as provided in any contract entered into prior to January 1, 1991, and still in force on the effective date of this act, pursuant to an early retirement incentive program as provided in K.S.A. 72-5395 et seq., and amendments thereto, shall be included in the amount of compensation of such member used in determining such member's final average salary and shall not be subject to the 15% limitation provided in this subsection. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, beginning with the employer's fiscal year coinciding with or following July 1, 1985, compensation shall include any amounts for tax sheltered annuities or deferred compensation plans. Beginning with the employer's fiscal year which begins in calendar year 1991, compensation shall include amounts under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and, as the board deems appropriate, any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income. For purposes of applying limits under the federal internal revenue code "compensation" shall have the meaning as provided in K.S.A. 74-49,123, and amendments thereto. For purposes of this subsection and application to the provisions of subsection (4) of K.S.A. 74-4927, and amendments thereto, "compensation" shall not include any payments made by the state board of regents pursuant to the provisions of subsection (5) of K.S.A. 74-4927a, and amendments thereto, to a member of the faculty or other person defined in subsection (1)(a) of K.S.A. 74-4925, and amendments thereto;

(10) "credited service" means the sum of participating service and prior service and in no event shall credited service include any service which is credited under another retirement plan authorized under any law of this state;

(11) "dependent" means a parent or child of a member who is dependent upon the member for at least $\frac{1}{2}$ of such parent or child's support;

(12) "effective date" means the date upon which the system becomes effective by operation of law;

(13) "eligible employer" means the state of Kansas, and any county, city, township, special district or any instrumentality of any one or several of the aforementioned or any noncommercial public television or radio station located in this state which receives state funds allocated by the Kansas public broadcasting commission whose employees are covered by social security. If a class or several classes of employees of any above defined employer are not covered by social security, such employer shall be deemed an eligible employer only with respect to such class or those classes of employees who are covered by social security;

(14) "employee" means any appointed or elective officer or employee of a participating employer whose employment is not seasonal or temporary and whose employment requires at least 1,000 hours of work per year, and any such officer or employee who is concurrently employed performing similar or related tasks by two or more participating employers, who each remit employer and employee contributions on behalf of such officer or employee to the system, and whose combined employment is not seasonal or temporary, and whose combined employment requires at least 1,000

hours of work per year, but not including: (A) Any employee who is a contributing member of the United States civil service retirement system; (B) any employee who is a contributing member of the federal employees retirement system; (C) any employee who is a leased employee as provided in section 414 of the federal internal revenue code of a participating employer; and (D) any employee or class of employees specifically exempted by law. After June 30, 1975, no person who is otherwise eligible for membership in the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for a retirement annuity under the provisions of K.S.A. 74-4925, and amendments thereto, except that no person shall receive service credit under the Kansas public employees retirement system for any period of service for which benefits accrue or are granted under a retirement annuity plan under the provisions of K.S.A. 74-4925, and amendments thereto. After June 30, 1982, no person who is otherwise eligible for membership in the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for any benefit under another retirement plan authorized under any law of this state, except that no such person shall receive service credit under the Kansas public employees retirement system for any period of service for which any benefit accrues or is granted under any such retirement plan. Employee shall include persons who are in training at or employed by, or both, a sheltered workshop for the blind operated by the secretary of social and rehabilitation services for children and families. The entry date for such persons shall be the beginning of the first pay period of the fiscal year commencing in calendar year 1986. Such persons shall be granted prior service credit in accordance with K.S.A. 74-4913, and amendments thereto. However, such persons classified as home industry employees shall not be covered by the retirement system. Employees shall include any member of a board of county commissioners of any county and any council member or commissioner of a city whose compensation is equal to or exceeds \$5,000 per year;

(15) "entry date" means the date as of which an eligible employer joins the system. The first entry date pursuant to this act is January 1, 1962;

(16) "executive director" means the managing officer of the system employed by the board under this act;

(17) "final average salary" means in the case of a member who retires prior to January 1, 1977, and in the case of a member who retires after January 1, 1977, and who has less than five years of participating service after January 1, 1967, the average highest annual compensation paid to such member for any five years of the last 10 years of participating service immediately preceding retirement or termination of employment, or in the case of a member who retires on or after January 1, 1977, and who has five or more years of participating service after January 1, 1967, the average highest annual compensation paid to such member on or after January 1, 1967, for any five years of participating service preceding retirement or termination of employment, or, in any case, if participating service is less than five years, then the average annual compensation paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12; in the case of a member who became a member under subsection (3) of K.S.A. 74-4925, and amendments thereto, or who

became a member with a participating employer as defined in subsection (3) of K.S.A. 74-4931, and amendments thereto, and who elects to have compensation paid in other than 12 equal installments, such compensation shall be annualized as if the member had elected to receive 12 equal installments for any such periods preceding retirement; in the case of a member who retires after July 1, 1987, the average highest annual compensation paid to such member for any four years of participating service preceding retirement or termination of employment; in the case of a member who retires on or after July 1, 1993, whose date of membership in the system is prior to July 1, 1993, and any member who is in such member's membership waiting period on July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, the average highest annual compensation, as defined in subsection (9), paid to such member for any four years of participating service preceding retirement or termination of employment or the average highest annual salary, as defined in subsection (34), paid to such member for any three years of participating service preceding retirement or termination of employment, whichever is greater; and in the case of a member who retires on or after July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, the average highest annual salary, as defined in subsection (34), paid to such member for any three years of participating service preceding retirement or termination of employment. Final average salary shall not include any purchase of participating service credit by a member as provided in subsection (2) of K.S.A. 74-4919h, and amendments thereto, which is completed within five years of retirement. For any application to purchase or repurchase service credit for a certain period of service as provided by law received by the system after May 17, 1994, for any member who will have contributions deducted from such member's compensation at a percentage rate equal to two or three times the employee's rate of contribution or will begin paying to the system a lump-sum amount for such member's purchase or repurchase and such deductions or lump-sum payment commences after the commencement of the first payroll period in the third quarter, "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase. Any application to purchase or repurchase multiple periods of service shall be treated as multiple applications. For purposes of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system. In the case of any former member who was eligible for assistance pursuant to K.S.A. 74-4925, and amendments thereto, prior to July 1, 1998, for the purpose of calculating final average salary of such member, such member's final average salary shall be based on such member's salary while a member of the system or while eligible for assistance pursuant to K.S.A. 74-4925, and amendments thereto, whichever is greater;

(18) "fiscal year" means, for the Kansas public employees retirement system, the period commencing July 1 of any year and ending June 30 of the next;

(19) "Kansas public employees retirement fund" means the fund created by this act for payment of expenses and benefits under the system and referred to as the fund;

(20) "leave of absence" means a period of absence from employment without pay, authorized and approved by the employer, and which after the effective date does not exceed one year;

(21) "member" means an eligible employee who is in the system and is making the

required employee contributions; any former employee who has made the required contributions to the system and has not received a refund if such member is within five years of termination of employment with a participating employer; or any former employee who has made the required contributions to the system, has not yet received a refund and has been granted a vested benefit;

(22) "military service" means service in the uniformed forces of the United States, for which retirement benefit credit must be given under the provisions of USERRA or service in the armed forces of the United States or in the commissioned corps of the United States public health service, which service is immediately preceded by a period of employment as an employee or by the entering into of an employment contract with a participating employer and is followed by return to employment as an employee with the same or another participating employer within 12 months immediately following discharge from such military service, except that if the board determines that such return within 12 months was made impossible by reason of a service-connected disability, the period within which the employee must return to employment with a participating employer shall be extended not more than two years from the date of discharge or separation from military service;

(23) "normal retirement date" means the date on or after which a member may retire with full retirement benefits pursuant to K.S.A. 74-4914, and amendments thereto;

(24) "participating employer" means an eligible employer who has agreed to make contributions to the system on behalf of its employees;

(25) "participating service" means the period of employment after the entry date for which credit is granted a member;

(26) "prior service" means the period of employment of a member prior to the entry date for which credit is granted a member under this act;

(27) "prior service annual salary" means the highest annual salary, not including any amounts received as payment for overtime or as reimbursement for travel or moving expense, received for personal services by the member from the current employer in any one of the three calendar years immediately preceding January 1, 1962, or the entry date of the employer, whichever is later, except that if a member entered the employment of the state during the calendar year 1961, the prior service annual salary shall be computed by multiplying such member's highest monthly salary received in that year by 12;

(28) "retirant" means a member who has retired under this system;

(29) "retirement benefit" means a monthly income or the actuarial equivalent thereof paid in such manner as specified by the member pursuant to this act or as otherwise allowed to be paid at the discretion of the board, with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs. Upon proper identification a surviving spouse may negotiate the warrant issued in the name of the retirant. If there is no surviving spouse, the last warrant shall be payable to the designated beneficiary;

(30) "retirement system" or "system" means the Kansas public employees retirement system as established by this act and as it may be amended;

(31) "social security" means the old age, survivors and disability insurance section of the federal social security act;

(32) "trust" means an express trust, created by a trust instrument, including a will,

designated by a member to receive payment of the insured death benefit under K.S.A. 74-4927, and amendments thereto, and payment of the member's accumulated contributions under subsection (1) of K.S.A. 74-4916, and amendments thereto. A designation of a trust shall be filed with the board. If no will is admitted to probate within six months after the death of the member or no trustee qualifies within such six months or if the designated trust fails, for any reason whatsoever, the insured death benefit under K.S.A. 74-4927, and amendments thereto, and the member's accumulated contributions under subsection (1) of K.S.A. 74-4916, and amendments thereto, shall be paid in accordance with the provisions of subsection (7) of this section as in other cases where there is no named beneficiary living at the time of the member's death and any payments so made shall be a full discharge and release to the system from any further claims;

(33) "salary" means all salary and wages payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of salary. Salary shall not include reimbursement for travel or moving expenses, payment for accumulated sick leave or vacation or annual leave, severance pay or any other payments to the member determined by the board to not be payments for personal services performed for a participating employer constituting salary or on and after July 1, 1994, payment pursuant to an early retirement incentive program made prior to the retirement of the member. When the salary of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in salary. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, salary shall include any amounts for tax sheltered annuities or deferred compensation plans. Salary shall include amounts under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and, as the board deems appropriate, any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income. For purposes of applying limits under the federal internal revenue code "salary" shall have the meaning as provided in K.S.A. 74-49,123, and amendments thereto. In any case, if participating service is less than three years, then the average annual salary paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12;

(34) "federal internal revenue code" means the federal internal revenue code of 1954 or 1986, as in effect on July 1, 2008, and as applicable to a governmental plan; and

(35) "USERRA" means the federal uniformed services employment and reemployment rights act of 1994 as in effect on July 1, 2008.

Sec. 302. K.S.A. 2013 Supp. 74-4911f is hereby amended to read as follows: 74-4911f. (a) Subject to procedures or limitations prescribed by the governor, any person who is not an employee and who becomes a state officer may elect to not become a member of the system. The election to not become a member of the system must be filed within 90 days of assuming the position of state officer. Such election shall be

irrevocable. If such election is not filed by such state officer, such state officer shall be a member of the system.

(b) Any such state officer who is a member of the Kansas public employees retirement system, on or after the effective date of this act, may elect to not be a member by filing an election with the office of the retirement system. The election to not become a member of the system must be filed within 90 days of assuming the position of state officer. If such election is not filed by such state officer, such state officer shall be a member of the system.

(c) Subject to limitations prescribed by the board, the state agency employing any employee who has filed an election as provided under subsection (a) or (b) and who has entered into an employee participation agreement, as provided in K.S.A. 2013 Supp. 74-49b10, and amendments thereto, for deferred compensation pursuant to the Kansas public employees deferred compensation plan shall contribute to such plan on such employee's behalf an amount equal to 8% of the employee's salary, as such salary has been approved pursuant to K.S.A. 75-2935b, and amendments thereto, or as otherwise prescribed by law. With regard to a state officer who is a member of the legislature who has retired pursuant to the Kansas public employees retirement system and who files an election as provided in this section, employee's salary means per diem compensation as provided by law as a member of the legislature.

(d) As used in this section and K.S.A. 74-4927k, and amendments thereto, "state officer" means the secretary of administration, secretary on aging for aging and disability services, secretary of commerce, secretary of corrections, secretary of health and environment, secretary of labor, secretary of revenue, secretary of social and rehabilitation services for children and families, secretary of transportation, secretary of wildlife, parks and tourism, superintendent of the Kansas highway patrol, secretary of agriculture, executive director of the Kansas lottery, executive director of the Kansas racing commission, president of the Kansas development finance authority, state fire marshal, state librarian, securities commissioner, adjutant general, judges and chief hearing officer of the state court of tax appeals, members of the state corporation commission, any unclassified employee on the staff of officers of both houses of the legislature, any unclassified employee appointed to the governor's or lieutenant governor's staff, any person employed by the legislative branch of the state of Kansas, other than any such person receiving service credited under the Kansas public employees retirement system or any other retirement system of the state of Kansas therefor, who elected to be covered by the provisions of this section as provided in subsection (e) of K.S.A. 46-1302, and amendments thereto, or who is first employed on or after July 1, 1996, by the legislative branch of the state of Kansas and any member of the legislature who has retired pursuant to the Kansas public employees retirement system.

(e) The provisions of this section shall not apply to any state officer who has elected to remain eligible for assistance by the state board of regents as provided in subsection (a) of K.S.A. 74-4925, and amendments thereto.

Sec. 303. K.S.A. 2013 Supp. 74-4927 is hereby amended to read as follows: 74-4927. (1) The board may establish a plan of death and long-term disability benefits to be paid to the members of the retirement system as provided by this section. The long-term disability benefit shall be payable in accordance with the terms of such plan as established by the board, except that for any member who is disabled prior to the

effective date of this act, the annual disability benefit amount shall be an amount equal to $66\frac{2}{3}\%$ of the member's annual rate of compensation on the date such disability commenced. Such plan shall provide that:

(A) For deaths occurring prior to January 1, 1987, the right to receive such death benefit shall cease upon the member's attainment of age 70 or date of retirement whichever first occurs. The right to receive such long-term disability benefit shall cease (i) for a member who becomes eligible for such benefit before attaining age 60, upon the date that such member attains age 65 or the date of such member's retirement, whichever first occurs, and (ii) for a member who becomes eligible for such benefit at or after attaining age 60, the date that such member has received such benefit for a period of five years, or upon the date of such member's retirement, whichever first occurs.

(B) Long-term disability benefit payments shall be in lieu of any accidental total disability benefit that a member may be eligible to receive under subsection (3) of K.S.A. 74-4916, and amendments thereto. The member must make an initial application for social security disability benefits and, if denied such benefits, the member must pursue and exhaust all administrative remedies of the social security administration which include, but are not limited to, reconsideration and hearings. Such plan may provide that any amount which a member receives as a social security benefit or a disability benefit or compensation from any source by reason of any employment including, but not limited to, workers compensation benefits may be deducted from the amount of long-term disability benefit payments under such plan. However, in no event shall the amount of long-term disability benefit payments under such plan be reduced by any amounts a member receives as a supplemental disability benefit or compensation from any source by reason of the member's employment, provided such supplemental disability benefit or compensation is based solely upon the portion of the member's monthly compensation that exceeds the maximum monthly compensation taken into account under such plan. As used in this paragraph, "maximum monthly compensation" means the dollar amount that results from dividing the maximum monthly disability benefit payable under such plan by the percentage of compensation that is used to calculate disability benefit payments under such plan. During the period in which such member is pursuing such administrative remedies prior to a final decision of the social security administration, social security disability benefits may be estimated and may be deducted from the amount of long-term disability benefit payments under such plan. If the social security benefit, workers compensation benefit, other income or wages or other disability benefit by reason of employment other than a supplemental benefit based solely on compensation in excess of the maximum monthly compensation taken into account under such plan, or any part thereof, is paid in a lump-sum, the amount of the reduction shall be calculated on a monthly basis over the period of time for which the lump-sum is given. As used in this section, "workers compensation benefits" means the total award of disability benefit payments under the workers compensation act notwithstanding any payment of attorney fees from such benefits as provided in the workers compensation act.

(C) The plan may include other provisions relating to qualifications for benefits; schedules and graduation of benefits; limitations of eligibility for benefits by reason of termination of employment or membership; conversion privileges; limitations of eligibility for benefits by reason of leaves of absence, military service or other

interruptions in service; limitations on the condition of long-term disability benefit payment by reason of improved health; requirements for medical examinations or reports; or any other reasonable provisions as established by rule and regulation of uniform application adopted by the board.

(D) Any visually impaired person who is in training at and employed by a sheltered workshop for the blind operated by the secretary of social and rehabilitation services for children and families and who would otherwise be eligible for the long-term disability benefit as described in this section shall not be eligible to receive such benefit due to visual impairment as such impairment shall be determined to be a preexisting condition.

(2) (A) In the event that a member becomes eligible for a long-term disability benefit under the plan authorized by this section such member shall be given participating service credit for the entire period of such disability. Such member's final average salary shall be computed in accordance with subsection (17) of K.S.A. 74-4902, and amendments thereto, except that the years of participating service used in such computation shall be the years of salaried participating service.

(B) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding retirement, such member's final average salary shall be adjusted upon retirement by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1993, such member's final average salary shall be adjusted upon retirement by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1, 1998, such member's final average salary shall be adjusted upon retirement by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of retirement, for each year of disability after July 1, 1998.

(C) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding death, such member's current annual rate shall be adjusted by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1993, such member's current annual rate shall be adjusted upon death by 5% for each year of disability after July 1, 1993, but before July 1, 1998. Effective July 1, 1998, such member's current annual rate shall be adjusted upon death by an amount equal to the lesser of: (i) The percentage increase in the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor minus 1%; or (ii) four percent per annum, measured from the member's last day on the payroll to the month that is two months prior to the month of death, for each year of disability after July 1, 1998.

(3) (A) To carry out the legislative intent to provide, within the funds made available therefor, the broadest possible coverage for members who are in active employment or involuntarily absent from such active employment, the plan of death and long-term disability benefits shall be subject to adjustment from time to time by the board within the limitations of this section. The plan may include terms and provisions which are consistent with the terms and provisions of group life and long-term disability policies usually issued to those employers who employ a large number of employees. The board shall have the authority to establish and adjust from time to time the

procedures for financing and administering the plan of death and long-term disability benefits authorized by this section. Either the insured death benefit or the insured disability benefit or both such benefits may be financed directly by the system or by one or more insurance companies authorized and licensed to transact group life and group accident and health insurance in this state.

(B) The board may contract with one or more insurance companies, which are authorized and licensed to transact group life and group accident and health insurance in Kansas, to underwrite or to administer or to both underwrite and administer either the insured death benefit or the long-term disability benefit or both such benefits. Each such contract with an insurance company under this subsection shall be entered into on the basis of competitive bids solicited and administered by the board. Such competitive bids shall be based on specifications prepared by the board.

(i) In the event the board purchases one or more policies of group insurance from such company or companies to provide either the insured death benefit or the long-term disability benefit or both such benefits, the board shall have the authority to subsequently cancel one or more of such policies and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund.

(ii) In addition, the board shall have the authority to cancel any policy or policies of group life and long-term disability insurance in existence on the effective date of this act and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund. Notwithstanding any other provision of law, no premium tax shall be due or payable by any such company or companies on any such policy or policies purchased by the board nor shall any brokerage fees or commissions be paid thereon.

(4) (A) There is hereby created in the state treasury the group insurance reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. The cost of the plan of death and long-term disability benefits shall be paid from the group insurance reserve fund, which shall be administered by the board. For the period commencing July 1, 2013, and ending June 30, 2015, each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to .85% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. For the period commencing July 1, 2015, and all periods thereafter, each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to 1.0% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund. Notwithstanding the provisions of this subsection, no participating employer shall appropriate and pay to the system any amount provided for by this subsection for deposit in the group insurance reserve fund for the period commencing on April 1, 2013, and ending on June 30, 2013.

(B) The director of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services a sum to pay the state's contribution to the group insurance reserve fund as provided by this section and shall present the same to the legislature for allowances and appropriation.

(C) The provisions of subsection (4) of K.S.A. 74-4920, and amendments thereto, shall apply for the purpose of providing the funds to make the contributions to be deposited to the group insurance reserve fund.

(D) Any dividend or retrospective rate credit allowed by an insurance company or companies shall be credited to the group insurance reserve fund and the board may take such amounts into consideration in determining the amounts of the benefits under the plan authorized by this section.

(5) The death benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as insured death benefit. The long-term disability benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as long-term disability benefit.

(6) The board is hereby authorized to establish an optional death benefit plan for employees and spouses and dependents of employees. Except as provided in subsection (7), such optional death benefit plan shall be made available to all employees who are covered or may hereafter become covered by the plan of death and long-term disability benefits authorized by this section. The cost of the optional death benefit plan shall be paid by the applicant either by means of a system of payroll deductions or direct payment to the board. The board shall have the authority and discretion to establish such terms, conditions, specifications and coverages as it may deem to be in the best interest of the state of Kansas and its employees which should include term death benefits for the person's period of active state employment regardless of age, but in no case, shall the maximum allowable coverage be less than \$200,000. The cost of the optional death benefit plan shall not be established on such a basis as to unreasonably discriminate against any particular age group. The board shall have full administrative responsibility, discretion and authority to establish and continue such optional death benefit plan and the director of accounts and reports of the department of administration shall when requested by the board and from funds appropriated or available for such purpose establish a system to make periodic deductions from state payrolls to cover the cost of the optional death benefit plan coverage under the provisions of this subsection (6) and shall remit all deductions together with appropriate accounting reports to the system. There is hereby created in the state treasury the optional death benefit plan reserve fund. Investment income of the fund shall be added or credited to the fund as provided by law. All funds received by the board, whether in the form of direct payments, payroll deductions or otherwise, shall be accounted for separately from all other funds of the retirement system and shall be paid into the optional death benefit plan reserve fund, from which the board is authorized to make the appropriate payments and to pay the ongoing costs of administration of such optional death benefit plan as may be incurred in carrying out the provisions of this subsection (6).

(7) Any employer other than the state of Kansas which is currently a participating employer of the Kansas public employees retirement system or is in the process of affiliating with the Kansas public employees retirement system may also elect to affiliate for the purposes of subsection (6). All such employers shall make application

for affiliation with such system, to be effective on January 1 or July 1 next following application.

(8) For purposes of the death benefit provided under the plan of death and long-term disability benefits authorized by this section and the optional death benefit plan authorized by subsection (6), commencing on the effective date of this act, in the case of medical or financial hardship of the member as determined by the executive director, or otherwise commencing January 1, 2005, the member may name a beneficiary or beneficiaries other than the beneficiary or beneficiaries named by the member to receive other benefits as provided by the provisions of K.S.A. 74-4901 et seq., and amendments thereto.

Sec. 304. K.S.A. 74-5502 is hereby amended to read as follows: 74-5502. (a) The state council shall:

(1) Study the problems of prevention, education, rehabilitation and other programs affecting the general welfare of the developmentally disabled.

(2) Monitor, review and evaluate, at least annually, the implementation of the state plan for developmental disabilities.

(3) Review and comment, to the maximum extent feasible, on all state plans in the state which relate to programs affecting persons with developmental disabilities.

(4) Submit to the secretary of health and human services, through the governor, such periodic reports on its activities as the secretary of health and human services may reasonably request and keep such records and afford such access thereto as the secretary of health and human services finds necessary to verify such reports. In accordance with federal laws, the state plan for developmental disabilities shall be prepared jointly by the division of the department of social and rehabilitation Kansas department for aging and disability services that is responsible for programs for developmental disabilities and the state council.

(5) Study the various state programs for the developmentally disabled and shall have power to make suggestions and recommendations to the various state departments for the coordination and improvements of such programs.

(b) The council may make proposed legislative recommendations having as a function the more efficient, economic and effective realization of intent, purpose and goal of the various programs for the developmentally disabled.

(c) Each state agency represented by membership on the council is hereby authorized to furnish such information, data, reports and statistics requested by the council.

Sec. 305. K.S.A. 74-5505 is hereby amended to read as follows: 74-5505. The division of the department of social and rehabilitation Kansas department for aging and disability services that is responsible for programs for developmental disabilities is hereby designated as the agency to receive and administer federal funds under the federal developmental disabilities assistance and bill of rights act (, 42 U.S.C. §§ 6000 et seq.), as amended. The state plan for developmental disabilities shall provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the state under such act.

Sec. 306. K.S.A. 2013 Supp. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:

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

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

(c) "Chancellor" means the chancellor of the university of Kansas, or the chancellor's designee.

(d) "Director of police training" means the director of police training at the law enforcement training center.

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

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

(g) "Police officer" or "law enforcement officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to: The sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff's office in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858, and amendments thereto; conservation officers of the Kansas department of wildlife, parks and tourism; university police officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus police officers, as defined in K.S.A. 22-2401a, and amendments thereto; law enforcement agents of the director of alcoholic beverage control; law enforcement agents designated by the secretary of revenue pursuant to K.S.A. 2013 Supp. 75-5157, and amendments thereto; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol police, existing under the authority of K.S.A. 75-4503, and amendments thereto; special investigators of the juvenile justice authority; special investigators designated by the secretary of labor; and law enforcement officers appointed by the adjutant general pursuant to K.S.A. 48-204, and amendments thereto. Such terms shall also include railroad policemen appointed pursuant to K.S.A. 66-524, and amendments thereto; school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222, and amendments thereto; the manager and employees of the horsethief reservoir benefit district pursuant to K.S.A. 2013 Supp. 82a-2212, and amendments thereto; and the director of the Kansas commission on peace officers' standards and training and any other employee of such commission designated by the director pursuant to K.S.A. 74-5603, and amendments thereto, as a law enforcement officer. Such terms shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official's elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the commissioner of juvenile justice who is employed solely to perform correctional, administrative or operational duties related to juvenile correctional facilities; any employee of the secretary of corrections, any employee of the secretary of social and rehabilitation services for children and families; any deputy conservation officer of the Kansas department of wildlife, parks and tourism; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the

issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharging the duties of such person's office or employment. Such term shall include any officer appointed or elected on a provisional basis.

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

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

(j) "Misdemeanor crime of domestic violence" means a violation of domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or K.S.A. 2013 Supp. 21-5414, and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

(k) "Auxiliary personnel" means members of organized nonsalaried groups who operate as an adjunct to a police or sheriff's department, including reserve officers, posses and search and rescue groups.

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

Sec. 307. K.S.A. 2013 Supp. 74-6703 is hereby amended to read as follows: 74-6703. In addition to the members appointed by the governor under K.S.A. 74-6702, and amendments thereto, the following persons, or the designees of such persons, shall serve as members ex officio of the commission:

- (a) The secretary of health and environment;
- (b) the chairperson of the Kansas planning council on developmental disabilities services;
- (c) the commissioner of mental health and developmental disabilities of community services and programs in the department of social and rehabilitation Kansas department for aging and disability services;
- (d) the commissioner of rehabilitation services of the department of social and rehabilitation services Kansas department for children and families;
- (e) the secretary of commerce;
- (f) the director of special education of the state board of education;
- (g) the secretary of transportation;
- (h) the secretary of aging for aging and disability services;
- (i) the secretary of labor;
- (j) the secretary of administration;
- (k) the secretary of social and rehabilitation services for children and families;
- (l) the president of the Kansas senate;
- (m) the minority leader of the Kansas senate;

- (n) the speaker of the Kansas house of representatives; and
- (o) the minority leader of the Kansas house of representatives.

Sec. 308. K.S.A. 74-6901 is hereby amended to read as follows: 74-6901. There is hereby established in the department of social and rehabilitation services Kansas department for children and families, the state economic opportunity office, the director of which shall be responsible for providing technical assistance and coordination to local, regional and state organizations which operate programs under the provisions of the federal economic opportunity act. The head of such office shall be the director of economic opportunity. The director of economic opportunity shall be appointed by the secretary of social and rehabilitation services for children and families. The director shall be in the classified service of the Kansas civil service act and shall receive an annual salary to be fixed by the secretary with the approval of the governor. The person employed as director immediately prior to the effective date of this act shall continue as director and shall obtain permanent status in the classified position of director without examination and without a probationary period and shall retain all retirement benefits which such person had prior to the effective date of this act, and such person's service shall be deemed to have been continuous.

Sec. 309. K.S.A. 74-6904 is hereby amended to read as follows: 74-6904. Effective July 1, 1977, officers and employees who were engaged prior to said such date in the performance of powers, duties and functions of the state economic opportunity office established in the office of the governor and who, in the opinion of the director of economic opportunity, are necessary to perform the powers, duties and functions of the state office of economic opportunity established in the department of social and rehabilitation services Kansas department for children and families shall become officers and employees of the state economic opportunity office established in the department of social and rehabilitation services Kansas department for children and families. Such officers and employees shall retain all retirement benefits which such officers and employees had before July 1, 1977, and their services shall be deemed to have been continuous. Within the limitations of appropriations made therefor, the secretary shall appoint such other personnel as he or she the secretary shall deem necessary to carry out the provisions of this act. Such personnel shall be in the classified service of the Kansas civil service act and shall exercise all functions and perform all duties prescribed or imposed under the provisions of this act, at the direction and under the supervision of the director. Such personnel employed immediately prior to the effective date of this act who are continued in employment under this section shall attain permanent status in their classified position without examination and without a probationary period.

Sec. 310. K.S.A. 74-7801 is hereby amended to read as follows: 74-7801. (a) The coordinating council on early childhood developmental services shall consist of not less than 16 nor more than 25 members as follows:

- (1) A representative of the governor;
- (2) the secretary of social and rehabilitation services for children and families or a representative of the secretary selected by the secretary;
- (3) the secretary of health and environment or a representative of the secretary selected by the secretary;
- (4) a member of the state board of education selected by the chairperson of the state board of education or, at the discretion of the chairperson of the state board, the

commissioner of education;

(5) a representative of the board of regents selected by the chairperson of the board of regents;

(6) the commissioner of insurance or a representative of the commissioner selected by the commissioner;

(7) two members of the state legislature selected by the legislative coordinating council so that one is a member of the senate and one is a member of the house of representatives and such members are not members of the same political party; and

(8) not less than eight members nor more than 17 members appointed by the governor which members shall be selected to ensure that the requirements of 20 U.S.C. § 1482, and amendments thereto, are met.

(b) The members appointed by the governor under subsection (a)(8) shall serve for a term of four years. Members are eligible for reappointment.

(c) Any vacancy occurring in the appointive membership of the council shall be filled in the same manner and from the same class as the original appointment.

(d) A chairperson shall be designated annually by the governor. A vice-chairperson shall be designated by the chairperson to serve in the absence of the chairperson.

(e) Final decisions of the council shall be by majority vote of the members.

(f) The council shall meet at least quarterly.

Sec. 311. K.S.A. 2013 Supp. 74-8917 is hereby amended to read as follows: 74-8917. The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purpose of making loans to organizations which provide community mental health, intellectual disability and drug and alcohol abuse services to the Kansas department of social and rehabilitation for aging and disability services, and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto.

Sec. 312. K.S.A. 2013 Supp. 74-9501 is hereby amended to read as follows: 74-9501. (a) There is hereby established the Kansas criminal justice coordinating council.

(b) The council shall consist of the governor or designee, the chief justice of the supreme court or designee, the attorney general or designee, the secretary of corrections, the superintendent of the highway patrol, the commissioner of juvenile justice and the director of the Kansas bureau of investigation.

(c) The governor shall designate staff to the Kansas criminal justice coordinating council. The staff shall attend all meetings of the council, be responsible for keeping a record of council meetings, prepare reports of the council and perform such other duties as directed by the council.

(d) The council shall elect a chairperson and vice-chairperson from among the members of the council.

(e) The council shall:

(1) Appoint a standing local government advisory group to consult and advise the council concerning local government criminal justice issues and the impact of state criminal justice policy and decisions on local units of government. The advisory group shall consist of a sheriff, chief of police, county or district attorney, a member of a city governing body and a county commissioner. Appointees to such advisory group shall serve without compensation or reimbursement for travel and subsistence or any other expenses.

(2) Define and analyze issues and processes in the criminal justice system, identify alternative solutions and make recommendations for improvements.

(3) Perform such criminal justice studies or tasks as requested by the governor, the attorney general, the legislature or the chief justice, as deemed appropriate or feasible by the council.

(4) Oversee development and management of a criminal justice database. All criminal justice agencies as defined in subsection (c) of K.S.A. 22-4701, and amendments thereto, and the juvenile justice authority shall provide any data or information, including juvenile offender information which is requested by the council, in a form and manner established by the council, in order to facilitate the development and management of the criminal justice council database.

(5) Develop and oversee reporting of all criminal justice federal funding available to the state or local units of government including assuming the designation and functions of administering the United States bureau of justice assistance grants.

(6) Form such task groups as necessary and appoint individuals who appropriately represent law enforcement, the judiciary, legal profession, state, local, or federal government, the public, or other professions or groups as determined by the council, to represent the various aspects of the issue being analyzed or studied, when analyzing criminal justice issues and performing criminal justice studies. Members of the legislature may be appointed ex officio members to such task groups. A member of the council shall serve as the chairperson of each task group appointed by the council. The council may appoint other members of the council to any task group formed by the council.

(7) Review reports submitted by each task group named by the council and shall submit the report with the council's recommendations pertaining thereto to the governor, the attorney general, the chief justice of the supreme court, the chief clerk of the house of representatives and the secretary of the senate.

(8) (A) Establish the sex offender policy board to consult and advise the council concerning issues and policies pertaining to the treatment, sentencing, rehabilitation, reintegration and supervision of sex offenders.

(B) The sex offender policy board shall consist of the secretary of corrections, the commissioner of juvenile justice, the secretary of social and rehabilitation services, the director of the Kansas bureau of investigation and the chief justice of the supreme court or the chief justice's designee and two persons appointed by the criminal justice coordinating council. Of the persons appointed by the criminal justice coordinating council, one shall be a mental health service provider and the other shall be engaged in the provision of services involving child welfare or crime victims.

(C) Each member of the board shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the board shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on board activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees.

(D) The sex offender policy board shall elect a chairperson from its membership and shall meet upon the call of its chairperson as necessary to carry out its duties.

(E) Each appointed member of the sex offender policy board shall be appointed for

a term of two years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is appointed and qualifies. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.

(F) The board shall submit its reports to the criminal justice coordinating council and to the governor, the attorney general, the chief justice of the supreme court, the chief clerk of the house of representatives and the secretary of the senate.

(i) The board shall submit a report regarding public notification pertaining to sex offenders, restrictions on the residence of released sex offenders, utilization of electronic monitoring, and the management of juvenile sex offenders by the first day of the 2007 legislative session.

(ii) The board shall submit a report regarding treatment and supervision standards for sex offenders, suitability of lifetime release supervision and safety education and prevention strategies for the public by the first day of the 2008 legislative session.

(iii) The board shall submit reports regarding any other studies, issues or policy recommendations as completed.

(G) The sex offender policy board established pursuant to subsection (e)(8) of this section shall expire on June 30, 2011.

(9) (A) Establish the substance abuse policy board to consult and advise the council concerning issues and policies pertaining to the treatment, sentencing, rehabilitation and supervision of substance abuse offenders. The board shall specifically analyze and study driving under the influence and the use of drug courts by other states.

(B) The substance abuse policy board shall consist of the secretary of corrections, the commissioner of juvenile justice, the secretary of social and rehabilitation for aging and disability services, the director of the Kansas bureau of investigation, the chief justice of the supreme court or the chief justice's designee, a member of the Kansas sentencing commission, a prosecutor appointed by the Kansas county and district attorneys association, and two persons appointed by the Kansas association of addiction professionals. Of the persons appointed by the Kansas association of addiction professionals, one shall be an addiction counselor and the other shall be a professional program administrator.

(C) Each member of the board shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the board shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on board activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees.

(D) The substance abuse policy board shall elect a chairperson from its membership and shall meet upon the call of its chairperson as necessary to carry out its duties.

(E) Each appointed member of the substance abuse policy board shall be appointed for a term of two years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is appointed and qualifies. Members shall be eligible for reappointment, and appointment may be made to fill an

unexpired term.

(F) The board shall submit its reports to the criminal justice coordinating council and to the governor, the attorney general, the chief justice of the supreme court, the chief clerk of the house of representatives and the secretary of the senate.

Sec. 313. K.S.A. 2013 Supp. 75-723 is hereby amended to read as follows: 75-723.

(a) There is hereby created in the office of the attorney general an abuse, neglect and exploitation of persons unit.

(b) Except as provided by subsection (h), the information obtained and the investigations conducted by the unit shall be confidential as required by state or federal law. Upon request of the unit, the unit shall have access to all records of reports, investigation documents and written reports of findings related to confirmed cases of abuse, neglect or exploitation of persons or cases in which there is reasonable suspicion to believe abuse, neglect or exploitation of persons has occurred which are received or generated by the department of social and rehabilitation services, department on aging Kansas department for children and families, Kansas department for aging and disability services or department of health and environment.

(c) Except for reports alleging only self-neglect, such state agency receiving reports of abuse, neglect or exploitation of persons shall forward to the unit:

(1) Within 10 days of confirmation, reports of findings concerning the confirmed abuse, neglect or exploitation of persons; and

(2) within 10 days of such denial, each report of an investigation in which such state agency was denied the opportunity or ability to conduct or complete a full investigation of abuse, neglect or exploitation of persons.

(d) On or before the first day of the regular legislative session each year, the unit shall submit to the legislature a written report of the unit's activities, investigations and findings for the preceding fiscal year.

(e) The attorney general shall adopt rules and regulations as deemed appropriate for the administration of this section.

(f) No state funds appropriated to support the provisions of the abuse, neglect or exploitation of persons unit and expended to contract with any third party shall be used by a third party to file any civil action against the state of Kansas or any agency of the state of Kansas. Nothing in this section shall prohibit the attorney general from initiating or participating in any civil action against any party.

(g) The attorney general may contract with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation of persons.

(h) Notwithstanding any other provision of law, nothing shall prohibit the attorney general or the unit from distributing or utilizing only that information obtained pursuant to a confirmed case of abuse, neglect or exploitation or cases in which there is reasonable suspicion to believe abuse, neglect or exploitation has occurred pursuant to this section with any third party contracted with by the attorney general to carry out the provisions of this section.

Sec. 314. K.S.A. 2013 Supp. 75-725 is hereby amended to read as follows: 75-725.

(a) There is hereby created within the office of the attorney general a medicaid fraud and abuse division.

(b) The medicaid fraud and abuse division shall be the same entity to which all cases of suspected medicaid fraud shall be referred by the Kansas department of social

and rehabilitation for children and families, Kansas department for aging and disability services and the department of health and environment, or its such departments' fiscal agent agents, for the purpose of investigation, criminal prosecution or referral to the district or county attorney for criminal prosecution.

(c) In carrying out these responsibilities, the attorney general shall have:

(1) All the powers necessary to comply with the federal laws and regulations relative to the operation of the medicaid fraud and abuse division;

(2) the power to investigate and criminally prosecute violations of K.S.A. 2013 Supp. 21-5926 through 21-5934, 75-725 and 75-726, and amendments thereto;

(3) the power to cross-designate assistant United States attorneys as assistant attorneys general;

(4) the power to issue, serve or cause to be issued or served subpoenas or other process in aid of investigations and prosecutions;

(5) the power to administer oaths and take sworn statements under penalty of perjury;

(6) the power to serve and execute in any county, search warrants which relate to investigations authorized by K.S.A. 2013 Supp. 21-5926 through 21-5934, 75-725 and 75-726, and amendments thereto; and

(7) the powers of a district or county attorney.

Sec. 315. K.S.A. 2013 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

(a) Chosen by election or appointment to fill an elective office;

(b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;

(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;

(d) all employees in the office of the governor;

(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;

(f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative

officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;

(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;

(h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

(j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711, and amendments thereto;

(k) all employees of courts;

(l) client, patient and inmate help in any state facility or institution;

(m) all attorneys for boards, commissions and departments;

(n) the secretary and assistant secretary of the Kansas state historical society;

(o) physician specialists, dentists, dental hygienists, pharmacists, medical technologists and long term care workers employed by the department of social and rehabilitation Kansas department for aging and disability services;

(p) physician specialists, dentists and medical technologists employed by any board, commission or department or by any institution under the jurisdiction thereof;

(q) student employees enrolled in public institutions of higher learning;

(r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

(s) all officers and employees in the office of the secretary of state;

(t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary of aging for aging and disability services, the secretary of agriculture, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of labor, the secretary of revenue, the secretary of social and rehabilitation services for children and families, the secretary of transportation, the secretary of wildlife, parks and tourism and the commissioner of juvenile justice;

(u) one personal secretary and one special assistant to the chancellor and presidents

of institutions under the state board of regents;

(v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;

(w) one public information officer and one chief attorney for the following: The department of administration, the department on aging Kansas department for aging and disability services, the department of agriculture, the department of commerce, the department of corrections, the department of health and environment, the department of labor, the department of revenue, the department of social and rehabilitation services Kansas department for children and families, the department of transportation, the Kansas department of wildlife, parks and tourism and the commissioner of juvenile justice;

(x) civil service examination monitors;

(y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;

(z) specifically designated by law as being in the unclassified service;

(aa) any position that is classified as a position in the information resource manager job class series, that is the chief position responsible for all information resources management for a state agency, and that becomes vacant on or after the effective date of this act. Nothing in this section shall affect the classified status of any employee in the classified service who is employed on the date immediately preceding the effective date of this act in any position that is a classified position in the information resource manager job class series and the unclassified status as prescribed by this subsection shall apply only to a person appointed to any such position on or after the effective date of this act that is the chief position responsible for all information resources management for a state agency; and

(bb) positions at state institutions of higher education that have been converted to unclassified positions pursuant to K.S.A. 2013 Supp. 76-715a, and amendments thereto.

(2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible pools which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled duties, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate pools of eligibles maintained by the division of personnel services.

Sec. 316. K.S.A. 75-2935c is hereby amended to read as follows: 75-2935c. Subject to available appropriations, the governor is hereby authorized and directed to

approve a salary plan for physicians at institutions under the secretary of social and rehabilitation for aging and disability services, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto. Such salary plan for physicians shall be effective on the first day of the first payroll period chargeable to the fiscal year ending on June 30, 1982, and shall be subject to modification and approval by the governor and to any enactments of the legislature applicable thereto.

Sec. 317. K.S.A. 75-3303 is hereby amended to read as follows: 75-3303. The commissioner of mental health and developmental disabilities shall be allowed all actual traveling and necessary expenses incurred by the commissioner while in the discharge of official duties outside of the city of Topeka. The commissioner shall:

(1) Be the executive and administrative officer of mental health and developmental disabilities;

(2) be directly responsible for carrying out all the general policies of the secretary for aging and disability services and the duties of the department of social and rehabilitation Kansas department for aging and disability services relating to the management, operation and maintenance of the institutions operated by the commissioner, and the treatment, education, care and housing of the patients and residents in the institutions and the recruitment and training of the staff for the institutions;

(3) cooperate with the commissioners of adult and youth services for the purpose of coordinating the various social services with the work and programs of the institutions in accordance with policies established by the secretary;

(4) have, and may exercise, such other powers and perform such other duties as the secretary shall confer or impose upon the commissioner.

In case there is any apparent conflict between the powers of the superintendents or acting superintendents, and the powers of the secretary or the commissioner, the determination of such question by the secretary shall be final.

Sec. 318. K.S.A. 75-3303a is hereby amended to read as follows: 75-3303a. The director of mental health and developmental disabilities, in cooperation with the secretary of health and environment, and with the approval of the secretary of social and rehabilitation for aging and disability services, may assist a county in the establishment of outpatient mental health treatment centers or clinics by providing personnel in accordance with rules and regulations adopted by the secretary of social and rehabilitation for aging and disability services.

Sec. 319. K.S.A. 75-3304 is hereby amended to read as follows: 75-3304. The secretary of social and rehabilitation services for children and families may adopt rules and regulations relating to all forms of social welfare.

Sec. 320. K.S.A. 75-3304a is hereby amended to read as follows: 75-3304a. The secretary of social and rehabilitation for aging and disability services is hereby designated as the state agency charged with the administration of the mental health program of the state of Kansas, and such secretary shall have primary responsibility for the state's mental health program, including preventive mental hygiene activities.

Sec. 321. K.S.A. 2013 Supp. 75-3306 is hereby amended to read as follows: 75-3306. (a) The secretary of social and rehabilitation services for children and families, except as set forth in the Kansas administrative procedure act and subsections (f), (g), (h) and (i), shall provide a fair hearing for any person who is an applicant, client, inmate, other interested person or taxpayer who appeals from the decision or final

action of any agent or employee of the secretary. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

It shall be the duty of the secretary of social and rehabilitation services for children and families to have available in all intake offices, during all office hours, forms for filing complaints for hearings, and appeal forms with which to appeal from the decision of the agent or employee of the secretary. The forms shall be prescribed by the secretary of social and rehabilitation services for children and families and shall have printed on or as a part of them the basic procedure for hearings and appeals prescribed by state law and the secretary of social and rehabilitation services for children and families.

(b) The secretary of social and rehabilitation services for children and families shall have authority to investigate: (1) Any claims and vouchers and persons or businesses who provide services to the secretary of social and rehabilitation services for children and families or to welfare recipients.; (2) the eligibility of persons to receive assistance; and (3) the eligibility of providers of services.

(c) The secretary of social and rehabilitation services for children and families shall have authority, when conducting investigations as provided for in this section, to issue subpoenas; compel the attendance of witnesses at the place designated in this state; compel the production of any records, books, papers or other documents considered necessary; administer oaths; take testimony; and render decisions. If a person refuses to comply with any subpoena issued under this section or to testify to any matter regarding which the person may lawfully be questioned, the district court of any county, on application of the secretary, may issue an order requiring the person to comply with the subpoena and to testify, and any failure to obey the order of the court may be punished by the court as a contempt of court. Unless incapacitated, the person placing a claim or defending a privilege before the secretary shall appear in person or by authorized representative and may not be excused from answering questions and supplying information, except in accordance with the person's constitutional rights and lawful privileges.

(d) The presiding officer may close any portion of a hearing conducted under the Kansas administrative procedure act when matters made confidential, pursuant to federal or state law or regulation are under consideration.

(e) Except as provided in subsection (d) of K.S.A. 77-511, and amendments thereto, and notwithstanding the other provisions of the Kansas administrative procedure act, the secretary may enforce any order prior to the disposition of a person's application for an adjudicative proceeding unless prohibited from such action by federal or state statute, regulation or court order.

(f) Except as provided in this subsection, decisions and final actions relating to the administration of the support enforcement program set forth in K.S.A. 39-753 et seq., and amendments thereto, shall be exempt from the provisions of the Kansas administrative procedure act and subsection (a). Decisions and final actions relating to the support enforcement program may be reviewed pursuant to this section if the decision or final action relates directly to federal debt set-off activities or the person is specifically permitted by statute to request a fair hearing under this section.

(g) Decisions relating to administrative disqualification hearings shall be exempt from the provisions of the Kansas administrative procedure act and subsection (a).

(h) The department of social and rehabilitation services Kansas department for children and families shall not have jurisdiction to determine the facial validity of a

state or federal statute. An administrative law judge from the office of administrative hearings shall not have jurisdiction to determine the facial validity of an agency rule and regulation.

(i) The department of social and rehabilitation services Kansas department for children and families shall not be required to provide a hearing if: (1) The department of social and rehabilitation services Kansas department for children and families lacks jurisdiction of the subject matter; (2) resolution of the matter does not require the department of social and rehabilitation services Kansas department for children and families to issue an order that determines the applicant's legal rights, duties, privileges, immunities or other legal interests; (3) the matter was not timely submitted to the department of social and rehabilitation services Kansas department for children and families pursuant to regulation rules and regulations or other provision of law; or (4) the matter was not submitted in a form substantially complying with any applicable provision of law.

Sec. 322. K.S.A. 75-3307 is hereby amended to read as follows: 75-3307. All deeds or other documents pertaining to titles to real estate in connection with institutions as defined in K.S.A. 76-12a01, and amendments thereto, shall be placed and remain in the custody of the secretary of state. The secretary of social and rehabilitation for aging and disability services shall have custody and control of such land and the same shall belong to the state of Kansas. The secretary of social and rehabilitation for aging and disability services may enter into lease agreements for real estate surplus to the immediate or long term need of any such institution.

Sec. 323. K.S.A. 2013 Supp. 75-3307b is hereby amended to read as follows: 75-3307b. (a) The enforcement of the laws relating to the hospitalization of mentally ill persons of this state in a psychiatric hospital and the diagnosis, care, training or treatment of persons in community mental health centers or facilities for persons with mental illness, developmental disabilities or other persons with disabilities is entrusted to the secretary of social and rehabilitation for aging and disability services. The secretary may adopt rules and regulations on the following matters, so far as the same are not inconsistent with any laws of this state:

(1) The licensing, certification or accrediting of private hospitals as suitable for the detention, care or treatment of mentally ill persons, and the withdrawal of licenses granted for causes shown;

(2) the forms to be observed relating to the hospitalization, admission, transfer, custody and discharge of patients;

(3) the visitation and inspection of psychiatric hospitals and of all persons detained therein;

(4) the setting of standards, the inspection and the licensing of all community mental health centers which receive or have received any state or federal funds, and the withdrawal of licenses granted for causes shown;

(5) the setting of standards, the inspection and licensing of all facilities for persons with mental illness, developmental disabilities or other persons with disabilities receiving assistance through the department of social and rehabilitation Kansas department for aging and disability services which receive or have received after June 30, 1967, any state or federal funds, or facilities where persons with mental illness or developmental disabilities reside who require supervision or require limited assistance with the taking of medication, and the withdrawal of licenses granted for causes shown.

The secretary may adopt rules and regulations that allow the facility to assist a resident with the taking of medication when the medication is in a labeled container dispensed by a pharmacist. No license for a residential facility for eight or more persons may be issued under this paragraph unless the secretary of health and environment has approved the facility as meeting the licensing standards for a lodging establishment under the food service and lodging act. No license for a residential facility for the elderly or for a residential facility for persons with disabilities not related to mental illness or developmental disability, or both, or related conditions shall be issued under this paragraph;

(6) reports and information to be furnished to the secretary by the superintendents or other executive officers of all psychiatric hospitals, community mental health centers or facilities for persons with developmental disabilities and facilities serving other persons with disabilities receiving assistance through the department of social and rehabilitation Kansas department for aging and disability services.

(b) An entity holding a license as a community mental health center under paragraph (4) of subsection (a) on the day immediately preceding the effective date of this act, but which does not meet the definition of a community mental health center set forth in this act, shall continue to be licensed as a community mental health center as long as the entity remains affiliated with a licensed community mental health center and continues to meet the licensing standards established by the secretary.

(c) Notwithstanding the existence or pursuit of any other remedy, the secretary of social and rehabilitation for aging and disability services, as the licensing agency, in the manner provided by the Kansas judicial review act, may maintain an action in the name of the state of Kansas for injunction against any person or facility to restrain or prevent the operation of a psychiatric hospital, community mental health center or facility for persons with mental illness, developmental disabilities or other persons with disabilities operating without a license.

(d) The secretary of social and rehabilitation for aging and disability services shall license and inspect any facility or provider of residential services which serves two or more residents who are not self-directing their services and which is subject to licensure under subsection (a)(5) of this section, unless the provider of services is already licensed to provide such services.

Sec. 324. K.S.A. 75-3315 is hereby amended to read as follows: 75-3315. Any property, real or personal, acquired under the provisions of K.S.A. 76-12a08 or 75-3314, and amendments thereto, may be sold and the title thereto conveyed to the purchaser by the secretary of social and rehabilitation for aging and disability services when the same is approved by concurrent resolution, appropriation act or other act of the legislature. Before any such sale of real estate, or any interest therein, shall be made, such secretary shall cause the interest in said the real estate proposed to be sold to be appraised by three disinterested persons, acquainted with land values in the county where said the land is located. Such appraisal shall be in writing and filed with the secretary. Thereafter, the secretary shall solicit sealed bids by public notice inserted in one publication in a newspaper of general circulation in the county where said the land is situated, and authorized by law to publish legal notices.

Said The sale shall be made to the highest responsible bidder who submits his or her such person's bid within thirty 30 days after publication of such notice, except that in no case shall said the real estate be sold for less than three-fourths $\frac{3}{4}$ of the appraised value

thereof. The secretary may reject any and all bids, and, in any case, new bids may be called for as in the first instance. When a bid has been accepted, the acceptance thereof shall be made a part of the records of the secretary. Upon acceptance of any such bid, a deed conveying such real estate shall be executed by the secretary, and duly acknowledged by him or her the secretary before any officer authorized by law to take acknowledgements. Said The deed shall contain a recital of all proceedings in compliance with this act, and said the recital shall be prima facie evidence that said the proceedings were had in the manner and form recited.

Sec. 325. K.S.A. 75-3323 is hereby amended to read as follows: 75-3323. (a) The secretary of social and rehabilitation services for children and families is hereby authorized and empowered, upon the conditions hereinafter provided, to lease, for a term not exceeding 20 years, by proper written instrument, upon behalf of the state of Kansas, signed by the secretary of social and rehabilitation services for children and families and approved by the attorney general and the director of purchases of the department of administration of the state of Kansas, unto the wheatbelt area girl scout council of Kansas, inc. the following described tract or parcel of land located in Pawnee county, Kansas, containing approximately 42.93 acres, more or less, and being a part of the Larned state hospital grounds in such county and state, and more definitely described as follows, to wit:

A tract of land lying within the southwest quarter (SW1/4) of section thirty-five (35), township twenty-one (21) south, and the northwest quarter (NW1/4) of section two (2), township twenty-two (22) south, both range seventeen (17) west of the 6th P.M. in Pawnee county, Kansas, described as follows, to wit: Commencing at a point on the southern end of a line whose approximate bearing is S 5°15' east, and whose northern end lies 525 feet east of the west quarter section corner of section 35, and whose southern end lies 2841.5 feet southeast of the east and west quarter section line of section 35 (this southern point being the southeast corner of the present boy scout camp and lies approximately 825 feet east of the west line of section 2 and approximately 200 feet south of the south line of section 35) for a place of beginning; thence northeast on a line having an interior angle of 54°21' for a distance of 1165 feet to a point 3 1/2 feet east of a drain ditch bank; thence northwest on a line having an interior angle of 101°47' for a distance of 420 feet to a point 15" east of same drain ditch bank; thence northwest on a line having an interior angle of 182°49' for a distance of 330 feet to a point 3 1/2 feet east of same drain ditch bank; thence northwest on a line having an interior angle of 197°22' for a distance of 450 feet to a point 3 1/2 feet east of same drain ditch bank; thence north on a line having an interior angle of 162°23' for a distance of 930 feet to a point on the east and west quarter section line of section 35; thence west along the said quarter section line for a distance of 799 feet (this point falling 457 feet east of the west quarter section corner of section 35); thence south 35 feet; thence southeast along the present fence boundary of the boy scout camp for a distance of 2806.5 feet to place of beginning; for the purpose of a camp site for use in conducting camping programs under responsible and trained camp supervisors for the girl scouts of America. Such lease shall contain a provision authorizing the state of Kansas to sell or lease and reserving all mine and mineral rights to such lands and a termination clause that in the event such lands ever shall cease to be used for the camping purposes above specified, which purposes shall be set forth in such lease, then the lease shall expire and become null and void and the possession thereof shall immediately revert to the state of Kansas.

Notwithstanding the above condition relating to the use of such land for camping purposes, the lessee shall be entitled to sublease a portion of such land to any licensed day care center for an amount not to exceed the reasonable costs of maintaining any structures located on such land which are used by such day care center and the reasonable costs of utility services provided to such day care center, the payment of which is to be assumed by the girl scout council or the lessee may sublease such land to Pawnee county for park and recreational purposes deemed appropriate by the board of county commissioners.

(b) Upon the expiration of any lease entered pursuant to subsection (a), the secretary of social and rehabilitation services for children and families shall convey by deed such tract of land described in subsection (a) to Pawnee county for park and recreational purposes deemed appropriate by the board of county commissioners. Such deed shall contain a reversionary clause that in the event that such land ever shall cease to be used for such purposes, which purposes shall be set forth in such deed, then the title thereto and the possession thereof immediately shall revert to the state of Kansas.

(c) Liability for damages resulting from the use of the property described in this section shall be subject to the limitation of subsection (o) of K.S.A. 75-6104, and amendments thereto.

Sec. 326. K.S.A. 75-3328 is hereby amended to read as follows: 75-3328. Whenever it is found by the secretary of social and rehabilitation for aging and disability services that any person admitted to any institution operated by the commissioner of mental health and developmental disabilities community services and programs or by the commissioner of youth services requires specialized diagnosis, treatment or care not available at the institution where the person resides and that the specialized diagnosis, treatment or care is available at another institution operated by the secretary of social and rehabilitation for aging and disability services, such person upon the order of the commissioner of mental health and developmental disabilities community services and programs or the commissioner of youth services, as appropriate, shall be transferred to such other institution for the purpose of receiving the specialized diagnosis, treatment or care available there and when the purposes for which the person was transferred have been fulfilled, the person shall be returned to the original institution.

Any person transferred as provided in this section shall remain subject to the same statutory provisions as were applicable at the institution from which that person was transferred and in addition thereto shall abide by and be subject to all the rules and regulations of the institution to which such person has been transferred. The person's next of kin and guardian, if one has been appointed, shall be notified of the transfer and if the person has been committed to the original institution by a court notice shall be sent to the committing court. Except in cases of emergency, the notice shall be given at least two weeks prior to the date of the transfer. If the person objects to the transfer to another institution, either personally or through a guardian, then the regular procedure for admission or commitment to the receiving institution shall be followed.

Sec. 327. K.S.A. 2013 Supp. 75-3329 is hereby amended to read as follows: 75-3329. As used in this act:

(a) "Board" means the secretary of social and rehabilitation for aging and disability services.

(b) "State institution" means institution as defined in K.S.A. 76-12a01, and

amendments thereto.

(c) "Child" or "children" means a person or persons under the age of 18.

(d) "Private children's home" means any licensed home, institution or charitable organization which is operated by a corporation organized under the laws of this state which the secretary finds has and maintains adequate facilities and is properly staffed to provide adequate care, custody, education, training and treatment for any child which the secretary may place therein under the authority of this act, or a licensed foster care home, boarding home, personal care home or nursing home.

Sec. 328. K.S.A. 75-3337 is hereby amended to read as follows: 75-3337. For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of 20 U.S.C. § 107, of 1936, and acts amendatory amendments thereto, an act of the congress of the United States of America commonly known as the Randolph-Sheppard vending stand act, shall be authorized to operate vending facilities on any state, county, and city or other property. In authorizing the operation of vending facilities on state, county, and city property preference shall be given, so far as feasible, to blind persons licensed by the division of services for the blind of the department of social and rehabilitation services Kansas department for children and families; and the head of each department or agency in control of the maintenance, operation, and protection of state property shall, after consultation with the secretary of social and rehabilitation services for children and families, prescribe regulations designed to assure such preference, including exclusive assignment of vending machine income to achieve and protect such preference for such licensed blind persons without adversely affecting the interests of the state of Kansas.

Sec. 329. K.S.A. 75-3338 is hereby amended to read as follows: 75-3338. As used in this act, unless the context otherwise requires: (a) The term "state of Kansas" shall include political subdivisions of the state of Kansas, except schools, cities of the third class and townships.

(b) The term "blind person" means a person whose central visual acuity does not exceed 20 over 200, in the better eye with correcting lens or whose visual acuity if better than 20 over 200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

(c) The term "vending facility" includes, but is not limited to, automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment as rules and regulations of the division of services for the blind of the department of social and rehabilitation services Kansas department for children and families prescribe and as are necessary for the sale of the articles or services referred to in paragraph (4) of subsection (a) of K.S.A. 75-3339, and amendments thereto, which are, or may be operated by blind licensees.

Sec. 330. K.S.A. 2013 Supp. 75-3339 is hereby amended to read as follows: 75-3339. (a) The division of services for the blind of the department of social and rehabilitation services Kansas department for children and families shall:

(1) Make surveys of concession vending opportunities for blind persons on state, county, city and other property;

(2) make surveys throughout the state of Kansas of industries with a view to

obtaining information that will assist blind persons to obtain employment;

(3) make available to the public, especially to persons and organizations engaged in work for the blind, information obtained as a result of such surveys;

(4) issue licenses to blind persons who are citizens of the United States for the operating of vending facilities on state, county, city and other property for the vending of foods, beverages and other such articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the licensing agency; and

(5) take such other steps, including the adoption of rules and regulations, as may be necessary and proper to carry out the provisions of this act.

(b) The division of services for the blind, in issuing each such license for the operation of a vending facility, shall give preference to blind persons who are in need of employment. Each such license shall be issued for an indefinite period but may be terminated by such division if it is satisfied that the facility is not being operated in accordance with the rules and regulations prescribed by such division. Such licenses shall be issued only to applicants who are blind as defined by subsection (b) of K.S.A. 75-3338, and amendments thereto.

(c) The division of services for the blind, with the approval of the head of the department or agency in control of the maintenance, operation, and protection of the state, county and city or other property on which the vending facility is to be located but subject to rules and regulations prescribed pursuant to the provisions of this act, shall select a location for such vending facility and the type of facility to be provided.

(d) In the design, construction or substantial alteration or renovation of each public building after July 1, 1970, for use by any department, agency or instrumentality of the state of Kansas, except the Kansas department of wildlife, parks and tourism and the Kansas turnpike authority, there shall be included, after consultation with the division of services for the blind a satisfactory site or sites with space and electrical and plumbing outlets and other necessary requirements suitable for the location and operation of a vending facility or facilities by a blind person or persons. No space shall be rented, leased or otherwise acquired for use by any department, agency or instrumentality of the state of Kansas after July 1, 1970, except the Kansas department of wildlife, parks and tourism and the Kansas turnpike authority, unless such space includes, after consultation with the division of services for the blind, a satisfactory site or sites with space and electrical and plumbing outlets and other necessary requirements suitable for the location and operation of a vending facility or facilities by a blind person or persons. All departments, agencies and instrumentalities of the state of Kansas, except the Kansas department of wildlife, parks and tourism and the Kansas turnpike authority, shall consult with the secretary of social and rehabilitation services for children and families or the secretary's designee and the division of services for the blind in the design, construction or substantial alteration or renovation of each public building used by them, and in the renting, leasing or otherwise acquiring of space for their use, to insure that the requirements set forth in this subsection are satisfied. This subsection shall not apply when the secretary of social and rehabilitation services for children and families or the secretary's designee and the division of services for the blind determine that the number of people using the property is insufficient to support a vending facility.

Sec. 331. K.S.A. 75-3339a is hereby amended to read as follows: 75-3339a. There is hereby established the vending facilities account, to which shall be credited all

moneys received by or for the secretary of social and rehabilitation services for children and families in connection with the program authorized by K.S.A. 75-3337 et seq., and amendments thereto. All such moneys shall be deposited in a bank account designated by the pooled money investment board. Checks may be written upon such bank account for such program upon the signature of a person or persons designated by the secretary of social and rehabilitation services for children and families. Moneys of the vending facilities account shall not be in or a part of the state treasury but shall be subject to post audit under article 11 of chapter 46 of Kansas Statutes Annotated, and amendments thereto.

Sec. 332. K.S.A. 75-3340 is hereby amended to read as follows: 75-3340. (a) The division of services for the blind of the department of social and rehabilitation services Kansas department for children and families shall:

(1) Provide for each licensed blind person such vending facility equipment, and adequate initial stock of suitable articles to be vended therefrom as may be necessary. Such equipment and stock may be owned by the division of services for the blind, or by the blind individual to whom the license is issued. If ownership of such equipment is vested in the blind licensee:

(A) The division of services for the blind shall retain a first option to repurchase such equipment; and

(B) in the event such individual dies or for any other reason ceases to be a licensee or transfers to another vending facility, ownership of such equipment shall become vested in the division of services for the blind, for transfer to a successor licensee, subject to an obligation on the part of the division of services for the blind to pay to such individual or to such individual's estate the fair value of such individual's interest therein as later determined in accordance with rules and regulations of the division of services for the blind and after opportunity for a fair hearing.

(2) If any funds are set aside, or caused to be set aside, from the proceeds of the operation of the vending facilities such funds shall be set aside, or caused to be set aside, only to the extent necessary for and may be used only for the purposes of: (A) Maintenance and replacement of equipment; (B) the purchase of new equipment; (C) management services; and (D) assuring a fair minimum return to operators of vending facilities. In no event shall the amount of such funds to be set aside from the proceeds of any vending facility exceed a reasonable amount as determined by the provisions of 20 U.S.C. § 107, of 1936, and acts amendatory amendments thereto, an act of congress commonly known as the Randolph-Sheppard vending stand act.

(3) If inventories are required by the division of services for the blind to be made of the stock and supplies of vending facilities, permit the licensed operator to elect to make such licensed operator's own inventories and report the same on forms furnished by the division. Inventory of each vending facility shall be made at least once every four months. In the event of the election of the licensed operator to make such licensed operator's own inventory, the division shall have the right to take an inventory of the vending facility at any mutually agreeable time.

(4) Issue such rules and regulations, consistent with the provisions of this chapter, as may be necessary for the operation of this program.

(5) Provide to any blind licensee dissatisfied with any action arising from the operation or administration of the vending facility program an opportunity for a fair hearing, including binding arbitration by three persons consisting of one person

designated by the director of the division of services for the blind, one person designated by the licensed blind operator, and a third person selected by the two.

(6) In employing any personnel as may be necessary for the operation of the vending facility program give preference to blind persons who are capable of discharging the required duties, except that the licensed operator of a vending facility shall have final authority to hire and to discharge employees of his or her the licensed operator's vending facility.

(b) Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 333. K.S.A. 75-3343a is hereby amended to read as follows: 75-3343a. (a) The division of services for the blind of the department of social and rehabilitation services Kansas department for children and families, in cooperation with the department of transportation, is authorized to operate vending machines at rest and recreation areas and in safety rest areas, constructed or located on rights-of-way of the interstate highways in the state of Kansas, as authorized by subsection (b) of 23 U.S.C. § 111.

(b) As used in this section, "vending machine" means a coin or currency operated machine which dispenses articles or services.

(c) The provisions of this section shall not apply to any highway under the jurisdiction of the Kansas turnpike authority.

Sec. 334. K.S.A. 75-3347 is hereby amended to read as follows: 75-3347. The instruments of conveyance quitclaiming, releasing and remising the real estate described in K.S.A. 75-3346, and amendments thereto, shall be executed in the name of the secretary of social and rehabilitation services for children and families. Said The secretary shall execute the quitclaim deed for the reason that such real estate is no longer needed or used for purposes which existed on the date the United States of America, grantor, conveyed such real estate and appurtenances to the department of social and rehabilitation services Kansas department for children and families.

Sec. 335. K.S.A. 75-3354 is hereby amended to read as follows: 75-3354. (a) As used in this section, "ward" means any child committed to or in the custody of the secretary of social and rehabilitation services for children and families.

(b) There is hereby established the wards' trust fund. The secretary of social and rehabilitation services for children and families shall designate one or more employees to manage and be in charge of the wards' trust fund and subsidiary accounts thereof. All moneys in the possession of the secretary belonging to wards shall be within the wards' trust fund. The persons in charge of the wards' trust fund shall maintain a separate subsidiary account for each ward having any money in the wards' trust fund.

(c) All moneys received that are within the wards' trust fund shall be deposited in a bank account in a bank designated by the pooled money investment board. The persons in charge of the wards' trust fund shall be the persons authorized to write checks on such bank account.

(d) The persons in charge of the wards' trust fund may withdraw money from such bank account and deposit amounts in savings accounts of a bank or savings and loan association which is insured by the federal government or agency thereof and designated by the pooled money investment board for this purpose. Interest earned on money deposited in savings accounts under this subsection shall be distributed proportionately to each subsidiary account of the wards' trust fund.

(e) Moneys in the wards' trust fund and in all subsidiary accounts thereof shall not

be in or a part of the state treasury but shall be subject to post audit under the legislative post audit act.

(f) The wards' account established by former K.S.A. 38-828a is hereby continued in existence as the wards' trust fund established by this section. The use and management of the wards' account and subsidiary accounts thereof in the manner prescribed by former K.S.A. 38-828a during the period from January 1, 1983, until the effective date of this act is hereby ratified but shall be subject to post audit under the legislative post audit act. Whenever the wards' account established by former K.S.A. 38-828a or any subsidiary account thereof is mentioned by statute, contract or other document, the reference shall be deemed to apply to the wards' trust fund or the appropriate subsidiary account thereof, respectively.

Sec. 336. K.S.A. 75-3728a is hereby amended to read as follows: 75-3728a. As used in this act, unless the context otherwise requires:

(a) "State agency" means any state office or officer, department, board, commission, institution, bureau or any other state authority which may lawfully request a state appropriation.

(b) "Head of a state agency" means the secretary of revenue, the secretary of administration, the secretary of social and rehabilitation services for children and families, the state board of regents, the chief executive officer of a state educational institution, the state board of education and the officer, board, commission or authority determined by the director of accounts and reports to have the chief policy making executive function of a state agency.

Sec. 337. K.S.A. 2013 Supp. 75-37,121 is hereby amended to read as follows: 75-37,121. (a) There is created the office of administrative hearings within the department of administration, to be headed by a director appointed by the secretary of administration. The director shall be in the unclassified service under the Kansas civil service act.

(b) The office may employ or contract with presiding officers, court reporters and other support personnel as necessary to conduct proceedings required by the Kansas administrative procedure act for adjudicative proceedings of the state agencies, boards and commissions specified in subsection (h). The office shall conduct adjudicative proceedings of any state agency which is specified in subsection (h) when requested by such agency. Only a person admitted to practice law in this state or a person directly supervised by a person admitted to practice law in this state may be employed as a presiding officer. The office may employ regular part-time personnel. Persons employed by the office shall be under the classified civil service.

(c) If the office cannot furnish one of its presiding officers within 60 days in response to a requesting agency's request, the director shall designate in writing a full-time employee of an agency other than the requesting agency to serve as presiding officer for the proceeding, but only with the consent of the employing agency. The designee must possess the same qualifications required of presiding officers employed by the office.

(d) The director may furnish presiding officers on a contract basis to any governmental entity to conduct any proceeding other than a proceeding as provided in subsection (h).

(e) The secretary of administration may adopt rules and regulations:

(1) To establish procedures for agencies to request and for the director to assign

presiding officers. An agency may neither select nor reject any individual presiding officer for any proceeding except in accordance with the Kansas administrative procedure act;

(2) to establish procedures and adopt forms, consistent with the Kansas administrative procedure act, the model rules of procedure, and other provisions of law, to govern presiding officers; and

(3) to facilitate the performance of the responsibilities conferred upon the office by the Kansas administrative procedure act.

(f) The director may implement the provisions of this section and rules and regulations adopted under its authority.

(g) The secretary of administration may adopt rules and regulations to establish fees to charge a state agency for the cost of using a presiding officer.

(h) The following state agencies, boards and commissions shall utilize the office of administrative hearings for conducting adjudicative hearings under the Kansas administrative procedures act in which the presiding officer is not the agency head or one or more members of the agency head:

(1) On and after July 1, 2005: Department of social and rehabilitation services Kansas department for children and families, juvenile justice authority, department on aging Kansas department for aging and disability services, department of health and environment, Kansas public employees retirement system, Kansas water office, Kansas department of agriculture division of animal health and Kansas insurance department.

(2) On and after July 1, 2006: Emergency medical services board, emergency medical services council and Kansas human rights commission.

(3) On and after July 1, 2007: Kansas lottery, Kansas racing and gaming commission, state treasurer, pooled money investment board, Kansas department of wildlife, parks and tourism and state court of tax appeals.

(4) On and after July 1, 2008: Department of human resources, state corporation commission, Kansas department of agriculture division of conservation, agricultural labor relations board, department of administration, department of revenue, board of adult care home administrators, Kansas state grain inspection department, board of accountancy and Kansas wheat commission.

(5) On and after July 1, 2009, all other Kansas administrative procedure act hearings not mentioned in subsections (1), (2), (3) and (4).

(i) (1) Effective July 1, 2005, any presiding officer in agencies specified in subsection (h)(1) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted hereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(2) Effective July 1, 2006, any presiding officer in agencies specified in subsection

(h)(2) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(3) Effective July 1, 2007, any presiding officer in agencies specified in subsection (h)(3) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(4) Effective July 1, 2008, any full-time presiding officer in agencies specified in subsection (h)(4) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(5) Effective July 1, 2009, any full-time presiding officer in agencies specified in subsection (h)(5) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service

act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment occurred.

Sec. 338. K.S.A. 2013 Supp. 75-4265 is hereby amended to read as follows: 75-4265. (a) The secretary of social and rehabilitation services health and environment and the secretary of aging for aging and disability services shall take necessary actions to establish an intergovernmental transfer program as a part of the nursing facility services payment program within the medicaid state plan.

(b) In implementing the intergovernmental transfer program, the secretary of aging for aging and disability services shall disburse moneys received from the federal government for the intergovernmental transfer program and moneys transferred from the state general fund to the intergovernmental transfer fund for the program to units of government which have entered into participation agreements with the secretary of aging for aging and disability services and the secretary of social and rehabilitation services health and environment. The amount of moneys disbursed to the units of government from moneys transferred from the state general fund to the intergovernmental transfer fund for the program shall not exceed the amount necessary to match federal funds available to the state under the intergovernmental transfer program. The secretary of aging for aging and disability services shall periodically calculate the amount of federal funds available under the program according to the methodology prescribed for the intergovernmental transfer program in the medicaid state plan.

(c) The secretary of social and rehabilitation services health and environment and the secretary of aging for aging and disability services are authorized to enter into intergovernmental transfer program participation agreements with units of government which own and operate nursing facilities. The participation agreements may permit the units of government to retain a participation fee specified by the secretary of aging for aging and disability services from moneys received under the intergovernmental transfer program which are otherwise required to be transferred back to the secretary of aging for aging and disability services.

(d) (1) There is hereby established the intergovernmental transfer fund in the state treasury which shall be administered by the secretary of aging for aging and disability services in accordance with this act. All expenditures from the intergovernmental transfer fund shall be to disburse the state match amount under the intergovernmental transfer program 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 of aging for aging and disability services or the secretary's designee. Subject to the provisions of appropriation acts, when the secretary of aging for aging and disability services determines that an amount of federal medicaid moneys is available for the intergovernmental transfer program, the secretary of aging for aging and disability services shall determine the amount required as the state match and shall certify that amount to the director of accounts and reports. Upon receipt of each such state match certification, the director of accounts and reports shall transfer the amount certified by revenue transfer from the state general fund to the intergovernmental transfer fund. Upon the crediting of such state match amount in the intergovernmental transfer fund, the secretary of aging for aging and disability services shall disburse the

amount of federal moneys and the state match amount to the units of government that have entered into participation agreements under the program.

(2) Each unit of government receiving a disbursement under the intergovernmental transfer program shall reimburse the amount of money received, less the amount of the participation fee, to the secretary of aging for aging and disability services. Upon receipt of each amount of moneys from participating units of government under the intergovernmental transfer program, the secretary of aging for aging and disability services shall deposit the entire amount in the state treasury to the credit of the intergovernmental transfer fund. The secretary of aging for aging and disability services shall determine the amount of each such deposit that was transferred from the state general fund to match medicaid federal funds under the intergovernmental transfer program and shall certify such amount to the director of accounts and reports. Upon receipt of each such certification, the director of accounts and reports shall retransfer the amount certified from the intergovernmental transfer fund to the state general fund.

(e) There is hereby established the intergovernmental transfer administration fund in the state treasury which shall be administered by the secretary of aging for aging and disability services in accordance with this act. All expenditures from the intergovernmental transfer administration fund shall be to pay the costs of administering the intergovernmental transfer program 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 of aging for aging and disability services or the secretary's designee. The secretary of aging for aging and disability services shall recover the costs of administering the intergovernmental transfer program from the intergovernmental transfer fund by certifying the amount of such costs to the director of accounts and reports each calendar quarter. Upon receipt of each certification of costs from the secretary of aging for aging and disability services under this subsection, the director of accounts and reports shall transfer the amount certified from the intergovernmental transfer fund to the intergovernmental transfer administration fund.

(f) After each amount of moneys is credited to the intergovernmental transfer fund and the amount of the state match that had been transferred from the state general fund has been transferred back to the state general fund pursuant to subsection (d)(2), and after the transfer of the amount certified by the secretary of aging for aging and disability services to the intergovernmental transfer administration fund pursuant to subsection (e), if any, the director of accounts and reports shall transfer the remaining amount in the intergovernmental transfer fund as follows:

Seventy percent of such amount shall be transferred to the senior services trust fund, 5% of such amount shall be transferred to the long-term care loan and grant fund and 25% of such amount shall be transferred to the following special revenue funds in an amount specified by appropriation acts of the legislature for each such fund: State medicaid match – fund – department on aging Kansas department for aging and disability services and the state medicaid match fund – SRS department of health and environment.

(g) There is hereby established the senior services fund in the state treasury which shall be administered by the secretary of aging for aging and disability services in accordance with this act. All expenditures from the senior services 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 aging for aging and

disability services or the secretary's designee. Moneys in the senior services fund shall be used by the secretary of aging for aging and disability services only for projects intended: (1) To reduce future medicaid costs to the state,; (2) to help seniors avoid premature institutionalization,; (3) to improve the quality of care or the quality of life of seniors who are customers of long-term care programs,; (4) to satisfy state matching requirements for senior service programs authorized by federal law,; or (5) to provide financial assistance under the senior pharmacy assistance program. Moneys credited to the senior services fund from income of investments of the moneys in the senior services trust fund shall not be used to create or fund any entitlement program not in existence on the effective date of this act.

(h) There is hereby established the long-term care loan and grant fund in the state treasury which shall be administered by the secretary of aging for aging and disability services in accordance with this act. All expenditures from the long-term care loan and grant 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 aging for aging and disability services or the secretary's designee. Moneys in the long-term care loan and grant fund shall be used to make loans under the long-term care loan program developed by the secretary of aging for aging and disability services in accordance with this section and grants under the long-term grant program developed by the secretary of aging for aging and disability services in accordance with this section.

(i) The secretary of aging for aging and disability services is hereby authorized to develop and implement a long-term care loan program in accordance with this section. Subject to the provisions of this section and the provisions of appropriation acts, the secretary of aging for aging and disability services may enter into loan agreements for market-rate, low-interest or no-interest, fully or partially secured or unsecured loans with repayment provisions and other terms and conditions as may be prescribed by the secretary under such program. Loans under the long-term care loan program may be made for the following:

- (1) Converting all or parts of some types of licensed adult care homes from their existing licensure types to different licensure types to meet demonstrated changing service demands in their communities;
- (2) converting private residences to licensed homes plus facilities, as defined by K.S.A. 39-923, and amendments thereto;
- (3) converting space in rural hospitals to hospital-based long-term care facilities;
- (4) improving quality in some types of licensed adult care homes;
- (5) rural hospitals contracting for physician, physician assistant or licensed professional nurse services; or
- (6) building congregate housing for seniors in Kansas cities with populations of 2,500 or less.

(j) The secretary of aging for aging and disability services may consider the following factors to prioritize and select loans under the long-term care loan program, grants under the long-term care grant program and projects financed from the senior services fund:

- (1) Type of loan – higher interest is preferable to lower interest and more secured is preferable to less secured;
- (2) size of facility – facilities having less than 60 beds are preferable to facilities

having 60 beds or more;

(3) availability and utilization of the same type of facilities or services in the proposed loan or project area;

(4) type of facility owner or borrower – unit of government, not-for-profit organizations, for-profit organizations, and individuals, in that order of preference; and

(5) type of research project organization – geriatric schools or programs in Kansas colleges or universities, Kansas colleges or universities, educational foundations, foreign colleges or universities, Kansas not-for-profit organizations, Kansas for-profit organizations, foreign not-for-profit organizations, foreign for-profit organizations, and individuals, in that order of preference.

(k) All moneys received from repayments of principal and interest of any loan made under this act shall be deposited in the state treasury and credited to the long-term care loan and grant fund within the state treasury and used to make new loans or grants under this section. The repayment of a loan or of a senior services fund project contract or grant may not be forgiven, in whole or in part, except as authorized by law.

(l) The secretary of aging for aging and disability services is hereby authorized to develop and implement a long-term care grant program in accordance with this section. Subject to the provisions of this section and the provisions of appropriation acts, the secretary of aging for aging and disability services may make competitive matching grants under such terms and conditions as may be prescribed by the secretary under such program. Grants under the long-term care grant program may be made only from the amount of moneys received for interest payments under loan agreements under the long-term care loan program and credited to the long-term care loan and grant fund. Grants under the long-term care grant program may be made for the following:

(1) Grants for improvements in the quality of case management services under home and community-based services (HCBS) programs and for improvements for adult care homes; and

(2) financial assurance grants for community service providers under home and community-based services (HCBS) programs.

(m) For purposes of this section, "units of government" and "units of government which own and operate nursing facilities" which are eligible to enter into intergovernmental transfer program participation agreements shall be limited to cities of the first class, cities of the second class, counties, hospital districts, or health care facilities and services hospital districts which hold legal title to and are actively involved in the day-to-day operations of any of the following:

(1) Medicaid-certified nursing facilities and nursing facilities for mental health, as defined in K.S.A. 39-923, and amendments thereto;

(2) medicaid-certified long-term care facilities which are operated in connection with city hospitals established under K.S.A. 13-14b01 et seq., and amendments thereto or K.S.A. 14-601 et seq., and amendments thereto, county hospitals established under K.S.A. 19-4601 et seq., and amendments thereto, or district hospitals established under K.S.A. 80-2501 et seq., and amendments thereto; or

(3) medicaid-certified long-term care facilities operated under authority of K.S.A. 80-2550 et seq., and amendments thereto.

(n) Entities eligible to apply for loans under the long-term care loan program under this section shall be limited to the owners of:

(1) Licensed adult care homes, excluding nursing facilities for mental health and

intermediate care facilities for people with intellectual disability, as defined in K.S.A. 39-923, and amendments thereto;

(2) medicaid-certified licensed hospitals and medicaid-certified long-term care facilities based in or operated in connection with licensed hospitals as defined in K.S.A. 65-425, and amendments thereto;

(3) private residences which the owners will contract to convert into licensed homes plus facilities, as defined in K.S.A. 39-923, and amendments thereto, and in which the owners will reside after the conversion and licensure; or

(4) congregate senior housing projects being built with loans in Kansas cities with a population of 2,500 or less.

(o) (1) There is hereby established the state medicaid match fund – department on aging Kansas department for aging and disability services in the state treasury which shall be administered by the secretary of aging for aging and disability services in accordance with this act. All expenditures from the state medicaid match fund – department on aging Kansas department for aging and disability services 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 aging for aging and disability services or the secretary's designee. Moneys in the state medicaid match fund – department on aging Kansas department for aging and disability services shall be used to match moneys for federal medicaid programs which are the most cost efficient in providing services.

(2) There is hereby established the state medicaid match fund – SRS in the state treasury which shall be administered as provided by law and in accordance with this act. All expenditures from the state medicaid match fund – SRS shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved as provided by law. Moneys in the state medicaid match fund – SRS shall be used to match moneys for federal medicaid programs which are the most cost efficient in providing services.

(p) There is hereby established the HCBS programs fund in the state treasury which shall be administered by the secretary of social and rehabilitation for aging and disability services. All moneys in the HCBS programs fund shall be used for programs and services under the home and community-based services (HCBS) programs and as otherwise provided by law. All expenditures from the HCBS programs 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 social and rehabilitation for aging and disability services or the secretary's designee.

Sec. 339. K.S.A. 2013 Supp. 75-4266 is hereby amended to read as follows: 75-4266. (a) The board of trustees is responsible for the management and investment of the senior services trust fund which is hereby established in the state treasury. The board of trustees shall discharge the board's duties relative to the fund for the exclusive purpose of providing investment revenue for the purposes for which the fund moneys may be used and defraying reasonable expenses of administering the fund. The board shall invest and reinvest moneys in the fund and acquire, retain, manage, including the exercise of any voting rights, and dispose of investments of the fund within the limitations and according to the powers, duties and purposes as prescribed by this section.

(b) Moneys in the fund shall be invested and reinvested to achieve the investment

objective which is preservation of the fund to provide income and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this act. No moneys in the fund shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(c) In investing and reinvesting moneys in the fund and in acquiring, retaining, managing and disposing of investments of the fund, the board of trustees shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the fund so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar funds, considering the probable income as well as the probable safety of their capital.

(d) In the discharge of such management and investment responsibilities the board of trustees may contract for services of one or more professional investment advisors or other consultants in the management and investment of moneys in the fund and otherwise in the performance of the duties of the board of trustees under this act.

(e) The board of trustees shall require that each person contracted with under subsection (d) to provide services shall obtain commercial insurance which provides for errors and omissions coverage for such person in an amount to be specified by the board of trustees. The amount of such coverage specified by the board of trustees shall be at least the greater of \$500,000 or 1% of the funds entrusted to such person up to a maximum of \$10,000,000. The board of trustees shall require a person contracted with under subsection (d) to provide services give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board of trustees, with corporate surety authorized to do business in this state. Such persons contracted with the board of trustees pursuant to subsection (d) and any persons contracted with such persons to perform the functions specified in subsection (b) shall be deemed to be fiduciary agents of the board of trustees in the performance of contractual obligations.

(f) (1) Subject to the objective set forth in subsection (b) and the standards set forth in subsection (c), the board of trustees shall formulate and adopt policies and objectives for the investment and reinvestment of moneys in the fund and the acquisition, retention, management and disposition of investments of the fund. Such policies and objectives shall be in writing and shall include:

- (A) Specific asset allocation standards and objectives;
- (B) establishment of criteria for evaluating the risk versus the potential return on a particular investment; and
- (C) a requirement that all investment advisors, and any managers or others with similar duties and responsibilities as investment advisors, shall immediately report all instances of default on investments to the board of trustees and provide such board of trustees with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment.

(2) The board of trustees shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(g) (1) Except as provided in subsection (d) and this subsection, the custody of money and securities of the fund shall remain in the custody of the state treasurer, except that the board of trustees may arrange for the custody of such money and securities as it considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale.

(2) The state treasurer and the board of trustees shall collect the principal and interest or other income of investments or the proceeds of sale of securities of the fund in the custody of the state treasurer and shall pay such moneys when so collected into the state treasury to the credit of the fund.

(3) The principal and interest or other income or the proceeds of sale of securities of the fund as provided in paragraph (1) of this subsection shall be reported to the state treasurer, the director of accounts and reports and the board of trustees and credited to the fund.

(h) All interest or other income of the investments of the moneys in the fund, after payment of any management fees, shall be considered income of the fund and shall be withdrawn and deposited quarterly in the state treasury to the credit of the senior services fund to be used by the secretary of aging for aging and disability services for the purposes permitted by K.S.A. 2013 Supp. 75-4265, and amendments thereto.

(i) As used in this section:

(1) "Board of trustees" means the board of trustees of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto.

(2) "Fiduciary" means a person who, with respect to the fund, is a person who:

(A) Exercises any discretionary authority with respect to administration of the fund;

(B) exercises any authority to invest or manage assets of the fund or has any authority or responsibility to do so;

(C) provides investment advice for a fee or other direct or indirect compensation with respect to the assets of the fund or has any authority or responsibility to do so;

(D) provides actuarial, accounting, auditing, consulting, legal or other professional services for a fee or other direct or indirect compensation with respect to the fund or has any authority or responsibility to do so; or

(E) is a member of the board of trustees or of the staff of the board of trustees.

(3) "Fund" means the senior services trust fund.

(4) With respect to the investment of moneys in the senior services trust fund, "purposes for which the moneys may be used" means the purposes for which the moneys in the senior services fund may be used, as provided in K.S.A. 2013 Supp. 75-4265, and amendments thereto.

Sec. 340. K.S.A. 2013 Supp. 75-4375 is hereby amended to read as follows: 75-4375. (a) Each state officer or employee: (1) Who is employed by an institution that is closed or abolished or otherwise ceases operations or that is scheduled for such closure, abolition or cessation of operations and has a budget reduction imposed that is associated with such closure, abolition or cessation of operations,; and (2) who is a direct care employee as defined by this section,; and (3) who is laid off from employment with such institution for the reason of such closure, abolition, or cessation of operations or such imposition of a budget reduction,; and (4) who remains in such

employment until the date the employee is laid off, shall receive compensation from the department of social and rehabilitation Kansas department for aging and disability services for the following:

(A) Forty hours of pay at the state officer or employee's regular hourly rate of pay on the date the employee is laid off if such employee has completed one full year of service but less than two full years of service on the layoff date;

(B) eighty hours of pay at the state officer or employee's regular hourly rate of pay on the date the employee is laid off if such employee has completed two full years of service but less than three full years of service on the layoff date;

(C) one hundred twenty hours of pay at the state officer or employee's regular hourly rate of pay on the date the employee is laid off if such employee has completed three full years of service but less than four full years of service on the layoff date; or

(D) one hundred sixty hours of pay at the state officer or employee's regular hourly rate of pay on the date the employee is laid off if the employee has completed four full years of service or more on the layoff date.

(b) As used in this section, "direct care employee" means state officers or employees in the classified service under the Kansas civil service act who: (1) Are exempt from the provisions of K.S.A. 75-6801, and amendments thereto, as prescribed in policies and procedures prescribed by the secretary of administration, including, but not limited to, state officers and employees whose positions are in the following job class series: (A) Activity therapist, (B) activity therapy technician, (C) licensed mental health technician, (D) licensed mental health technician specialist, (E) licensed practical nurse, (F) licensed practical nurse, senior, (G) mental health aide, (H) radiologic technologist, (I) registered nurse, (J) activity specialist, (K) intellectual disability specialist, (L) intellectual disability technician, and (M) intellectual disability trainee; or

(2) are in positions that are assigned to job classes or job class series that are designated as direct care employee job classes or job class series by the secretary of social and rehabilitation for aging and disability services for purposes of this section, except that no such designation shall be effective until the secretary of social and rehabilitation services has presented such designation to the SRS transition oversight committee created by K.S.A. 46-2701, and amendments thereto

Sec. 341. K.S.A. 2013 Supp. 75-4376 is hereby amended to read as follows: 75-4376. As used in K.S.A. 75-4370 through 75-4376, and amendments thereto, except as otherwise specifically provided in such statutes:

(a) "Institution" means Topeka state hospital, Winfield state hospital and training center and the Kansas industries for the blind of the department of social and rehabilitation services Kansas department for children and families;

(b) "laid off" means: (1) In the case of a state officer or employee in the classified service under the Kansas civil service act, being laid off under K.S.A. 75-2948, and amendments thereto; and (2) in the case of a state officer or employee in the unclassified service under the Kansas civil service act, being terminated from employment with the state agency by the appointing authority, except that "laid off" shall not include any separation from employment pursuant to a budget reduction or expenditure authority reduction and a reduction of F.T.E. positions under K.S.A. 75-6801, and amendments thereto; and (3) in the case of blind persons employed by Kansas industries for the blind, being terminated or otherwise separated from employment at Kansas industries for the blind at the facilities located on the Topeka

state hospital property because Kansas industries for the blind is closed, abolished or otherwise ceases operations as a state program at such location; and

(c) "Topeka state hospital property" has the meaning ascribed thereto by K.S.A. 2013 Supp. 75-37,123, and amendments thereto.

Sec. 342. K.S.A. 2013 Supp. 75-4378 is hereby amended to read as follows: 75-4378. The secretary of social and rehabilitation services for children and families is hereby authorized and directed to develop and administer provisions for health care benefits and related assistance which shall be provided to each person who is a blind person who was employed prior to the effective date of this act at Kansas industries for the blind at facilities on the Topeka state hospital property, as defined by K.S.A. 2013 Supp. 75-37,123, and amendments thereto, and who voluntarily terminates or retires or who is laid off from such employment due to the closure, abolition or other cessation of operations of the Kansas industries for the blind as a state program at such location.

Sec. 343. K.S.A. 2013 Supp. 75-5268 is hereby amended to read as follows: 75-5268. (1) Any inmate who is allowed to participate in such paid employment or in such job training or paid employment for which a subsistence allowance is paid in connection with such job training shall pay over to the secretary or the designated representative of the secretary all moneys received from such paid employment or job training except that, pursuant to rules and regulations adopted by the secretary of corrections, the inmate shall retain a stipulated reasonable amount of the money as the secretary or the designated representative of the secretary deems necessary for expenses connected with the employment or job training. The balance of the moneys paid to the secretary or the designated representative of the secretary shall be disbursed for the following purposes:

(a) A designated minimum amount of that money paid to the secretary shall be returned to the state general fund or to the political subdivision, federal government or community-based center for such inmate's food and lodging or, if the inmate is participating in a private industry program other than work release, the minimum amount collected shall be deposited to the correctional industries fund;

(b) transportation to and from the place of employment at the rate allowed in K.S.A. 75-3203, and amendments thereto;

(c) if any of the dependents of the inmate are receiving public assistance, a reasonable percentage of the inmate's net pay after deduction of the above expenses shall be forwarded to the court which ordered support for the dependent or, if there is no order, to the secretary of social and rehabilitation services for children and families;

(d) a reasonable percentage of the inmate's net pay after deduction of the above expenses shall be disbursed for the payment, either in full or ratable, of the inmate's obligations if such obligations relate to the care and support of the defendant's immediate family and have been reduced to judgment;

(e) after deduction of the above amounts, payment of a reasonable amount for costs assessed to the inmate pursuant to the code of civil procedure;

(f) to the clerk of the district court in which the crime occurred, payment of a reasonable amount pursuant to an order for all costs, fines, fees and restitution assessed. Such payment shall be distributed in the following order of priority: Restitution, costs, fines and fees;

(g) payment of a reasonable amount into a savings account for disbursement to the inmate upon release from custody;

(h) after deduction of the above amounts, a reasonable percentage of the inmate's net pay shall be disbursed for the payment, either in full or ratable, of the inmate's other obligations acknowledged by the inmate in writing, as authorized by the secretary; and

(i) the balance, if any, shall be credited to the inmate's account and shall be made available to the inmate in such manner and for such purposes as are authorized by the secretary.

Sec. 344. K.S.A. 2013 Supp. 75-5301 is hereby amended to read as follows: 75-5301. (a) There is hereby created a department of social and rehabilitation services the Kansas department for children and families, the head of which shall be the secretary of social and rehabilitation services for children and families. The governor shall appoint the secretary of social and rehabilitation services for children and families, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and the secretary shall serve at the pleasure of the governor. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate. The department of social and rehabilitation services created by this order Kansas department for children and families shall be administered under the direction and supervision of the secretary of social and rehabilitation services for children and families. The secretary of social and rehabilitation services for children and families shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the department of social and rehabilitation services Kansas department for children and families, and the department is subject to audit, review and evaluation under such law.

Sec. 345. K.S.A. 75-5308e is hereby amended to read as follows: 75-5308e. There is hereby established, within and as a part of the department of social and rehabilitation Kansas department for aging and disability services and under the supervision of the secretary of social and rehabilitation for aging and disability services, services for mental health and developmental disabilities, the head of which shall be the commissioner of mental health and developmental disabilities community services and programs. Under the supervision of the secretary of social and rehabilitation for aging and disability services, the commissioner of mental health and developmental disabilities community services and programs shall administer services for mental health and developmental disabilities. The secretary of social and rehabilitation for aging and disability services shall appoint the commissioner of mental health and developmental disabilities community services and programs, and the commissioner shall serve at the pleasure of the secretary of social and rehabilitation for aging and disability services. The commissioner of mental health and developmental disabilities community services and programs shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the secretary of social and rehabilitation for aging and disability services and approved by the governor.

Sec. 346. K.S.A. 75-5309a is hereby amended to read as follows: 75-5309a. (a) All employees of the department of social and rehabilitation Kansas department for aging and disability services in the coordinator of medical services job class, or any successor job class that may be approved under K.S.A. 75-2938, and amendments thereto, and has substantially the same duties and responsibilities, shall be in the unclassified service under the Kansas civil service act.

(b)(1) All persons appointed to provide attendant care services under the home and community based services program shall be in the unclassified service of the Kansas civil service act.

(2) Subject to available appropriations, the governor is authorized and directed to approve a salary plan for persons appointed to provide attendant care services under the secretary of social and rehabilitation for aging and disability services. Such salary plan for persons appointed to provide attendant care services shall be subject to modification and approval by the governor and to any enactments of the legislature applicable thereto and shall be effective on a date or dates specified by the governor.

(3) As used in this subsection, the term "persons appointed to provide attendant care services" means persons appointed to perform attendant care services directed by or on behalf of an individual in need of in-home care, the term "home and community based services program" has the meaning ascribed thereto under K.S.A. 39-7,100, and amendments thereto, and the terms "attendant care services" and "individual in need of in-home care" have the meanings respectively ascribed thereto under K.S.A. 65-6201, and amendments thereto.

Sec. 347. K.S.A. 75-5310 is hereby amended to read as follows: 75-5310. The secretary of social and rehabilitation services for children and families may appoint a chief attorney and other attorneys for the department of social and rehabilitation services Kansas department for children and families. The chief attorney shall serve at the pleasure of the secretary, shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary and approved by the governor. The secretary may also appoint staff assistants. Such staff assistants and attorneys other than the chief attorney shall be in the classified service under the Kansas civil service act. The secretary may appoint one public information officer, one personal secretary and one special assistant who shall serve at the pleasure of the secretary, shall be in the unclassified service under the Kansas civil service act and shall receive annual salaries fixed by the secretary and approved by the governor. The secretary may appoint a deputy secretary who shall serve at the pleasure of the secretary, be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary and approved by the governor.

The secretary may appoint commissioners and deputy commissioners as determined necessary by the secretary to effectively carry out the mission of the department. All commissioners and deputy commissioners shall serve at the pleasure of the secretary, shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary and approved by the governor. The secretary may also appoint a director for each of the department's management areas. Each area director shall serve at the pleasure of the secretary, be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary and approved by the governor. Nothing in this act shall affect the classified status of any person employed as a deputy commissioner or area director on the day immediately preceding the effective date of the act and the unclassified status shall apply only to persons appointed to such positions on or after the effective date of the act.

Sec. 348. K.S.A. 75-5310a is hereby amended to read as follows: 75-5310a. The secretary of social and rehabilitation services for children and families is hereby authorized to contract for the services of persons to assist in the preparation of expert testimony for litigation and to act as expert witnesses in litigation. Any such contracts

shall be exempt from the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.

Sec. 349. K.S.A. 75-5313 is hereby amended to read as follows: 75-5313. The secretary of social and rehabilitation services for children and families may create advisory committees and appoint the members thereof when the secretary determines that such advisory committees are needed for the efficient administration of the program and, when such advisory committees are approved by the governor. Such advisory committees shall consult with and advise the secretary with reference to the management, control and operation of institutions or programs under the jurisdiction of the department. Members of any advisory committee created under authority of this section attending meetings of such committee or attending a subcommittee meeting thereof authorized by such committee shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, or any and amendments thereto, but shall receive no compensation for services as such members. The secretary is authorized to expend funds to provide space for holding meetings, including the cost of a meal, for the committee members not receiving subsistence allowances and may pay to or on behalf of any committee members who are clients of the agency child care or travel expenses occasioned by their attendance at the meeting.

Sec. 350. K.S.A. 75-5316a is hereby amended to read as follows: 75-5316a. (a) As used in this section and K.S.A. 75-5310, and amendments thereto, "secretary" means the secretary of social and rehabilitation services for children and families.

(b) Subject to the limitations of this section, the secretary of social and rehabilitation services for children and families may organize the department of social and rehabilitation services Kansas department for children and families in the manner the secretary determines most efficient. Commission heads, division heads and employees of the department of social and rehabilitation services Kansas department for children and families not within a particular commission or division shall perform such duties and exercise such powers as are prescribed by law and such other duties as the secretary may prescribe. Such commission heads, division heads and employees shall act for, and exercise the powers of, the secretary to the extent authority to do so is delegated by the secretary.

(c) Subject to the provisions of subsection (b), personnel of each commission and division of the department of social and rehabilitation services Kansas department for children and families shall perform such duties and shall exercise such powers as the head of the commission or division may prescribe and shall perform such duties and shall exercise powers as are prescribed by law. Personnel of each commission and division shall act for, and exercise the powers of, their commission or division head to the extent the authority to do so is delegated by the commission or division head.

Sec. 351. K.S.A. 75-5319 is hereby amended to read as follows: 75-5319. Except as otherwise provided in this order, the secretary of social and rehabilitation services for children and families shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof, of any act, transaction, occurrence or event of the department of social and rehabilitation services Kansas department for children and families.

Sec. 352. K.S.A. 75-5320 is hereby amended to read as follows: 75-5320. The secretary of social and rehabilitation services for children and families shall keep a seal which shall be surrounded by the words "secretary of social and rehabilitation services

for children and families of Kansas," which shall be of such diameter and with such device as the governor and the secretary of social and rehabilitation services for children and families may prescribe, an impression of which shall be filed in the office of secretary of state.

Sec. 353. K.S.A. 75-5321 is hereby amended to read as follows: 75-5321. The secretary of social and rehabilitation services for children and families shall adopt all general policies and rules and regulations relating to all forms of social and rehabilitation services which are administered or supervised by or under the department of social and rehabilitation services Kansas department for children and families. The secretary of social and rehabilitation services for children and families may provide social service outreach services to the people of the state including educational and other activities designed to increase the individual's awareness and appropriate use of programs and services provided by the department of social and rehabilitation services Kansas department for children and families.

Sec. 354. K.S.A. 75-5326 is hereby amended to read as follows: 75-5326. The secretary of social and rehabilitation services for children and families shall make an annual report to the governor and to the legislature concerning the activities of the division during the preceding calendar year, together with any findings and recommendations relating to the needs of children and youth in the state.

Sec. 355. K.S.A. 75-5328a is hereby amended to read as follows: 75-5328a. The secretary of the department of social and rehabilitation services for children and families may procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the family foster care program against loss in accordance with specifications of department of administration guidelines. Such agency may purchase such policy of insurance independent of the committee on surety bonds and insurance without complying with K.S.A. 75-3738 to 75-3744, inclusive, and amendments thereto.

Sec. 356. K.S.A. 75-5343 is hereby amended to read as follows: 75-5343. (a) There is hereby established in the state treasury the self-sufficiency trust fund.

(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the self-sufficiency trust fund interest earnings based on:

(1) The average daily balance of moneys in the self-sufficiency trust fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(c) The secretary of social and rehabilitation for aging and disability services may accept moneys from a self-sufficiency trust for deposit in the self-sufficiency trust fund pursuant to an agreement with the trust naming one or more beneficiaries who are developmentally disabled individuals or individuals otherwise eligible for services from the department of social and rehabilitation Kansas department for aging and disability services residing in this state and specifying the care, support or treatment to be provided for such individuals. The secretary of social and rehabilitation for aging and disability services shall maintain a separate account in the trust fund for each named beneficiary. The moneys in each such account shall be expended by the secretary, in accordance with rules and regulations of the secretary, only to provide care, support and treatment for the named beneficiaries in accordance with the terms of the agreement.

Interest earned on moneys in the trust fund and transferred to the trust fund under subsection (b) shall be prorated in accordance with procedures approved by the director of accounts and reports and credited monthly to each such account.

(d) If the secretary determines that the moneys in the account of a named beneficiary cannot be used for the care, support or treatment of that beneficiary in a manner consistent with the rules and regulations of the secretary and the agreement, or upon the request of the self-sufficiency trust, the remaining moneys in such account, together with any accumulated interest thereon, shall be promptly paid to the self-sufficiency trust which deposited such moneys in the trust fund.

(e) The secretary shall adopt rules and regulations and procedures as may be necessary or useful for the administration of the trust fund. All payments and disbursements from the trust fund shall be made 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. The receipt by a beneficiary of money from the trust fund, or of care, treatment or support provided with such money, shall not in any way reduce, impair or diminish the benefits to which such beneficiary is otherwise entitled by law.

(f) As used in this section:

(1) "Secretary" means the secretary of social and rehabilitation for aging and disability services.

(2) "Self-sufficiency trust" means a trust created by a not-for-profit corporation which is a 501(c)(3) organization under the federal internal revenue code of 1986 and which was organized for the purpose of providing for the care, support or treatment of one or more developmentally disabled individuals or individuals otherwise eligible for services from the department of social and rehabilitation Kansas department for aging and disability services.

(3) "Trust fund" means the self-sufficiency trust fund established under this section.

Sec. 357. K.S.A. 75-5344 is hereby amended to read as follows: 75-5344. There is hereby established in the state treasury the special fund for the developmentally disabled which shall be administered by the secretary of social and rehabilitation for aging and disability services. The secretary of social and rehabilitation for aging and disability services may accept money from any source for deposit in the special fund for the developmentally disabled. All moneys in the special fund for the developmentally disabled shall be used for the purposes of providing for the care and treatment of low-income persons who are developmentally disabled, mentally ill or physically handicapped or low-income persons otherwise eligible for assistance or services provided by the department of social and rehabilitation Kansas department for aging and disability services. All expenditures from the special fund for the developmentally disabled shall be in accordance with the provisions of appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation for aging and disability services or by the secretary's designee.

Sec. 358. K.S.A. 75-5345 is hereby amended to read as follows: 75-5345. The positions of persons who are employed at the industries for the blind workshop of the department of social and rehabilitation services Kansas department for children and families in Topeka, Kansas, and who are not employed in positions within the classified service under the Kansas civil service act, shall be within the unclassified service under

such act.

Sec. 359. K.S.A. 75-5365 is hereby amended to read as follows: 75-5365. The secretary of social and rehabilitation for children and families services may enter into contracts with one or more public or private entities for the performance of any or all support enforcement services that the secretary is required to provide under part D of title IV of the federal social security act (, 42 U.S.C. § 651 et seq.). Such contracts shall be based on competitive bids in accordance with the statutes governing state agency contracts.

Sec. 360. K.S.A. 2013 Supp. 75-5366 is hereby amended to read as follows: 75-5366. (a) The secretary of social and rehabilitation services for children and families is authorized to enter into an agreement with any entity that engages in the business of matching information about child support debtors against information about insurance claimants. Any such agreement shall be subject to the provisions of K.S.A. 39-759, and amendments thereto, concerning confidential information. If the entity is a consortium or similar joint venture of two or more states, or if the entity is an agency of the United States, the requirements of K.S.A. 75-5365, and amendments thereto, shall not apply.

(b) Pursuant to an agreement made under subsection (a), the secretary of social and rehabilitation services for children and families may disclose information about any individual who owes past due support in a title IV-D case if the support debtor owes at least \$25 in past due support. "Title IV-D" means part D of title IV of the federal social security act (, 42 U.S.C. § 651 et seq.).

(c) To the extent feasible, the secretary of social and rehabilitation services for children and families shall require or provide secure electronic processes for disclosing information about support debtors to any entity conducting matches pursuant to this section and for any insurers disclosing information about claimants to such an entity.

(d) The secretary of social and rehabilitation services for children and families shall have the authority to adopt such rules and regulations as may be necessary to administer the provisions of this act.

Sec. 361. K.S.A. 2013 Supp. 75-5367 is hereby amended to read as follows: 75-5367. (a) As used in K.S.A. 2013 Supp. 75-5366 and 75-5367, and amendments thereto:

(1) "Insurer" means any entity regulated under chapter 40 of the Kansas Statutes Annotated, and amendments thereto, that provides coverage for liability insurance.

(2) "Claimant" means any individual who has submitted a claim for payment under a liability insurance contract.

(b) An insurer shall be required to comply with the provisions of this section only after the secretary of social and rehabilitation services for children and families has entered into an agreement pursuant to K.S.A. 2013 Supp. 75-5366, and amendments thereto. The secretary of social and rehabilitation services for children and families shall make available to insurers information about the data matching process, including instructions for disclosing claimant information.

(c) (1) An insurer shall have the option of receiving request for information about an identified claimant from either the secretary of social and rehabilitation services for children and families or from the entity responsible for the data matching pursuant to K.S.A. 2013 Supp. 75-5366, and amendments thereto.

(2) An insurer shall respond by disclosing the requested information about the claimant only if the amount of the claim totals \$1,000 or more.

(d) A disclosure required pursuant to subsection (c) shall be made as soon as

reasonably possible after the first submission of the claim.

(e) An insurer, including any agent of the insurer, shall not be liable under any state law to any person for any disclosure required or authorized by this section, or for any other action taken in good faith in accordance with this section.

(f) At the insurer's discretion, an insurer may disclose information as provided in this section about a claimant whose aggregate claim is less than \$1,000.

(g) Nothing in K.S.A. 2013 Supp. 75-5366 or 75-5367, and amendments thereto, shall require an insurer to make any payment that is not otherwise required under the contract of insurance. An insurer shall not be assessed any fee by the secretary of social and rehabilitation services for children and families or by any entity that has entered into an agreement pursuant to K.S.A. 2013 Supp. 75-5366, and amendments thereto.

Sec. 362. K.S.A. 75-5371 is hereby amended to read as follows: 75-5371. The secretary of social and rehabilitation services for children and families is hereby authorized in cooperation with the Kansas dental association and the national foundation of dentistry for the handicapped to establish a donated dental services program. The donated dental services program shall provide through volunteers who are licensed dentists comprehensive dental care without charge to needy, disabled, aged and medically-compromised individuals. Volunteer licensed dentists will provide treatment under the donated dental services program in their respective offices or at the location at which the participating dentist agrees to provide the service. Patients will be treated under the program based upon arrangements as to the number of patients and the types of cases the participating volunteer dentists are willing to undertake. The secretary of social and rehabilitation services for children and families may adopt rules and regulations as necessary for the administration of this program.

Sec. 363. K.S.A. 75-5375 is hereby amended to read as follows: 75-5375. The secretary of social and rehabilitation for aging and disability services is hereby authorized and directed:

(a) To coordinate the total drug abuse treatment and prevention effort within the state of Kansas;

(b) to plan for, develop, implement and utilize objective devices and methodologies for the evaluation of all drug abuse treatment and prevention functions within this state;

(c) to pass on and coordinate the delivery of all funding applications, from whatever source, to state agencies, local units of government and private agencies, with regard to drug abuse treatment and prevention functions;

(d) to require such information and reports as may reasonably be necessary from state agencies, local units of government and private agencies for planning, management, coordination and evaluation and for carrying out the provisions of this act;

(e) to receive, administer and expend all federal and other financial assistance in the form of grants, contracts or otherwise, including cost reimbursement and similar contracts administered by the secretary for local programs or local units of government, which is or may become available to the state for furthering the purposes of this act, and the secretary may take such action as may be necessary to enable the state to meet any requirement set forth in federal laws or regulations in effect on the effective date of this act for obtaining federal financial assistance for drug abuse, prevention, treatment or rehabilitation;

(f) to prepare and administer, or supervise the preparation and administration of a comprehensive state plan for planning, establishing, conducting and coordinating

projects and efforts for the development of more effective drug abuse treatment and prevention functions in the state;

(g) to cooperate with local authorities in conducting, maintaining and distributing detailed surveys of state and local problems and needs for drug abuse treatment and prevention and periodically advise the governor, legislature and local officials and citizens relative to such problems and needs;

(h) to establish a state clearinghouse for drug abuse information to serve the educational, informational and research needs of the state;

(i) to establish a centralized drug abuse data collection, dissemination and management information system for all drug abuse treatment and prevention functions;

(j) to devise policies and procedures to foster greater cooperation and interaction among organizations, agencies and other bodies, public and private, engaged in drug abuse treatment and prevention;

(k) to cooperate with all drug abuse education and training programs conducted within the state through cooperation with state and local boards of education, schools and other public and private agencies in establishing education programs for the prevention of drug abuse and for training in the treatment of drug involved individuals;

(l) to review annually and update the state plan for drug abuse treatment and prevention in such a manner as to maximize citizen involvement in the reviewing and updating process;

(m) to report annually to the governor and the legislature concerning activities under this act for the past year;

(n) to cooperate with federal, state and local criminal justice systems in the development of improved methods of treating and rehabilitating drug offenders;

(o) to foster, encourage and assist in the development of local and regional plans and programs for improving local and regional treatment and prevention capabilities and insure that such local and regional efforts impact on the overall state planning effort;

(p) to foster, encourage and assist in the development of scientific and operational research efforts designed to further define the nature and causes of drug misuse, drug abuse and drug addiction and to improve treatment and prevention methods and capabilities in these areas;

(q) to assist in the development of programs within business, industry and agriculture designed to reduce the problem of drug abuse and the costs of crime related thereto;

(r) to foster, encourage and assist in the development of programs designed to reduce the misuse and abuse of drugs;

(s) to adopt rules or regulations to carry out the provisions of this act.

Sec. 364. K.S.A. 75-5376 is hereby amended to read as follows: 75-5376. For the purposes of this act and within the limits of appropriations and resources available therefor, all agencies and officers of the state and political subdivisions thereof shall cooperate fully with the secretary of social and rehabilitation for aging and disability services.

Sec. 365. K.S.A. 75-5381 is hereby amended to read as follows: 75-5381. The Kansas citizens' committee on alcohol and other drug abuse is hereby established and shall be within the department of social and rehabilitation Kansas department for aging and disability services as a part thereof.

Sec. 366. K.S.A. 75-5382 is hereby amended to read as follows: 75-5382. It shall be the duty of the Kansas citizens' committee on alcohol and other drug abuse to confer, advise and consult with the commissioner of alcohol and drug abuse services, on behalf of the secretary of social and rehabilitation for aging and disability services, with respect to the powers, duties and functions imposed upon the secretary under K.S.A. 65-4006, 65-4007 and 75-5375, and amendments to such sections thereto.

Sec. 367. K.S.A. 75-5383 is hereby amended to read as follows: 75-5383. (a) The Kansas citizens' committee on alcohol and other drug abuse shall be composed of 24 members appointed by the secretary of social and rehabilitation for aging and disability services.

(b) In making appointments to the first committee, the secretary shall appoint $\frac{1}{2}$ of the members to one-year terms and $\frac{1}{2}$ of the members to two-year terms. Members first appointed to the committee shall serve for their appointed terms and until the appointment and qualification of their successors.

(c) On the expiration of any member's term of office, the secretary shall appoint a successor who shall serve for a term of two years and until such member's successor has been appointed and qualified. Any vacancy in the membership of the committee which occurs before the expiration of any member's term of office shall be filled by appointment by the secretary for the unexpired term.

Sec. 368. K.S.A. 75-5386 is hereby amended to read as follows: 75-5386. (a) The Kansas citizens' committee on alcohol and other drug abuse shall organize at its first meeting after this law takes effect and thereafter at the first meeting held in each calendar year by electing one of its members as chairperson, one as chairperson-elect and one as recorder.

(b) The Kansas citizens' committee on alcohol and other drug abuse shall keep records and minutes of its business and official actions, which shall be filed with the secretary of social and rehabilitation for aging and disability services and be open to public inspection. The secretary shall provide to the committee all necessary clerical services.

The committee shall meet at least quarterly and special meetings of the committee may be called by the chairperson of the committee or by the secretary of social and rehabilitation for aging and disability services.

(c) The committee may adopt such bylaws, which are not in conflict with the provisions of this act, as may be necessary or desirable to regulate its procedures and actions.

Sec. 369. K.S.A. 75-5391 is hereby amended to read as follows: 75-5391. (a) There is hereby established within the department of social and rehabilitation services Kansas department for children and families the Kansas commission for the deaf and hard of hearing. The commission shall:

(1) Advocate services affecting the deaf and hard of hearing in the areas of public services, health care, educational, vocational and employment opportunity;

(2) act as a bureau of information for the deaf and hard of hearing to state agencies and public institutions providing general health and mental health care, employment, vocational, and educational services, and to local agencies and programs;

(3) collect facts and statistics and other special studies of conditions affecting the health and welfare of the deaf and hard of hearing in this state;

(4) provide for a mutual exchange of ideas and information on the national, state

and local levels;

(5) provide public education of prenatal and postnatal warning signs of conditions which may lead to deafness or hearing impairment in the fetus or newborn child;

(6) encourage and assist local governments in the development of programs for the deaf and hard of hearing;

(7) cooperate with public and private agencies and units of local, state and federal governments in promoting coordination in programs for the deaf and hard of hearing;

(8) provide for the social, emotional, educational and vocational needs of the deaf and hard of hearing and their families;

(9) serve as an advisory board to the governor on the needs of the deaf and hard of hearing by preparing an annual report which reviews the status of all state services to the deaf and hard of hearing within Kansas, and to recommend priorities to the governor for the development and coordination of services to the deaf and hard of hearing;

(10) make recommendations for needed improvements, and serve as an advisory board in regard to new legislation affecting the deaf and hard of hearing.

(b) Except as otherwise provided by this act, all budgeting, purchasing and related management functions of the Kansas commission for the deaf and hard of hearing shall be administered under the direction and supervision of the secretary of social and rehabilitation services for children and families. Within the limitations of available appropriations, the secretary of social and rehabilitation services for children and families shall provide additional clerical and other assistance as may be required for the commission.

Sec. 370. K.S.A. 75-5393 is hereby amended to read as follows: 75-5393. (a) The Kansas commission for the deaf and hard of hearing shall employ an executive director and shall fix the duties, responsibilities and qualifications thereof. The executive director shall be a full-time employee of the commission who shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the commission. The executive director shall receive actual and necessary expenses incurred while in the discharge of official duties.

(b) The executive director, with the advice and consent of the commission shall:

(1) Within the limitations of available appropriations, plan and oversee the establishment of service centers for the deaf and hard of hearing in areas where the commission deems they are needed and in concurrence with the secretary of social and rehabilitation services for children and families and in consultation with local boards of directors of community service centers and local groups promoting or providing services to the deaf or hard of hearing, or both;

(2) promote accessibility of all governmental services to deaf and hard of hearing citizens in Kansas including those deaf and hard of hearing persons with multiple disabilities;

(3) identify agencies, both public and private which provide community services, evaluate the extent to which they make services available to deaf and hard of hearing people and their families, and cooperate with the agencies in coordinating and extending these services;

(4) provide for the mutual exchange of ideas and information on services for deaf and hard of hearing people between federal, state and local governmental agencies and private organizations and individuals;

(5) survey the needs of the deaf and hard of hearing population in Kansas and assist

the commission in the preparation of its report to the governor;

(6) maintain a listing of persons qualified in various types of interpreting and aural rehabilitation for the deaf and make this information available to local, state, federal and private organizations and to individuals;

(7) promote the training of interpreters for the deaf and hard of hearing;

(8) serve as an advocate for the rights of deaf and hard of hearing people and perform such other duties as may be required by law;

(9) provide interpreter services for the deaf and hard of hearing to be funded from user fees;

(10) provide a telecommunication message relay service for the deaf and hard of hearing;

(11) provide for a program of regulation and certification of interpreters; and

(12) employ such persons as may be needed from time to time, in the judgment of the executive director, to carry out the director's responsibilities under paragraphs (9), (10) and (11) of this subsection. Such employees shall be in the unclassified civil service and shall receive an annual salary to be fixed by the commission.

(c) In selecting an executive director, the commission shall select an individual who is fluent in the American sign language of the deaf and shall give consideration and priority to qualified applicants who are deaf or hard of hearing.

Sec. 371. K.S.A. 2013 Supp. 75-5397a is hereby amended to read as follows: 75-5397a. (a) The Kansas commission for the deaf and hard of hearing may fix, charge and collect reasonable fees for providing interpreter services, interpreter certification and sign language instruction.

(b) The secretary of social and rehabilitation services for children and families shall remit all moneys received by the commission for such services 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 SRS Kansas department for children and families enterprise fund.

Sec. 372. K.S.A. 2013 Supp. 75-5399 is hereby amended to read as follows: 75-5399. When used in this act:

(a) "Individuals with disabilities" means individuals with intellectual disability, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities.

(b) "Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(c) "Transition planning services" means rehabilitation counseling, information and

referral to community services for students age 16 and older in secondary special education programs.

(d) "Local education authority" means the special education interlocal or cooperative or school district responsible for the local special education program.

(e) "Special education program" means services that are provided pursuant to public law 94-142 (the education of all handicapped children's act) as implemented in Kansas through K.S.A. 72-961 et seq., and amendments thereto, and public law 101-476 (the individuals with disabilities education act).

(f) "Secretary" means the secretary of social and rehabilitation services for children and families or the designee of the secretary.

(g) "Local transition council" means a representative group of persons with disabilities and their families, school personnel, adult service agency personnel and members of the general public such as employers which develops an annual plan to improve secondary special education, transition and transition planning services.

Sec. 373. K.S.A. 75-53,100 is hereby amended to read as follows: 75-53,100. The secretary of social and rehabilitation services for children and families, within available funding and staffing, shall provide transition planning services in cooperation with the transition services part of the individual education plan for individuals with disabilities enrolled in secondary special education programs.

Sec. 374. K.S.A. 2013 Supp. 75-53,105 is hereby amended to read as follows: 75-53,105. (a) The secretary of social and rehabilitation services for children and families shall upon request receive from the Kansas bureau of investigation such criminal history record information as necessary for the purpose of determining initial and continuing qualification for employment or for participation in any program administered by the secretary for the placement, safety, protection or treatment of vulnerable children or adults.

(b) The secretary shall have access to any court orders or adjudications of any court of record, any records of such orders, adjudications, arrests, nonconvictions, convictions, expungements, juvenile records, juvenile expungements, diversions and any criminal history record information in the possession of the Kansas bureau of investigation concerning such employee or individual.

(c) If a nationwide criminal records check of all records noted above is necessary, as determined by the secretary, the secretary's request will be based on the submission of fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for the identification of the individual and to obtain criminal history record information, including arrest and nonconviction data.

(d) Fees for such records checks shall be assessed to the secretary.

(e) Disclosure or use of any such information received by the secretary or a designee of the secretary or of any record containing such information, for any purpose other than that provided by this act is a class A misdemeanor and shall constitute grounds for removal from office or termination of employment. Nothing in this act shall be construed to make unlawful or prohibit the disclosure of any such information in a hearing or court proceeding involving programs administered by the secretary or prohibit the disclosure of any such information to the post auditor in accordance with and subject to the provisions of the legislative post audit act.

Sec. 375. K.S.A. 2013 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 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: (1) (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, and amendments thereto, 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 for children and families.

Sec. 376. K.S.A. 2013 Supp. 75-5674 is hereby amended to read as follows: 75-5674. The secretary of health and environment shall establish and maintain family planning centers in cooperation with the secretary of social and rehabilitation services for children and families and county, city-county and multicounty health departments. Such family planning centers, upon request of any person who is over eighteen (18) 18 years of age and who is married or who has been referred to said such center by a person licensed to practice medicine and surgery and who resides in this state, may furnish and disseminate information concerning, and means and methods of planned parenthood, including such contraceptive devices as recommended by the secretary of health and environment. Such methods and means shall be consistent with the religious and personal convictions of the individual to whom furnished.

Sec. 377. K.S.A. 2013 Supp. 75-5675 is hereby amended to read as follows: 75-5675. The secretary of social and rehabilitation services for children and families and county, city-county and multicounty health departments shall cooperate with and assist the secretary of health and environment in the establishment, maintenance and operation of the family planning centers required to be established and maintained by K.S.A. 75-5674, and amendments thereto.

Sec. 378. K.S.A. 2013 Supp. 75-5741 is hereby amended to read as follows: 75-5741. (a) The secretary of commerce shall establish within the limits of appropriations therefor and in accordance with the provisions of this section the older Kansans employment program. The secretary may make grants to and enter into contracts with nonprofit agencies or organizations or public bodies for the purpose of providing for the development and operation of the older Kansans employment program.

(b) The older Kansans employment program shall be designed as follows:

(1) The program shall provide to older Kansans an employment placement service

with emphasis on employment in the private sector, including nontraditional patterns of employment; and

(2) the program shall provide training in job seeking skills to potential employees who are older Kansans and assistance to potential employers in utilizing the contributions of older Kansans to their work force.

(c) The secretary shall prepare annually a report evaluating the effectiveness of the older Kansans employment program and recommending measures to increase the number of older Kansans gainfully employed. The report shall be prepared and made available annually to the governor, members of the legislature, the secretary of aging for aging and disability services, the commerce development council and the members of the advisory council on aging no later than December 15 each year.

(d) As used in this section, "older Kansan" means a resident of the state of Kansas who is 55 years of age or older.

Sec. 379. K.S.A. 2013 Supp. 75-5742 is hereby amended to read as follows: 75-5742. (a) The department of labor is hereby designated as the agency to collect the new hires information required by the personal responsibility and work opportunity act of 1996. The secretary of labor shall contract with the secretary of social and rehabilitation services for children and families to provide the information needed to be in compliance with the personal responsibility and work opportunity act of 1996.

(b) The state directory of new hires shall receive, retain and, to the extent permitted by federal law, make information reported to the directory available pursuant to subsection (c).

(c) Except as otherwise permitted by federal law, any agency receiving information from the state directory of new hires shall handle the information as confidential information for use in administering the programs for which it was received. The state directory of new hires shall make information available:

(1) Upon implementation of the national directory of new hires, to the national directory; and

(2) to the secretary of social and rehabilitation services for children and families for use in administering an eligibility verification system and, not later than May 1, 1998, the title IV-D program.

(d) Any employer who reports electronically or magnetically and is required to report newly hired employees to more than one state may elect to transmit all such reports to one state by complying with the requirements of title IV-D.

(e) Beginning July 1, 1999, the secretary of labor shall annually delete information about individuals contained in the new hires directory if the information is at least two years old. Nothing in this subsection shall be construed as requiring the secretary of labor to delete information needed to administer the employment security or workers compensation programs.

Sec. 380. K.S.A. 2013 Supp. 75-5743 is hereby amended to read as follows: 75-5743. (a) All employers and labor organizations doing business in this state shall submit information concerning each new employee to the secretary of labor within 20 business days of the hiring, rehiring or return to work of the newly hired employee or within 20 business days from the date the newly hired employee first receives wages or other compensation from the employer. The information shall include the newly hired employee's name, address, social security number and the date services for remuneration were first performed by the newly hired employee and the employer's

name, address, federal tax identification number and any other information as may be required by section 453A of the social security act, 42 U.S.C. § 653a.

(b) For purposes of this section, the term "newly hired employee" means an employee who has not previously been employed by the employer, or was previously employed by the employer, but has been separated from such prior employment for at least 60 consecutive days.

(c) The department of social and rehabilitation services Kansas department for children and families shall have access to such information to match the employee's social security number with title IV-D cases.

Sec. 381. K.S.A. 75-5902 is hereby amended to read as follows: 75-5902. As used in this act, unless the context clearly requires otherwise, the following terms shall have the meanings ascribed to them in this section:

(a) "Department" means the department on aging Kansas department for aging and disability services created by K.S.A. 75-5903, and amendments thereto.

(b) "Secretary" means the secretary of aging for aging and disability services.

(c) "Council" means the advisory council on aging created by K.S.A. 75-5911, and amendments thereto.

(d) "Aged" or "senior citizen" means a person sixty (60) 60 years of age or older.

(e) "Services" means those services designed to provide assistance to the aged such as nutritional programs, facilities improvement, transportation services, senior volunteer programs, supplementary health services, programs for leisure-time activities, housing and employment counseling, other informational, referral and counseling programs to aid the aged in availing themselves of existing public or private services or other similar social services intended to aid the senior citizen in attaining and maintaining self-sufficiency, personal well-being, dignity and maximum participation in community life.

Sec. 382. K.S.A. 2013 Supp. 75-5903 is hereby amended to read as follows: 75-5903. (a) There is hereby created a department on aging the Kansas department for aging and disability services. The department on aging Kansas department for aging and disability services shall be administered under the direction and supervision of the secretary of aging for aging and disability services. The secretary shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall serve at the pleasure of the governor. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate. In appointing the secretary, the governor shall consider, but is not limited to, persons suggested by the council and persons with responsible administrative experience in the field of gerontology. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the governor.

The department on aging Kansas department for aging and disability services shall be the single state agency for receiving and disbursing federal funds made available under the federal older Americans act (public law 89-73), and any amendments thereto, or other federal programs for the aging.

(b) The provisions of the Kansas governmental operations accountability law apply to the department on aging Kansas department for aging and disability services, and the department is subject to audit, review and evaluation under such law.

Sec. 383. K.S.A. 2013 Supp. 75-5908 is hereby amended to read as follows: 75-5908. In addition to powers and duties otherwise provided by law, the secretary shall

have the following powers and duties:

(a) To evaluate all programs, services and facilities for the aged within the state and determine the extent to which present public or private programs, services and facilities meet the needs of the aged.

(b) To evaluate and coordinate all programs, services and facilities for the aging presently furnished by state and federal agencies, and make appropriate recommendations regarding such services, programs and facilities to the governor and the legislature.

(c) To function as the sole state agency to develop a comprehensive plan to meet the needs of the state's senior citizens.

(d) To receive and disburse federal funds made available directly to the department, including those funds made available under the federal older Americans act of 1965, 42 U.S.C. § 3001 et seq., and any amendments thereto, for providing services for senior citizens or for purposes related thereto and to develop and administer any state plan for the aging required by federal law.

(e) To solicit, accept, hold and administer in behalf of the state any grants, devises or bequests of money, securities or property to the state of Kansas for services to senior citizens or purposes related thereto.

(f) To provide consultation and assistance to communities and groups developing local and area services for senior citizens.

(g) To promote community education regarding the problems of senior citizens through institutes, publications, radio, television and the press.

(h) To cooperate with agencies of the federal government in studies and conferences designed to examine the needs of senior citizens and to prepare programs and facilities to meet those needs.

(i) To establish and maintain information and referral sources throughout the state in conjunction with other agencies.

(j) To provide such staff support as may reasonably be required by the council.

(k) To establish state policies for the administration of the department; for the disbursement of federal older Americans act funds within the state; and for state administration of federal older Americans act programs consistent with relevant federal law, rules and regulations, policies and procedures.

(l) To keep informed of the latest developments of research, studies and programs being conducted nationally and internationally on problems and needs of aging.

(m) To adopt such rules and regulations as may be necessary to administer the provisions of article 59 of chapter 75 of the Kansas Statutes Annotated, and acts amendatory thereof and supplemental amendments thereto.

(n) To lend surplus state property under the authority of the department on aging Kansas department for aging and disability services to area agencies on aging or to the state long-term care ombudsman to help them perform duties required under state and federal programs administered by the department on aging Kansas department for aging and disability services.

(o) To enter into any contract or agreement which the secretary finds necessary to perform the powers, duties and functions of the secretary or the department.

Sec. 384. K.S.A. 2013 Supp. 75-5910 is hereby amended to read as follows: 75-5910. (a) Except as otherwise specifically provided by law, and subject to the Kansas civil service act, the secretary of aging for aging and disability services shall appoint all

subordinate officers and employees of the department and all such subordinate officers and employees shall be within the classified service under the Kansas civil service act.

(b) The secretary may appoint one public information officer, one chief attorney, one personal secretary and one special assistant who shall be in the unclassified service under the Kansas civil service act and shall receive compensation fixed by the secretary and approved by the governor. The secretary may appoint deputy secretaries and commissioners as determined necessary by the secretary to effectively carry out the mission of the department. All deputy secretaries and commissioners shall be in the unclassified service under the Kansas civil service act and shall receive compensation fixed by the secretary and approved by the governor.

(c) Nothing in subsection (b) shall affect the classified status of any person employed by the department on aging Kansas department for aging and disability services on the day immediately preceding the effective date of this act. The provisions of this subsection shall not be construed to limit the powers of the secretary pursuant to K.S.A. 75-5909 or 75-2948, and amendments thereto.

(d) Personnel of the department shall perform such duties and exercise such powers as the secretary may prescribe or as are designated by law.

Sec. 385. K.S.A. 2013 Supp. 75-5914 is hereby amended to read as follows: 75-5914. The advisory council on aging shall have the following powers and duties:

(a) Provide advocacy for the aging in the affairs of the department, the governor's office and other public and private, state and local agencies affecting the aging;

(b) review and comment upon reports of the department to the governor and the legislature;

(c) prepare and submit to the governor, the legislature and the secretary an annual report evaluating the level and quality of all programs, services and facilities provided to the aging by state agencies;

(d) review and comment upon the comprehensive state plan prepared by the department;

(e) review and comment upon disbursements by the department of public funds to public and private agencies;

(f) recommend candidates to the governor for appointment as secretary of aging for the department on aging for aging and disability services;

(g) consult with the secretary regarding the operations of the department;

(h) serve as the advisory committee to the governor and the department on aging Kansas department for aging and disability services as required and defined in the rules and regulations, part 903.50(c), issued under the federal older Americans act of 1965 (public law 89-73), and amendments thereto;

(i) review and comment to the state long-term care ombudsman upon the policies and procedures of the office of long-term care ombudsman; and

(j) consult with the state long-term care ombudsman regarding needs for ombudsman services for aged Kansas residents.

Sec. 386. K.S.A. 75-5923 is hereby amended to read as follows: 75-5923. (a) The secretary of aging for aging and disability services shall establish a telephone system to assist older Kansans, friends and relatives of older Kansans and other persons in obtaining information about and access to services available to both institutionalized and non-institutionalized older Kansans. The telephone system shall be designed to permit any person in the state to place a toll-free call into the system.

(b) The secretary of aging for aging and disability services shall:

(1) Publicize the existence and purpose of the toll-free telephone system established by this section and the telephone number of such system;

(2) develop policies and procedures to document requests for assistance and monitor follow-up on such requests;

(3) develop policies and procedures to maintain confidentiality of requests for assistance;

(4) develop a program to train and coordinate the use of older Kansans within the toll-free telephone system;

(5) provide as part of the toll-free telephone system a call-forward system to assist in providing access to information; and

(6) develop a handbook of information to answer requests and for further referral.

(c) Upon written notification by the secretary of aging for aging and disability services, every adult care home, as defined in subsection (a)(1) of K.S.A. 39-923, and amendments thereto, title XX adult residential home licensed under K.S.A. 75-3307b, and amendments thereto, recuperation center, as defined in subsection (g) of K.S.A. 65-425, and amendments thereto, intermediate care facility, as defined in section 1905(c) of the federal social security act, skilled nursing facility, as defined in section 1861(j) of the federal social security act, and any other institution or facility which is licensed or certified by the state, which offers health, social or dietary care to elderly persons on a regular basis, and which is financed in whole or in part by funds from the federal government, the state of Kansas, or any political subdivision thereof, shall prominently display notice of the existence of the toll-free telephone system established under this section and the telephone number of such system.

Sec. 387. K.S.A. 75-5925 is hereby amended to read as follows: 75-5925. (a) The secretary of aging for aging and disability services shall establish an information and referral network through the existing toll-free telephone system to assist persons with Alzheimer's and related diseases, their relatives and friends and other persons in obtaining information about and access to services available for persons with Alzheimer's and related diseases. The telephone system shall be designed to permit any person in the state to place a toll-free call into the network.

(b) The secretary of aging for aging and disability services shall establish within the department on aging Kansas department for aging and disability services an information and referral network under subsection (a) and research national, state and local information on Alzheimer's and related diseases and disseminate this information through the information and referral network. The secretary of aging for aging and disability services shall publicize the existence and purpose of the toll-free telephone network established by this section and the telephone number of such network.

(c) In establishing the information and referral network under this section, the secretary of aging for aging and disability services shall:

(1) Develop policies and procedures to document requests for assistance and monitor follow-up on such requests;

(2) develop policies and procedures to maintain confidentiality of requests for assistance;

(3) provide as part of the toll-free telephone network a call-forward system to assist in providing access to information;

(4) seek the cooperation and assistance of area agencies on aging in disseminating

information and making referrals under this section;

(5) develop and periodically update a resource file of information to answer requests and expedite referrals; and

(6) assure that staff be trained in the area of Alzheimer's disease and related diseases on an ongoing basis.

(d) This section shall be part of and supplemental to the Kansas act on the aging.

Sec. 388. K.S.A. 2013 Supp. 75-5928 is hereby amended to read as follows: 75-

5928. (a) Within the limitations of appropriations therefor, the secretary of aging for aging and disability services is hereby authorized to establish a program of in-home services and a program of preventative health services for residents of Kansas 60 years of age or older who have functional limitations which restrict their ability to carry out activities of daily living and impede their ability to live independently.

(b) The secretary of aging for aging and disability services shall establish and administer, pursuant to the provisions of the Kansas senior care act, a program of in-home services and a program of preventative health services as authorized under subsection (a). The secretary shall designate area agencies on aging to administer the program in their respective planning and service areas. The secretary shall allocate funds to an area agency on aging only after the area agency on aging has executed a contract with the secretary under the Kansas senior care act.

(c) The program of in-home services authorized under subsection (a) shall serve such planning and service areas and provide such services as may be specified by the secretary and as are consistent with the Kansas senior care act and with appropriation acts relating thereto.

(d) The program of preventative health services authorized under subsection (a) shall serve such planning and service areas and provide such services as may be specified by the secretary and as are consistent with the Kansas senior care act and with the appropriation acts relating thereto.

Sec. 389. K.S.A. 2013 Supp. 75-5933 is hereby amended to read as follows: 75-5933. The secretary shall develop a sliding fee scale which shall be published annually in the Kansas register. Each customer's fee shall be based on the customer's income and assets. All customer fees and donations shall reduce the cost of services paid by the department on aging Kansas department for aging and disability services under the Kansas senior care act.

Sec. 390. K.S.A. 75-5940 is hereby amended to read as follows: 75-5940. (a) The secretary of aging and the secretary of social and rehabilitation services for aging and disability services shall develop and submit to the legislature at the beginning of each regular session a report on the activities under the client assessment, referral and evaluation (CARE) program under K.S.A. 1997 Supp. 39-968, and amendments thereto, in-home and other services provided by the department on aging Kansas department for aging and disability services for older Kansans, and on all activities of the Kansas department on aging and of the department of social and rehabilitation for aging and disability services and for the programs and activities under the provisions of this act. The report shall contain detailed information regarding:

(1) The amounts of money allocated, anticipated to be expended, and expended to date for the current fiscal year for the home and community-based services program, assisted living services, institutional-based services program and each other program providing long-term services and the numbers of persons receiving services under each

such program;

(2) the categories of and the actual amounts of expenditures for the costs of transferring the long-term care programs from the department of social and rehabilitation services Kansas department for children and families to the department on aging Kansas department for aging and disability services, including identification of any reallocation of funds to finance the costs of such transfer;

(3) the activities of and resources dedicated to the client assessment, referral and evaluation (CARE) program during the transition period for the transfer of long-term care programs from the department of social and rehabilitation services Kansas department for children and families to the department on aging Kansas department for aging and disability services under this act, including the persons served and the anticipated growth in the need for such services;

(4) the criteria adopted to evaluate the performance of the area agencies on aging and other providers of services under the client assessment, referral and evaluation (CARE) program and the long-term care services transferred from the department of social and rehabilitation services Kansas department for children and families to the department on aging Kansas department for aging and disability services under this act and a review of the performance of the area agencies on aging and other providers of services under such criteria to date;

(5) the programs and procedures adopted to provide active advocacy for older Kansans and the activities thereunder, including expenditures therefor and the number of persons served thereby; and

(6) the programs and procedures adopted to provide incentives to control costs under each of the programs providing long-term care services.

(b) The secretary of aging and the secretary of social and rehabilitation for aging and disability services shall prepare and submit interim reports of the matters to be contained in the report under subsection (a) to the oversight committee created by K.S.A. 1997 Supp. 46-2701, and amendments thereto, at the request of the oversight committee, and also shall submit a copy of the final report to the legislature under subsection (a) to the oversight committee.

Sec. 391. K.S.A. 2013 Supp. 75-5945 is hereby amended to read as follows: 75-5945. The secretary of aging for aging and disability services shall administer the long-term care programs and services transferred in this act. All powers granted in this act are to be interpreted and administered in conformity with federal grant requirements as applicable to programs transferred, even if such powers are limited or excluded:

(a) The secretary of aging for aging and disability services shall develop state plans or state plan amendments or portions of state plans or state plan amendments in consultation with the secretary of social and rehabilitation services for children and families relating to long-term care programs as provided under the federal social security act. The secretary of aging for aging and disability services shall not develop any state plan amendment in duplication of or contrary to any state plan otherwise developed by the secretary of social and rehabilitation services for children and families. The secretary of aging for aging and disability services may cooperate with the federal government on any other program providing federal financial assistance and long-term care services not otherwise inconsistent with this act. The secretary of aging for aging and disability services is not required to develop a state plan for participation or cooperation in all federal social security act programs or other federal programs that

are available for long-term care services. The secretary of aging for aging and disability services may develop a state plan in regard to long-term care services in which the federal government does not participate.

(b) The secretary of aging for aging and disability services, in consultation with the secretary of social and rehabilitation services for children and families, may determine the general policies relating to all forms of long-term care programs which are administered or supervised by the secretary of aging for aging and disability services and to adopt the rules and regulations therefor.

(c) The secretary of aging for aging and disability services shall adopt rules and regulations necessary to protect the confidentiality of all client information as required by federal and state statutes and regulations.

(d) The secretary of aging for aging and disability services shall provide that all officers and employees of the department of social and rehabilitation services Kansas department for children and families who are engaged in the exercise and performance of the powers, duties and functions of the programs transferred in this act and are determined by the secretary to be necessary to perform such functions are transferred to the department on aging Kansas department for aging and disability services. Officers and employees of the department of social and rehabilitation services Kansas department for children and families shall retain all retirement benefits and leave rights which had accrued or vested prior to each date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs and abolition of classified service positions under the Kansas civil service act which may result from program transfers shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. The secretary of aging for aging and disability services may appoint attorneys as are necessary to effectively carry out the mission of the department and the programs transferred by this act. The attorneys appointed shall be in the unclassified service under the Kansas civil service act, shall serve at the pleasure of the secretary, and shall receive an annual salary fixed by the secretary and approved by the governor. Nothing in this act shall affect the classified status of any transferred person employed as an attorney by the department of social and rehabilitation services Kansas department for children and families prior to the date of transfer and the unclassified status shall apply only to persons appointed to such attorney positions on or after the effective date of this act.

(e) The secretary of aging for aging and disability services shall establish an adequate system of financial records. The secretary of aging for aging and disability services and the secretary of social and rehabilitation services for children and families shall execute agreements for the department of social and rehabilitation services Kansas department for children and families and the department on aging Kansas department for aging and disability services to share data systems necessary to maximize the efficiency of program operations and to ensure that federal grant requirements are met. The secretary of aging for aging and disability services shall make annual reports to the governor and shall make any reports required by federal agencies.

(f) The secretary of aging for aging and disability services may receive, have custody of, protect, administer, disburse, dispose of and account for federal or private equipment, supplies and property which is given, granted, loaned or advanced to the state of Kansas for long-term care programs after the transfer of such programs pursuant to this act.

(g) The secretary of aging for aging and disability services may assist other departments, agencies and institutions of the state and federal government and of other states under interstate agreements, when so requested, by performing services in conformity with the purpose of this act.

(h) The secretary of aging for aging and disability services may lease real and personal property whenever the property is not available through the state or a political subdivision of the state for performing the functions required by this act.

(i) All contracts shall be made in the name of "secretary of aging for aging and disability services" and in that name the secretary may sue and be sued on such contracts. The grant of authority under this subsection shall not be construed to be a waiver of any rights retained by the state under the 11th amendment to the United States constitution and shall be subject to and shall not supersede the provisions of any appropriations act of this state.

(j) The secretary of aging for aging and disability services, except as set forth in the Kansas administrative procedure act and paragraphs 5 and 6, shall provide a fair hearing for any person who is an applicant, client or other interested person who appeals from the decision or final action of any agent or employee of the secretary. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act and the requirements of any applicable federal grant programs.

(1) The secretary of aging for aging and disability services may investigate: (A) Any claims and vouchers and persons, businesses and other entities who provide services to the secretary of aging or to clients served by long-term care programs under the administration of the secretary; and (B) the eligibility of persons to receive services under long-term care programs under the administration of the secretary; and (C) the eligibility of providers of services.

(2) When conducting investigations, the secretary of aging for aging and disability services may issue subpoenas; compel the attendance of witnesses at any place in this state; compel the production of any records, books, papers or other documents considered necessary; administer oaths; take testimony; and render decisions. If a person refuses to comply with any subpoena issued under this section or to testify to any matter regarding which the person may lawfully be questioned, the district court of any county, on application of the secretary, may issue an order requiring the person to comply with the subpoena and to testify. Failure to obey the order of the court may be punished by the court as a contempt of court. Unless incapacitated, the person placing a claim or defending a privilege before the secretary shall appear in person or by authorized representative and may not be excused from answering questions and supplying information, except in accordance with the person's constitutional rights and lawful privileges.

(3) The presiding officer may close any portion of a hearing conducted under the Kansas administrative procedure act when matters made confidential, pursuant to federal or state law or regulation are under consideration.

(4) Except as provided in subsection (d) of K.S.A. 77-511, and amendments thereto, and notwithstanding the other provisions of the Kansas administrative procedure act, the secretary of aging for aging and disability services may enforce any order prior to the disposition of a person's application for an adjudicative proceeding unless prohibited from such action by federal or state statute, regulation or court order.

(5) This appeals procedure shall not have jurisdiction to determine the facial

validity of a state or federal statute, rule or regulation.

(6) The secretary of aging for aging and disability services shall not be required to provide a hearing if: (A) The appeals procedure lacks jurisdiction over the subject matter; (B) resolution of the matter does not require the secretary to issue an order that determines an applicant's or client's legal rights, duties, privileges, immunities or other legal interests; (C) the matter was not timely submitted for appeal pursuant to regulation or other provision of law; (D) the matter was not submitted in a form substantially complying with any applicable provision of law; or (E) the matter is under the prior or concurrent jurisdiction of the secretary of social and rehabilitation services for children and families pursuant to K.S.A. 75-3306, and amendments thereto.

(k) The secretary of aging for aging and disability services may establish payment schedules for each group of providers for the long-term care programs. The secretary shall consider budgetary constraints as a factor in establishing payment schedules so long as the result does not conflict with applicable federal law. The secretary shall not be required to make any payments under any federal grant program which do not meet the requirements for state and federal financial participation. The secretary shall not be required to establish or pay at rates which are in excess of the minimum necessary payment requirements regardless of excess costs incurred by a provider.

(l) The secretary of aging for aging and disability services shall review all rules and regulations of the department on aging and shall amend and revoke the rules and regulations to conform to the purposes of this act.

(m) The secretary of aging for aging and disability services may implement a program which would permit the value of any services provided by the area agencies on aging for the benefit of any long-term care programs administered by the secretary to be considered eligible for federal financial participation for such long-term care programs.

Sec. 392. K.S.A. 75-5946 is hereby amended to read as follows: 75-5946. (a) The secretary of aging for aging and disability services may contract for long-term care services with area agencies on aging or other community based entities designated by the secretary of aging for aging and disability services. If an area agency on aging or other community based entity fails or is unable to provide services and local administration of the system, the secretary of aging for aging and disability services shall enter into contracts for services with qualified local not-for-profit and other service providers to perform such services. All contracts made under this section, and all renewal contracts, shall provide that the contract is subject to successfully meeting performance standards set by the secretary of aging for aging and disability services.

(b) Each such contract with an area agency on aging shall require the area agency on aging to submit to the secretary of aging for aging and disability services a report annually on activities under the contract during the fiscal year by the area agency on aging, which report shall also include information about all kinds of services provided by the area agency on aging, including long-term care services, and the number of persons receiving each kind of service during the fiscal year. The secretary of aging for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the regular session of the legislature in 1997 and annually thereafter a report of the information contained in such reports from the area agencies on aging.

(c) All such contracts for long-term care services shall be subject to appropriations limitations. No such contracts shall provide for any indemnification of any independent

contractor. All such contractors shall be subject to and limited by any applicable federal grant requirements. The secretary may, but is not required to, comply with the competitive bid requirements of K.S.A. 75-3739, and amendments thereto. The secretary of aging for aging and disability services shall be required to adopt rules and regulations for the administration of such contracts. If necessary to comply with applicable federal grant requirements, such powers may be assumed by the secretary of social and rehabilitation for aging and disability services.

Sec. 393. K.S.A. 75-5947 is hereby amended to read as follows: 75-5947. The secretary of aging for aging and disability services may contract for the services of persons to assist in the preparation of expert testimony for litigation and to act as expert witnesses in litigation. Any such contracts shall be exempt from the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.

Sec. 394. K.S.A. 75-5949 is hereby amended to read as follows: 75-5949. Pursuant to the transition plan provided for by K.S.A. 75-5948, and amendments thereto, the secretary of social and rehabilitation services for children and families shall transfer from the department of social and rehabilitation services Kansas department for children and families to the department on aging Kansas department for aging and disability services all applicable appropriations, resources and obligations associated with these programs.

Sec. 395. K.S.A. 2013 Supp. 75-5951 is hereby amended to read as follows: 75-5951. (a) No suit, action or other proceeding, judicial or administrative, which pertains to any of the transferred long-term care programs, and which is lawfully commenced, or could have been commenced, by or against the secretary of social and rehabilitation services for children and families in such secretary's official capacity or in relation to the discharge of such secretary's official duties, shall abate by reason of the transfer of such programs. The secretary of aging for aging and disability services shall be named or substituted as the defendant in place of the secretary of social and rehabilitation services for children and families in any suit, action or other proceeding involving claims arising from facts or events first occurring either on or before the date the pertinent program is transferred or on any date thereafter.

(b) No suit, action or other proceeding, judicial or administrative, pertaining to the transferred long-term care programs which otherwise would have been dismissed or concluded shall continue to exist by reason of any transfer under this act.

(c) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

(d) Any final appeal decision of the department of social and rehabilitation services Kansas department for children and families entered pursuant to K.S.A. 75-3306, and amendments thereto, or the Kansas judicial review act currently pertaining to any long-term care program transferred pursuant to this act shall be binding upon and applicable to the secretary of aging for aging and disability services and the department on aging Kansas department for aging and disability services.

Sec. 396. K.S.A. 75-5952 is hereby amended to read as follows: 75-5952. The secretary of social and rehabilitation services for children and families and the secretary of aging for aging and disability services shall require their agents and employees to be equally available for preparation for and testimony in any administrative hearing of or judicial proceeding pertaining to the department of social and rehabilitation services Kansas department for children and families or the department on aging Kansas

department for aging and disability services and any program or service transferred under this act.

Sec. 397. K.S.A. 75-5956 is hereby amended to read as follows: 75-5956. The secretary of aging for aging and disability services shall ensure statewide service access is available in a timely manner and shall adopt an application procedure for long-term care services which presumes the eligibility of persons applying for long-term care services from the date of application.

Sec. 398. K.S.A. 2013 Supp. 75-5958 is hereby amended to read as follows: 75-5958. Subject to the provisions of appropriations acts, the secretary of aging for aging and disability services shall increase nursing facility reimbursement rates. The secretary of aging for aging and disability services shall implement a base-year model of reimbursement for nursing facilities. For fiscal year 2008, the information from cost reports for calendar years 2003, 2004 and 2005 shall be averaged together to be used to calculate the base year. For fiscal year 2009 and each fiscal year thereafter, the information from the cost reports for the three most recent calendar years preceding the beginning of the fiscal year shall be averaged together to be used to calculate the base year. The secretary of aging for aging and disability services shall not apply the 85% rule regarding number of beds filled for nursing facilities with 60 licensed beds or less to determine nursing facility reimbursement rates.

Sec. 399. K.S.A. 2013 Supp. 75-5961 is hereby amended to read as follows: 75-5961. (a) Within the limits of appropriations therefor, the secretary of aging for aging and disability services shall establish a senior pharmacy assistance program in accordance with the provisions of this section. The senior pharmacy assistance program shall provide financial assistance to eligible individuals for the purchase of prescription drugs.

(b) The secretary of aging for aging and disability services shall adopt rules and regulations establishing eligibility for the senior pharmacy assistance program subject to the following criteria:

- (1) An individual to be eligible for the program must be 65 years of age or older,;
- (2) an eligible individual's income must not exceed 200% of the federal poverty guidelines for a one person family unit and the individual's household income must not exceed 200% of the federal poverty guidelines for a two person family unit,;
- (3) an eligible individual must not qualify for funding from any other local, state or federal prescription drug program,;
- (4) an eligible individual must not be covered under any private prescription reimbursement plan,; and
- (5) an eligible individual must not have voluntarily canceled a local, state or federal prescription drug program or a private prescription reimbursement plan, except in an incidence of financial hardship, within six months prior to application for enrollment in the senior pharmacy assistance program.

(c) The secretary of aging for aging and disability services shall adopt rules and regulations as necessary to implement the provisions of the senior pharmacy assistance program at a level that can be supported within appropriated funds available therefor. The secretary of aging for aging and disability services shall adopt rules and regulations which establish the benefits, limitations and cost-sharing requirements for the senior pharmacy assistance program. Enrollment in the program shall be in accordance with applications and procedures established by the secretary of aging for aging and

disability services.

(d) The provisions of this section and the senior pharmacy assistance program are hereby suspended on the day upon which payments commence under any federal law enacted on or after the effective date of this act which provides financial assistance for the purchase of prescription drugs to individuals eligible for financial assistance for the purchase of prescription drugs.

Sec. 400. K.S.A. 2013 Supp. 75-6202 is hereby amended to read as follows: 75-6202. As used in this act:

(a) "Debtor" means any person who:

(1) Owes a debt to the state of Kansas or any state agency or any municipality;

(2) owes support to an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2013 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended; or

(3) owes a debt to a foreign state agency.

(b) "Debt" means:

(1) Any liquidated sum due and owing to the state of Kansas, or any state agency, municipality or foreign state agency which has accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum. A debt shall not include special assessments except when the owner of the property assessed petitioned for the improvement and any successor in interest of such owner of property; or

(2) any amount of support due and owing an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2013 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, which amount shall be considered a debt due and owing the district court trustee or the department of social and rehabilitation services Kansas department for children and families for the purposes of this act.

(c) "Refund" means any amount of Kansas income tax refund due to any person as a result of an overpayment of tax, and for this purpose, a refund due to a husband and wife resulting from a joint return shall be considered to be separately owned by each individual in the proportion of each such spouse's contribution to income, as the term "contribution to income" is defined by rules and regulations of the secretary of revenue.

(d) "Net proceeds collected" means gross proceeds collected through final setoff against a debtor's earnings, refund or other payment due from the state or any state agency minus any collection assistance fee charged by the director of accounts and reports of the department of administration.

(e) "State agency" means any state office, officer, department, board, commission, institution, bureau, agency or authority or any division or unit thereof and any judicial district of this state or the clerk or clerks thereof. "State agency" also shall include any district court utilizing collection services pursuant to K.S.A. 75-719, and amendments thereto, to collect debts owed to such court.

(f) "Person" means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, corporation, other entity or a governmental agency, unit or subdivision.

(g) "Director" means the director of accounts and reports of the department of

administration.

(h) "Municipality" means any municipality as defined by K.S.A. 75-1117, and amendments thereto.

(i) "Payor agency" means any state agency which holds money for, or owes money to, a debtor.

(j) "Foreign state or foreign state agency" means the states of Colorado, Missouri, Nebraska or Oklahoma or any agency of such states which has entered into a reciprocal agreement pursuant to K.S.A. 75-6215, and amendments thereto.

Sec. 401. K.S.A. 2013 Supp. 75-6506 is hereby amended to read as follows: 75-6506. (a) The participation of a person qualified to participate in the state health care benefits program shall be voluntary, and the cost of the state health care benefits program for such person shall be established by the Kansas state employees health care commission.

(b) Periodic deductions from state payrolls may be made in accordance with procedures prescribed by the secretary of administration to cover the costs of the state health care benefits program payable by persons who are on the state payroll when authorized by such persons. Any such periodic payroll deductions in effect on an implementation date for biweekly payroll periods shall be collected in the manner prescribed by the secretary of administration.

(c) In the event that the Kansas state employees health care commission designates by rules and regulations a group of persons on the payroll of a county, township, city, special district or other local governmental entity, public school district, licensed child care facility operated by a not-for-profit corporation providing residential group foster care for children and receiving reimbursement for all or part of such care from the department of social and rehabilitation services Kansas department for children and families, nonprofit community mental health center, as provided in K.S.A. 19-4001 et seq., and amendments thereto, nonprofit community facility for people with intellectual disability, as provided in K.S.A. 19-4001 et seq., and amendments thereto, or nonprofit independent living agency, as defined in K.S.A. 65-5101, and amendments thereto, as qualified to participate in the state health care benefits program, periodic deductions from payrolls of the local governmental entity, public school district, licensed child care facility operated by a not-for-profit corporation providing residential group foster care for children and receiving reimbursement for all or part of such care from the department of social and rehabilitation services Kansas department for children and families, nonprofit community mental health center, as provided in K.S.A. 19-4001 et seq., and amendments thereto, nonprofit community facility for people with intellectual disability, as provided in K.S.A. 19-4001 et seq. and amendments thereto, or nonprofit independent living agency, as defined in K.S.A. 65-5101, and amendments thereto, may be made to cover the costs of the state health care benefits program payable by such persons when authorized by such persons. All such moneys deducted from payrolls shall be remitted to the Kansas state employees health care commission in accordance with the directions of the commission.

(d) Whenever the Kansas state employees health care commission designates any entity listed in subsection (c) as qualified to participate in the state health care benefits program, such entity's participation shall be conditioned upon the following:

(1) At least 70% of such entity's employees shall participate in the state health care plan;

(2) except as provided by paragraph (6) of this subsection, the rate of the premium paid by the entity as the employer's share of the total amount of premium paid shall be at least equal to the rate paid by the state of Kansas for its employees;

(3) the entity shall not create, maintain or permit any exemption from participation in the state health care plan for such entity's employees;

(4) the rate charged to such entity shall be sufficient to pay for any administrative or underwriting costs incurred by the state employees health care commission;

(5) the rate charged to such entity shall not increase the rate of premium paid by the state of Kansas for its employees;

(6) the entity shall elect to participate for a minimum of three consecutive years in the state health care benefits program; and

(7) the commission may authorize an entity to pay less than the state rate for the employee coverage for no more than three years and no more than five years for dependent coverage on the condition that the entity elects to participate for at least three consecutive years after first paying the state rate for employee coverage.

Sec. 402 K.S.A. 2013 Supp. 75-6508 is hereby amended to read as follows: 75-6508. (a) (1) Each state agency which has on its payroll persons participating in the state health care benefits program shall pay from any moneys available to the agency for such purpose an amount specified by the Kansas state employees health care commission, including any amounts prescribed under a cafeteria plan established under K.S.A. 75-6512, and amendments thereto. All such payments shall continue on the behalf of employees otherwise eligible for participation in the state health care benefits program in accordance with the continuation provisions of the federal family and medical leave act of 1993, P.L. 103-03, 107 Stat. 6. The commission may charge each state agency a uniform amount per person as the cost to the agency for the state's contribution for persons participating in the state health care benefits program. Such amounts may include the costs of administering the program.

(2) In the event that the Kansas state employees health care commission designates by rules and regulations a group of persons on the payroll of a county, township, city, special district or other local governmental entity, public school district, licensed child care facility operated by a not-for-profit corporation providing residential group foster care for children and receiving reimbursement for all or part of such care from the department of social and rehabilitation services Kansas department for children and families, nonprofit community mental health center, as provided in K.S.A. 19-4001 et seq., and amendments thereto, nonprofit community facility for people with intellectual disability, as provided in K.S.A. 19-4001 et seq., and amendments thereto, or nonprofit independent living agency, as defined in K.S.A. 65-5101, and amendments thereto, as qualified to participate in the state health care benefits program, each local governmental entity, public school district, licensed child care facility operated by a not-for-profit corporation providing residential group foster care for children and receiving reimbursement for all or part of such care from the department of social and rehabilitation services Kansas department for children and families, nonprofit community mental health center, as provided in K.S.A. 19-4001 et seq., and amendments thereto, nonprofit community facility for people with intellectual disability, as provided in K.S.A. 19-4001 et seq., and amendments thereto, or nonprofit independent living agency, as defined in K.S.A. 65-5101, and amendments thereto, which has on its payroll persons participating in the state health care benefits program

shall pay from any moneys available to the local governmental entity, public school district, licensed child care facility operated by a not-for-profit corporation providing residential group foster care for children and receiving reimbursement for all or part of such care from the department of social and rehabilitation services Kansas department for children and families, nonprofit community mental health center, as provided in K.S.A. 19-4001 et seq., and amendments thereto, nonprofit community facility for people with intellectual disability, as provided in K.S.A. 19-4001 et seq., and amendments thereto, or nonprofit independent living agency, as defined in K.S.A. 65-5101, and amendments thereto, for such purpose an amount specified by the commission. The commission may charge each local governmental entity, public school district, licensed child care facility operated by a not-for-profit corporation providing residential group foster care for children and receiving reimbursement for all or part of such care from the department of social and rehabilitation services Kansas department for children and families, nonprofit community mental health center, as provided in K.S.A. 19-4001 et seq., and amendments thereto, nonprofit community facility for people with intellectual disability, as provided in K.S.A. 19-4001 et seq., and amendments thereto, or nonprofit independent living agency, as defined in K.S.A. 65-5101, and amendments thereto, a uniform amount per person as the cost to the local governmental entity, public school district, licensed child care facility operated by a not-for-profit corporation providing residential group foster care for children and receiving reimbursement for all or part of such care from the department of social and rehabilitation services Kansas department for children and families, nonprofit community mental health center, as provided in K.S.A. 19-4001 et seq., and amendments thereto, nonprofit community facility for people with intellectual disability, as provided in K.S.A. 19-4001 et seq., and amendments thereto, or nonprofit independent living agency, as defined in K.S.A. 65-5101, and amendments thereto, for the contribution of the local governmental entity, public school district, licensed child care facility operated by a not-for-profit corporation providing residential group foster care for children and receiving reimbursement for all or part of such care from the department of social and rehabilitation services Kansas department for children and families, nonprofit community mental health center, as provided in K.S.A. 19-4001 et seq., and amendments thereto, nonprofit community facility for people with intellectual disability, as provided in K.S.A. 19-4001 et seq., and amendments thereto, or nonprofit independent living agency, as defined in K.S.A. 65-5101, and amendments thereto, for persons participating in the state health care benefits program. Such amounts may include the costs of administering the program.

(b) Payments from public funds for coverage under the state health care benefits program for persons participating in that program shall not be deemed a payment or supplement of wages of such person notwithstanding any other provision of law or rules and regulations relating to wages of any such person.

Sec. 403 K.S.A. 2013 Supp. 75-7023 is hereby amended to read as follows: 75-7023. (a) The supreme court through administrative orders shall provide for the establishment of a juvenile intake and assessment system and for the establishment and operation of juvenile intake and assessment programs in each judicial district. On and after July 1, 1997, the secretary of social and rehabilitation services for children and families may contract with the commissioner of juvenile justice to provide for the juvenile intake and assessment system and programs for children in need of care.

Except as provided further, on and after July 1, 1997, the commissioner of juvenile justice shall promulgate rules and regulations for the juvenile intake and assessment system and programs concerning juvenile offenders. If the commissioner contracts with the office of judicial administration to administer the juvenile intake and assessment system and programs concerning juvenile offenders, the supreme court administrative orders shall be in force until such contract ends and the rules and regulations concerning juvenile intake and assessment system and programs concerning juvenile offenders have been adopted.

(b) No records, reports and information obtained as a part of the juvenile intake and assessment process may be admitted into evidence in any proceeding and may not be used in a child in need of care proceeding except for diagnostic and referral purposes and by the court in considering dispositional alternatives. However, if the records, reports or information are in regard to abuse or neglect, which is required to be reported under K.S.A. 2013 Supp. 38-2223, and amendments thereto, such records, reports or information may then be used for any purpose in a child in need of care proceeding pursuant to the revised Kansas code for care of children.

(c) Upon a juvenile being taken into custody pursuant to K.S.A. 2013 Supp. 38-2330, and amendments thereto, a juvenile intake and assessment worker shall complete the intake and assessment process as required by supreme court administrative order or district court rule prior to July 1, 1997, or except as provided above rules and regulations established by the commissioner of juvenile justice on and after July 1, 1997.

(d) Except as provided in subsection (g) and in addition to any other information required by the supreme court administrative order, the secretary, the commissioner or by the district court of such district, the juvenile intake and assessment worker shall collect the following information:

- (1) A standardized risk assessment tool, such as the problem oriented screening instrument for teens;
- (2) criminal history, including indications of criminal gang involvement;
- (3) abuse history;
- (4) substance abuse history;
- (5) history of prior community services used or treatments provided;
- (6) educational history;
- (7) medical history; and
- (8) family history.

(e) After completion of the intake and assessment process for such child, the intake and assessment worker may:

(1) Release the child to the custody of the child's parent, other legal guardian or another appropriate adult if the intake and assessment worker believes that it would be in the best interest of the child and it would not be harmful to the child to do so.

(2) Conditionally release the child to the child's parent, other legal guardian or another appropriate adult if the intake and assessment worker believes that if the conditions are met, it would be in the child's best interest to release the child to such child's parent, other legal guardian or another appropriate adult; and the intake and assessment worker has reason to believe that it might be harmful to the child to release the child to such child's parents, other legal guardian or another appropriate adult without imposing the conditions. The conditions may include, but not be limited to:

- (A) Participation of the child in counseling;
- (B) participation of members of the child's family in counseling;
- (C) participation by the child, members of the child's family and other relevant persons in mediation;
- (D) provision of inpatient treatment for the child;
- (E) referral of the child and the child's family to the secretary of social and rehabilitation services for children and families for services and the agreement of the child and family to accept and participate in the services offered;
- (F) referral of the child and the child's family to available community resources or services and the agreement of the child and family to accept and participate in the services offered;
- (G) requiring the child and members of the child's family to enter into a behavioral contract which may provide for regular school attendance among other requirements; or
- (H) any special conditions necessary to protect the child from future abuse or neglect.

(3) Deliver the child to a shelter facility or a licensed attendant care center along with the law enforcement officer's written application. The shelter facility or licensed attendant care facility shall then have custody as if the child had been directly delivered to the facility by the law enforcement officer pursuant to K.S.A. 2013 Supp. 38-2232, and amendments thereto.

(4) Refer the child to the county or district attorney for appropriate proceedings to be filed or refer the child and family to the secretary of social and rehabilitation services for children and families for investigations in regard to the allegations.

(5) Make recommendations to the county or district attorney concerning immediate intervention programs which may be beneficial to the juvenile.

(f) The commissioner may adopt rules and regulations which allow local juvenile intake and assessment programs to create a risk assessment tool, as long as such tool meets the mandatory reporting requirements established by the commissioner.

(g) Parents, guardians and juveniles may access the juvenile intake and assessment programs on a voluntary basis. The parent or guardian shall be responsible for the costs of any such program utilized.

Sec. 404. K.S.A. 2013 Supp. 75-7302 is hereby amended to read as follows: 75-7302. (a) The secretary of aging for aging and disability services and the state long-term care ombudsman shall enter into agreements for the provision of financial assistance to the office by the department on aging Kansas department for aging and disability services from available state and federal funds of the department on aging Kansas department for aging and disability services. This financial assistance shall be to assist the office of the state long-term care ombudsman to provide ombudsman services in accordance with the long-term care ombudsman act, applicable federal programs and the provisions of this section.

(b) Subject to the provisions of appropriation acts, the secretary of aging for aging and disability services and the department on aging Kansas department for aging and disability services shall continue to provide financial assistance for the office of the state long-term care ombudsman in an aggregate amount of not less than the aggregate of the amounts provided during the fiscal year ending June 30, 1998, appropriately adjusted for increases attributable to inflation and other applicable factors.

(c) For the fiscal year ending June 30, 2000, and for each fiscal year thereafter, the

secretary of aging for aging and disability services shall include in the budget estimate prepared and submitted to the division of the budget for the department on aging Kansas department for aging and disability services under K.S.A. 75-3717, and amendments thereto, in addition to other amounts included in such budget estimate for the department on aging Kansas department for aging and disability services, amounts to be provided to the office of the state long-term care ombudsman during such fiscal year pursuant to this section. The amounts included in each such budget estimate to be provided to the office of the state long-term care ombudsman shall include amounts to be appropriated from moneys provided to the department on aging Kansas department for aging and disability services under the federal older Americans act, 42 U.S.C. § 3001 et seq., and amendments thereto, or other federal programs for the aging or from other moneys of the department on aging Kansas department for aging and disability services. In no case shall the aggregate of the amounts included in any such budget estimate of the department on aging Kansas department for aging and disability services, that are to be provided to the office of the state long-term care ombudsman, be less than the aggregate of all moneys provided during the fiscal year ending June 30, 1998, by the department on aging Kansas department for aging and disability services for the office of the state long-term care ombudsman from appropriations to the department on aging Kansas department for aging and disability services, including moneys received under the federal older Americans act, 42 U.S.C. § 3001 et seq., and amendments thereto, or under any other federal programs for the aging. The aggregate amounts included in each such budget estimate of the department on aging Kansas department for aging and disability services, that are to be provided to the office of the state long-term care ombudsman, shall be adjusted appropriately for increases attributable to inflation and other applicable factors.

Sec. 405. K.S.A. 2013 Supp. 75-7306 is hereby amended to read as follows: 75-7306. The state long-term care ombudsman shall be an advocate of residents in facilities throughout the state. The state long-term care ombudsman shall:

(a) Investigate and resolve complaints made by or on behalf of the residents relating to action, inaction or decisions of facilities or the representatives of facilities, or both, except that all complaints of abuse, neglect or exploitation of a resident shall be referred to the secretary of aging for aging and disability services in accordance with provisions of K.S.A. 39-1401 et seq., and amendments thereto;

(b) develop continuing programs to inform residents, their family members or other persons responsible for residents regarding the rights and responsibilities of residents and such other persons;

(c) provide the legislature and the governor with an annual report containing data, findings and outcomes regarding the types of problems experienced and complaints received by or on behalf of residents and containing policy, regulatory and legislative recommendations to solve such problems, resolve such complaints and improve the quality of care and life in facilities and shall present such report and other appropriate information and recommendations to the senate committee on public health and welfare, the senate committee on ways and means, the house of representatives committee on health and human services and the house of representatives committee on appropriations during each regular session of the legislature;

(d) analyze and monitor the development and implementation of federal, state and local government laws, rules and regulations, resolutions, ordinances and policies with

respect to long-term care facilities and services provided in this state, and recommend any changes in such laws, regulations, resolutions, ordinances and policies deemed by the office to be appropriate;

(e) provide information and recommendations directly to news media representatives, public agencies, legislators and others, as deemed necessary by the office, regarding the problems and concerns of residents in facilities, including recommendations related thereto, except that the state long-term care ombudsman shall give the information or recommendations to any directly affected parties or their representatives before providing such information or recommendations to news media representatives;

(f) prescribe and provide for the training of each regional long-term care ombudsman and any individual designated as an ombudsman under subsection (h) of this section, and any individual who is an ombudsman volunteer in (1) federal, state and local laws, rules and regulations, resolutions, ordinances and policies with respect to facilities located in Kansas, (2) investigative techniques, and (3) such other matters as the state long-term care ombudsman deems appropriate;

(g) coordinate ombudsman services provided by the office with the protection and advocacy systems for individuals with developmental disabilities and mental illness established under part A of the federal developmental disabilities assistance and bill of rights act, 42 U.S.C.A. § 6001 et seq., and under the federal protection and advocacy for mentally ill individuals act of 1986, public law 99-316;

(h) authorize an individual, who is an employee of the office and who has satisfactorily completed the training prescribed by the state long-term care ombudsman under subsection (f), to be an ombudsman or a volunteer ombudsman and to be a representative of the office and such an authorized individual shall be deemed to be a representative of the office for the purposes of and subject to the provisions of the long-term care ombudsman act;

(i) establish and maintain a system to recruit and train individuals to become volunteer ombudsmen;

(j) develop and implement procedures for authorizing and for withdrawing the authorization of individuals to be ombudsmen or volunteer ombudsmen to represent the office in providing ombudsmen services;

(k) provide services to residents of facilities throughout the state directly or through service providers to meet needs for ombudsmen services;

(l) collaborate with the department of social and rehabilitation services and the department on aging Kansas department for aging and disability services to establish a statewide system to collect and analyze information on complaints and conditions in facilities; and

(m) perform such other duties and functions as may be provided by law.

Sec. 406. K.S.A. 2013 Supp. 75-7310 is hereby amended to read as follows: 75-7310. All information, records and reports received by or developed by an ombudsman or a volunteer ombudsman which relate to a resident of a facility, including written material identifying a resident or other complainant, are confidential and not subject to the provisions of K.S.A. 45-215 to 45-226, inclusive, and amendments thereto, and shall not be disclosed or released by an ombudsman or a volunteer ombudsman, either by name of the resident or other complainant or of facts which allow the identity of the resident or other complainant to be inferred, except upon the order of a court or unless

the resident or the resident's legal representative or other complainant consents in writing to such disclosure or release by an ombudsman or a volunteer ombudsman, except the state long-term care ombudsman shall forward to the secretary of aging for aging and disability services copies of reports received by the state long-term care ombudsman relating to the health and safety of residents. A summary report and findings shall be forwarded to the facility, exclusive of information or material that identifies residents or any other individuals.

Sec. 407. K.S.A. 2013 Supp. 75-7311 is hereby amended to read as follows: 75-7311. An ombudsman shall have access to all records and documents kept by the department of health and environment, the department of social and rehabilitation services Kansas department for children and families and the department on aging Kansas department for aging and disability services which relate to facilities and concern the following matters: (a) Licensure of facilities; (b) certification of facilities; (c) public funding reimbursement for care of residents of facilities; (d) utilization and medical review records; and (e) complaints regarding care of residents of facilities. The provisions of this sections shall not apply to a volunteer ombudsman.

Sec. 408. K.S.A. 2013 Supp. 75-7405 is hereby amended to read as follows: 75-7405. (a) The department of health and environment is responsible for the development of a statewide health policy agenda including health care and health promotion components. The department of health and environment shall report to the legislature at the beginning of the regular session of the legislature in 2007 and at the beginning of each regular legislative session thereafter. The report of the department of health and environment to the legislature shall include recommendations for implementation of the health policy agenda recommended by the department. The department of health and environment shall develop or adopt health indicators and shall include baseline and trend data on the health costs and indicators in each annual report to the legislature. In accordance with the provisions of this act and the provisions of appropriation acts, the department of health and environment shall assume powers, duties and functions in accordance with the provisions of this act.

(b) The department of health and environment shall assume the functions of the health care data governing board and the functions of the department of social and rehabilitation services Kansas department for children and families under the Kansas business health partnership act, as provided by this act.

(c) The department of health and environment shall assume operational and purchasing responsibility for: (1) The regular medical portion of the state medicaid program,; (2) the MediKan program,; (3) the state children's health insurance program as provided in K.S.A. 38-2001 et seq., and amendments thereto,; (4) the working healthy portion of the ticket to work program under the federal work incentive improvement act and the medicaid infrastructure grants received for the working healthy portion of the ticket to work program,; (5) the medicaid management information system (MMIS),; (6) the restrictive drug formulary, the drug utilization review program, including oversight of the medicaid drug utilization review board, and the electronic claims management system as provided in K.S.A. 39-7,116 through 39-7,121 and K.S.A. 2013 Supp. 39-7,121a through 39-7,121e, and amendments thereto,; (7) the state health care benefits program as provided in K.S.A. 75-6501 through 75-6523, and amendments thereto,; and (8) the state workers compensation self-insurance fund and program as provided in K.S.A. 44-575 through 44-580, and amendments

thereto.

(d) The department of health and environment shall submit to the legislature recommendations and an implementation plan for the transfer of additional medicaid-funded programs to the department of health and environment which may include: (1) Mental health services,; (2) home and community-based services (HCBS) waiver programs,; (3) nursing facilities,; (4) substance abuse prevention and treatment programs,; and (5) the institutions, as defined in K.S.A. 76-12a01, and amendments thereto.

(e) The department of health and environment shall submit to the legislature recommendations and an implementation plan for the department of health and environment to assume responsibility for health care purchasing functions within additional state agencies, which may include: (1) The department on aging, Kansas department for aging and disability services; (2) the department of education for local education agencies,; (3) the juvenile justice authority and the juvenile correctional institutions and facilities thereunder,; and (4) the department of corrections and the correctional institutions and facilities thereunder.

Sec. 409. K.S.A. 76-170 is hereby amended to read as follows: 76-170. All persons receiving service or treatment from the state hospitals, state hospitals and training centers and the Kansas neurological institute, but which persons are not admitted thereto as regular inpatients but who receive outpatient evaluation, care and treatment shall pay such charge for said outpatient evaluation, care or treatment at such rates and in such amounts as the secretary of social and rehabilitation for aging and disability services shall determine. The secretary of social and rehabilitation for aging and disability services is hereby authorized and empowered to fix any reasonable rate, not to exceed the actual cost, for which a charge may be made for the evaluation, care and treatment of persons or patients on an outpatient basis at said such institutions. The secretary of social and rehabilitation for aging and disability services is hereby authorized to recover from the patient or from his or her the patient's estate or from the spouses of outpatients, or from parents whose minor children are outpatients or from any person bound by law to support such outpatient, the charges for the services provided by this act. Demand, where necessary, and payment for the evaluation, care and treatment of any outpatient shall be made at the rates to be fixed under this act, and shall be collected and recovered from the outpatient or from his or her the outpatient's estate or from any person bound by law to support such outpatient in like manner as provided by K.S.A. 59-2006, and any amendments thereto.

Sec. 410. K.S.A. 76-175 is hereby amended to read as follows: 76-175. (a) The person designated under K.S.A. 76-173, and amendments thereto, may invest the moneys of each trust fund in one or more certificates of deposit at a bank, savings and loan association or federally chartered savings bank, which bank, association or savings bank is insured by the federal government or an agency thereof, or invest in shares in a credit union which is insured with an insurer or guarantee corporation as required under K.S.A. 17-2246, and amendments thereto, and is designated by the pooled money investment board, except such money shall be subject to withdrawal within six months of date of placing on interest. The moneys so deposited shall continue to be a part of the trust fund from which the money originates.

(b) Interest earned on moneys invested under this section shall be regularly prorated according to procedures approved by the director of accounts and reports and

credited to the individual patient, inmate or other account on the basis of the amount of money each patient, inmate or other person has in the trust fund.

(c) Notwithstanding the provision in this section for proration of interest to individual accounts, such interest may instead be allocated to the benefit fund of the institution under procedures specified by the director of accounts and reports if such an allocation is authorized under a letter of agreement to the secretary of social and rehabilitation services for children and families or the secretary for aging and disability services, as applicable, from the federal social security administrator and filed with the director of accounts and reports.

Sec. 411. K.S.A. 76-317 is hereby amended to read as follows: 76-317. The bureau shall have its administrative offices at the university of Kansas, but it may receive the aid and cooperation of the staff, equipment and research students of any school, hospital or institution in the state, to the extent that such aid and cooperation may be offered by these various schools, hospitals and institutions and insofar as such aid and cooperation may be useful to the bureau. Upon the request of the secretary of social and rehabilitation for aging and disability services, the bureau may assist in the administration or operation of any institution within the Kansas department of social and rehabilitation for aging and disability services.

Sec. 412 K.S.A. 2013 Supp. 76-375 is hereby amended to read as follows: 76-375. On or before December 31 in each year, the secretary of health and environment, shall prepare a list of the areas of this state which the secretary determines to be medically underserved areas. In preparing such a list, the portion of time of persons engaged in the practice of medicine and surgery at any institution under the jurisdiction and control of the secretary of social and rehabilitation for aging and disability services shall not be included in determining whether an area is medically underserved. Every such list shall note that all state medical care facilities or institutions qualify for such service commitments, in addition to listing those areas determined to be medically underserved. Medically underserved areas established prior to the effective date of this act by the chancellor of the university of Kansas, or the designee of the chancellor, shall continue in effect until changed by the secretary of health and environment.

Sec. 413. K.S.A. 2013 Supp. 76-381 is hereby amended to read as follows: 76-381. As used in K.S.A. 76-380 through 76-386, and amendments thereto:

- (a) "Act" means the medical student loan act;
- (b) "approved postgraduate residency training program" means a residency training program in general pediatrics, general internal medicine, family medicine, family practice, emergency medicine or fellowship training in geriatric medicine;
- (c) "service commitment area" means: (1) Any community within any county in Kansas other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte county,; (2) any state medical care facility or institution,; (3) any medical center operated by the veterans administration of the United States, or; (4) the full-time faculty of the university of Kansas school of medicine in family medicine or family practice; or (5) any community within Wyandotte county for purposes of any practice obligation under an agreement entered into by a person who is enrolled for the first time after July 1, 2004, in a course of study leading to the medical degree; and
- (d) "state medical care facility or institution" includes, but is not limited to, the Kansas state school for the visually handicapped, the Kansas state school for the deaf, any institution under the secretary of social and rehabilitation for aging and disability

services, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, any institution under the commissioner of juvenile justice as defined by K.S.A. 2013 Supp. 38-2302, and amendments thereto, the Kansas soldiers' home, the Kansas veterans' home and any correctional institution under the secretary of corrections, as defined by subsection (d) of K.S.A. 75-5202, and amendments thereto, but shall not include any state educational institution under the state board of regents, as defined by subsection (a) of K.S.A. 76-711, and amendments thereto, except as specifically provided by statute.

Sec. 414. K.S.A. 76-1237 is hereby amended to read as follows: 76-1237. The department of social and rehabilitation Kansas department for aging and disability services, subject to the approval of the governor, is hereby authorized to enter into a contract with the said city of Osawatomie for supplying water for domestic purposes, at a reasonable rate, for use at the state hospital at Osawatomie.

Sec. 415. K.S.A. 2013 Supp. 76-12a01 is hereby amended to read as follows: 76-12a01. As used in this act, unless the context otherwise requires:

(a) "Secretary" means the secretary of social and rehabilitation for aging and disability services.

(b) "Institution" means the following institutions: Osawatomie state hospital, Rainbow mental health facility, Larned state hospital, Parsons state hospital and training center, and Kansas neurological institute.

(c) "Director" or "commissioner" means the commissioner of mental health and developmental disabilities community services and programs.

Sec. 416. K.S.A. 2013 Supp. 76-12a08 is hereby amended to read as follows: 76-12a08. (a) Whenever any money is granted or given by any person, firm, corporation or association, or by the United States or any department, instrumentality or agency thereof, to any institution, the state, the secretary or the division of mental health and developmental disabilities, which money is granted or given for a specific use or purpose, the secretary, the institution, the state or the division of mental health and developmental disabilities, may accept or reject any such grant or gift and may enter into contracts or agreements necessary or expedient to the acceptance or management of the grant or gift. Any grant or gift so accepted and the program therefor shall be known as a special project.

(b) The secretary and superintendent of each institution shall remit all moneys received by or for either of them, for any special project 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 other federal grants and assistance fund of the department of social and rehabilitation Kansas department for aging and disability services.

(c) All persons having professional, technical or unusual qualifications employed for any special project, including the director of each special project, shall be appointed by the director (or the superintendent of the institution when so designated by the director) and shall be in the unclassified service of the Kansas civil service act and shall receive salaries fixed by the secretary and approved by the state finance council. Other special projects personnel shall be in the classified service of the Kansas civil service act.

Sec. 417. K.S.A. 2013 Supp. 76-12a10 is hereby amended to read as follows: 76-

12a10. (a) Whenever medical information is requested relating to a patient or former patient of any institution under the secretary of social and rehabilitation for aging and disability services, and the disclosure of such information is authorized in accordance with K.S.A. 59-2969, and amendments thereto, or in accordance with K.S.A. 65-5601 to 65-5605, inclusive, and amendments thereto, as applicable, the superintendent of the institution may authorize the release of a copy of a report of such information upon payment of any fees required under this section.

(b) The secretary of social and rehabilitation for aging and disability services shall specify the form or forms of release to be used for the purpose of this section and may specify public officers to which such information may be given without provision of a release or payment of fees, or both. The secretary of social and rehabilitation for aging and disability services shall adopt rules and regulations for the administration of this section and for establishment of fees to be charged for copies of reports of information under this section, and specifying when no fee shall be charged. The fees fixed for copies of reports of information shall be fixed by the secretary of social and rehabilitation for aging and disability services in amounts approved by the director of accounts and reports under K.S.A. 45-204, and amendments thereto.

(c) The superintendent of each institution shall remit all moneys received by or for the superintendent from fees and charges under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the fee fund of the remitting institution.

Sec. 418. K.S.A. 76-12a16 is hereby amended to read as follows: 76-12a16. The secretary of social and rehabilitation for aging and disability services may authorize any superintendent to employ security police officers at the institution of which such person is superintendent. All such security police officers shall be in the classified service of the Kansas civil service act. Such security police officers are hereby vested with the power and authority of peace, police and law enforcement officers anywhere within the county in which the institution is located for which the security police officer is employed, when wearing and publicly displaying the badge of office prescribed hereunder. The secretary shall adopt rules and regulations prescribing the badge of office of security police officers at institutions and when and where any such badge may be displayed. Within the limitations of this act and any such rules and regulations, the superintendent of each institution, with the approval of the director, shall direct and supervise the activities of security police officers at the institution of which such person is superintendent. In accordance with this act, such rules and regulations and such direction and supervision, security police officers shall enforce state laws, rules and regulations of the secretary, policies applicable to the institution and city ordinances. The power of arrest of a security police officer shall extend to the state laws and city ordinances the security police officer is directed to enforce.

Sec. 419. K.S.A. 76-12a17 is hereby amended to read as follows: 76-12a17. No person employed by the secretary of social and rehabilitation for aging and disability services shall receive a permanent appointment as a security police officer as authorized by K.S.A. 76-12a16, and amendments thereto, unless such person has been awarded a certificate by the secretary of corrections attesting to such person's satisfactory completion of a basic course of instruction specified by the secretary of social and rehabilitation for aging and disability services and the secretary of corrections. Such

certificate shall be awarded only following verification of completion of the training provided by both departments. Such certificate shall be effective during the term of a person's employment, except that any person who has terminated employment with the secretary of social and rehabilitation for aging and disability services for a period exceeding one year shall be required to be certified again.

Sec. 420. K.S.A. 76-12a22 is hereby amended to read as follows: 76-12a22. As used in this act: (a) "Substance abuse program" means a program for the treatment or care of substance abusers.

(b) "Substance abuser" means: (1) Any alcoholic, intoxicated person or person incapacitated by alcohol, as such terms are defined in K.S.A. 65-4003, and amendments thereto; or (2) any drug abuser as such term is defined in K.S.A. 65-4602, and amendments thereto; or (3) any combination of (1) and (2).

(c) "Care or treatment" means such necessary services as are determined by the secretary to be in the best interests of the physical and mental health of a substance abuser.

(d) "State institution" means any institution within the department of social and rehabilitation Kansas department for aging and disability services.

(e) "Secretary" means the secretary of social and rehabilitation for aging and disability services.

Sec. 421. K.S.A. 76-12a30 is hereby amended to read as follows: 76-12a30. (a) As used in K.S.A. 76-12a30 to 76-12a34, inclusive, and amendments thereto:

(1) "Secretary" means the secretary of social and rehabilitation for aging and disability services;

(2) "department" means the department of social and rehabilitation Kansas department for aging and disability services; and

(3) "institution" means any institution within the department.

(b) Unless the context requires otherwise, terms defined in K.S.A. 65-4003, 65-4602 and 65-5201, and amendments thereto, shall have the same meaning when used in K.S.A. 76-12a30 to 76-12a34, inclusive, and amendments thereto, as is specified in such sections.

Sec. 422. K.S.A. 2013 Supp. 76-12b01 is hereby amended to read as follows: 76-12b01. When used in this act:

(a) "Adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of that person's age, cultural group and community.

(b) "Care" means supportive services, including, but not limited to, provision of room and board, supervision, protection, assistance in bathing, dressing, grooming, eating and other activities of daily living.

(c) "Institution" means a state institution for people with intellectual disability including the following institutions: Kansas neurological institute, and Parsons state hospital and training center and Winfield state hospital and training center.

(d) "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the period from birth to age 18.

(e) "Respite care" means temporary, short-term care not exceeding 90 days per calendar year to provide relief from the daily pressures involved in caring for a person with intellectual disability.

(f) "Restraint" means the use of a totally enclosed crib or any material to restrict or inhibit the free movement of one or more limbs of a person except medical devices which limit movement for examination, treatment or to insure the healing process.

(g) "Seclusion" means being placed alone in a locked room where the individual's freedom to leave is thereby restricted and where such placement is not under continuous observation.

(h) "Secretary" means the secretary of social and rehabilitation for aging and disability services or the designee of the secretary.

(i) "Significantly subaverage general intellectual functioning" means performance which is two or more standard deviations from the mean score on a standardized intelligence test specified by the secretary.

(j) "Superintendent" means the chief administrative officer of the institution or the designee of the chief administrative officer.

(k) "Training" means the provision of specific environmental, physical, mental, social and educational interventions and therapies for the purpose of halting, controlling or reversing processes that cause, aggravate or complicate malfunctions or dysfunctions of development.

Sec. 423. K.S.A. 2013 Supp. 76-1305 is hereby amended to read as follows: 76-1305. The secretary of social and rehabilitation for aging and disability services is authorized and directed to establish, equip and maintain, in connection with and as a part of the Larned state hospital, suitable buildings to be known as the "state security hospital" for the purpose of holding in custody, examining, treating and caring for such mentally ill persons as may be committed or ordered to the state security hospital by courts of criminal jurisdiction or inmates with mental illness who are transferred for care or treatment to the state security hospital from a correctional institution under the control of the secretary of corrections, or patients with a mental illness, other than minors, who are transferred for care or treatment to the state security hospital from any institution under the jurisdiction of the secretary of social and rehabilitation for aging and disability services. The secretary of social and rehabilitation for aging and disability services is hereby authorized and empowered to supervise and manage the state security hospital. The superintendent of the Larned state hospital shall act as the superintendent of the state security hospital.

Sec. 424. K.S.A. 2013 Supp. 76-1306 is hereby amended to read as follows: 76-1306. The secretary of social and rehabilitation for aging and disability services may transfer any patient, other than a minor, in any institution under the supervision of the secretary to the state security hospital whenever the secretary determines that such patient is suffering from a mental illness and when the secretary determines that: (1) Due to the behavior of the patient, the patient is a danger to the other patients in the institution; (2) that the patient is a security risk; or (3) that the patient is charged or convicted of felony crimes and, therefore, is unable to receive proper care or treatment in a facility other than the state security hospital. Any patient transferred to the state security hospital under this section shall be assigned quarters separate from those individuals who have been transferred from penal institutions or committed thereto by courts under the Kansas code of criminal procedure.

Sec. 425. K.S.A. 2013 Supp. 76-1307 is hereby amended to read as follows: 76-1307. (a) Any patient transferred to the state security hospital by the secretary of social and rehabilitation for aging and disability services from an institution under the

supervision of the secretary of social and rehabilitation for aging and disability services shall: (1) Be assigned quarters separate from those individuals who have been transferred from correctional institutions or committed to the state security hospital by courts pursuant to the Kansas code of criminal procedure; and (2) remain subject to the same statutory provisions applicable to the patient at the institution from which the patient was transferred and in addition shall abide by and be subject to all the rules and regulations of the state security hospital not inconsistent with such statutory provisions.

(b) The next of kin and guardian, if one has been appointed, of the patient transferred to the state security hospital by the secretary of social and rehabilitation for aging and disability services under K.S.A. 76-1306, and amendments thereto, shall be notified of the transfer. If the patient was committed to the sending institution by a court, notice of the transfer shall be sent to the committing court. The notice of transfer shall be given within a reasonable time after the date of the transfer.

Sec. 426. K.S.A. 76-1528 is hereby amended to read as follows: 76-1528. (a) From and after October 1, 1975, the southeast Kansas tuberculosis hospital shall cease to function as an institution of this state for the care and treatment of tuberculosis patients. All patients receiving care or treatment at such hospital on the effective date of this act shall be transferred to a medical care facility qualified to treat persons infected with tuberculosis as provided by K.S.A. 65-116j, and amendments thereto.

(b) All medical records of each patient receiving care or treatment at the southeast Kansas tuberculosis hospital immediately prior to the effective date of this act shall be transferred to the medical care facility to which such patient is transferred. All medical records of former patients of the southeast Kansas tuberculosis hospital shall be transferred to the secretary of health and environment.

(c) The secretary of social and rehabilitation services for children and families shall continue to be in charge of the premises, facilities, installations and equipment at the southeast Kansas tuberculosis hospital and shall provide for the preservation, maintenance, upkeep and use thereof, until otherwise provided by law.

Sec. 427. K.S.A. 76-17a10 is hereby amended to read as follows: 76-17a10. The Rainbow unit of the Osawatomie state hospital is hereby established as a separate state institution which shall be designated and known as the Rainbow mental health facility. The Rainbow mental health facility shall be operated and managed within the division of mental health and developmental disabilities community services and programs of the department of social and rehabilitation Kansas department for aging and disability services and in accordance with the laws and rules and regulations governing the other state institutions under the jurisdiction of such division. In accordance with rules and regulations adopted by the secretary of social and rehabilitation for aging and disability services under K.S.A. 76-12a07, and amendments thereto, any person who is a resident of this state and who is in need of the services provided by the Rainbow mental health facility shall be eligible for admission to such facility.

Sec. 428. K.S.A. 76-17c07 is hereby amended to read as follows: 76-17c07. The secretary of social and rehabilitation for aging and disability services, with or without receiving direct monetary consideration therefor, may enter into a lease agreement with the city of Topeka, Kansas, for not to exceed ten (10) 10 years in duration and with five-year renewal terms thereafter to lease for park and recreational purposes, together with such other restrictions as to use that the secretary deems necessary, a part of the property known as the "Kansas neurological institute," described as follows: A part of

section 11, township 12 south, range 15, east of the 6th P.M. in Shawnee county, Kansas, described more specifically as follows: Beginning at a point on the west line of said section which is 1314 feet south of the northwest corner of the southwest quarter of section 11, township 12, range 15 east; thence north 89 degrees 09'47" east 2319.19 feet; thence north 165 feet; thence north 89 degrees 09' 47" east 1625.56 feet to the center line of Shunganunga creek; thence southerly and westerly along the center line of said creek following the meanderings thereof to a point on the west line of said section which is 1724 feet south of the northwest corner of the southwest quarter of said section; thence north along the west line of said section a distance of 410 feet to the place of beginning containing 72 acres more or less.

Sec. 429. K.S.A. 2013 Supp. 76-17c08 is hereby amended to read as follows: 76-17c08. (a) The secretary of social and rehabilitation for aging and disability services shall convey to the Topeka association for retarded citizens, inc. the following described state properties adjacent to the Kansas neurological institute, all in the city of Topeka, Shawnee County, Kansas, described as follows: A tract of land in the west half of the southeast quarter of section 11, township 12 south, range 15 east of the 6th P.M. beginning at the southeast corner of the west half of the northeast quarter; thence coincident with the east line of the west half of said northeast quarter on azimuth 00 degrees 04 minutes 23 seconds, a distance of 50.00 feet to the point of beginning; thence continuing coincident with said east line on azimuth 00 degrees 04 minutes 23 seconds, a distance of 68.65 feet; thence leaving said east line on azimuth 268 degrees 52 minutes 11 seconds, a distance of 828.70 feet; thence on azimuth 244 degrees 46 minutes 18 seconds, a distance of 290.52 feet to a point on the south line of said northeast quarter; thence on azimuth 180 degrees 02 minutes 40 seconds, a distance of 461.03 feet; thence on azimuth 88 degrees 52 minutes 11 seconds, a distance of 1091.41 feet to the east line of the west half of the southeast quarter of said section 11; thence coincident with said east line on azimuth 00 degrees 02 minutes 40 seconds, a distance of 161.03 feet; thence leaving said east line on azimuth 268 degrees 52 minutes 11 seconds, a distance of 600.00 feet; thence on azimuth 00 degrees 02 minutes 40 seconds, a distance of 300.00 feet to a point on the north line of said southeast quarter; thence on azimuth 00 degrees 04 minutes 23 seconds, a distance of 50.00 feet; thence on azimuth 88 degrees 52 minutes 11 seconds, a distance of 600.00 feet to the point of beginning. The above tract contains 9.34 acres, more or less, and is subject to any public roads, easements, reservations, restrictions, covenants or conditions if any now of record. Such land shall be used for the care, education, training and treatment of retarded persons or other charitable purposes relating to health, education and welfare.

(b) The deed conveying the above-described land shall be approved by the attorney general and shall be executed by the secretary of social and rehabilitation for aging and disability services. Such deed shall provide that in the event the above-described land shall cease to be used for the purposes described in subsection (a) by the Topeka association for retarded citizens, inc., or its successors, then all right, title and interest in such land shall revert to the state of Kansas.

Sec. 430. K.S.A. 76-1936 is hereby amended to read as follows: 76-1936. (a) The commissioner of mental health and developmental disabilities community services and programs of the department of social and rehabilitation Kansas department for aging and disability services, with the approval of the secretary of social and rehabilitation for aging and disability services and the Kansas veterans' commission, may transfer

patients in the state hospitals at Topeka, Osawatomie and Larned and patients in the Rainbow mental health facility, and the Parsons state hospital and training center and the Winfield state hospital and training center who have served in the military or naval forces of the United States or whose husband, wife, father, son or daughter has served in the active military or naval service of the United States during any period of any war as defined in K.S.A. 76-1908, and amendments thereto, and was discharged or relieved therefrom under conditions other than dishonorable, to the Kansas soldiers' home. No patient who is such a mentally ill person, in the opinion of the commissioner of mental health and developmental disabilities, that because of such patient's illness such patient is likely to injure himself or others shall be so transferred to such Kansas soldiers' home, and no such patient shall be so transferred if such transfer will deny admission to persons entitled to admission under K.S.A. 76-1908, and amendments thereto, and rules and regulations promulgated thereunder. Persons so transferred shall not be considered as members of the Kansas soldiers' home but shall be considered as patients therein.

(b) All of the laws, rules and regulations relating to patients in the above-specified state hospitals and mental health facility shall be applicable to such patients so transferred insofar as the same can be made applicable. Any patient so transferred who is found to be or shall become such a mentally ill person, in the opinion of the commissioner of mental health and developmental disabilities, that because of such patient's illness such patient is likely to injure himself or others or who is determined to need additional psychiatric treatment, shall be retransferred by the superintendent of the Kansas soldiers' home, with the approval of the commissioner of mental health and developmental disabilities, to the institution from whence the patient was originally transferred.

Sec. 431. K.S.A. 78-101 is hereby amended to read as follows: 78-101. (a) Except as provided by subsection (b), no state or county officers, or their deputies, shall be taken as surety on the bond of any administrator, executor or other officer from whom bond is or may be required by law. No practicing attorney shall be taken on any official bond, or bond in any legal proceedings as aforesaid, in the district in which the attorney resides.

(b) The secretary of social and rehabilitation services for children and families, in the secretary's official capacity, shall act as surety on the bond of any conservator providing advocacy services to a conservatee under contract with the agency designated as the Kansas guardianship program established under K.S.A. 1997 Supp. 74-9601 to 74-9606, inclusive, and amendments thereto.

Sec. 432. K.S.A. 2013 Supp. 79-3221g is hereby amended to read as follows: 79-3221g. (a) For all tax years commencing after December 31, 2001, each Kansas state individual income tax return form shall contain a designation as follows:

Senior Citizen Meals on Wheels Contribution Program. 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 senior citizen meals on wheels contribution program pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the senior citizen nutrition check-off fund to be administered by the department of aging Kansas department for aging and disability services to provide financial assistance under the senior nutritional

program. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof to the state treasurer who shall credit the same to such fund. All expenditures from such fund shall be made in accordance with appropriation acts.

Sec. 433. K.S.A. 2013 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. 2013 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2013 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. 2013 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 Kansas department of wildlife, parks and tourism 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 children and families 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, K.S.A. 74-4901 et seq., and amendments thereto;

(13) (i) provide taxpayer information of persons suspected of violating K.S.A. 2013 Supp. 44-766, and amendments thereto, to the secretary of labor or such secretary's designee for the purpose of determining compliance by any person with the provisions of subsection (i)(3)(D) of K.S.A. 44-703 and K.S.A. 2013 Supp. 44-766, and

amendments thereto. The information to be provided shall include all relevant information in the possession of the department of revenue necessary for the secretary of labor to make a proper determination of compliance with the provisions of subsection (i)(3)(D) of K.S.A. 44-703 and K.S.A. 2013 Supp. 44-766, and amendments thereto, and to calculate any unemployment contribution taxes due. Such information to be provided by the department of revenue shall include, but not 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., and amendments thereto, and the results or status of such audit or investigation;

(ii) any person receiving tax information under the provisions of this paragraph shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality; and

(iii) each of the secretary of labor and the secretary of revenue may adopt rules and regulations necessary to effect the provisions of this paragraph;

(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; and

(15) after receipt of information pursuant to subsection (f), forward such information and provide the following reported Kansas individual income tax information for each listed defendant, if available, to the state board of indigents' defense services in an electronic format and in the manner determined by the secretary: (A) The defendant's name; (B) social security number; (C) Kansas adjusted gross income; (D) number of exemptions claimed; and (E) the relevant tax year of such records. Any social security number provided to the secretary and the state board of indigents' defense services pursuant to this section shall remain confidential.

(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) For the purpose of determining whether a defendant is financially able to employ legal counsel under the provisions of K.S.A. 22-4504, and amendments thereto, in all felony cases with appointed counsel where the defendant's social security number is accessible from the records of the district court, the court shall electronically provide the defendant's name, social security number, district court case number and county to the secretary of revenue in the manner and format agreed to by the office of judicial administration and the secretary.

(g) 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. 434. K.S.A. 2013 Supp. 79-32,200 is hereby amended to read as follows: 79-32,200. (a) There shall be allowed as a credit against the tax liability imposed under the Kansas income tax act of a person who has entered into an agreement with the secretary of social and rehabilitation services for children and families under K.S.A. 39-7,132, and amendments thereto, an amount equal to 70% of the amount of financial assistance paid by such person under K.S.A. 39-7,132, and amendments thereto, as certified by the secretary of social and rehabilitation services for children and families, of not to exceed the amount of financial assistance which would have been paid under the aid to families with dependent children program from state matching contributions, as certified by the secretary of social and rehabilitation services for children and families, if such person had not agreed to assume some financial support.

(b) An individual may not claim a tax credit under this section if a credit for child care and dependent care expenses was claimed on either the state or federal tax return, or if the individual receives payment for care of the person provided financial assistance.

(c) The credit allowed by this section shall not exceed the amount of tax imposed under the Kansas income tax act reduced by the sum of any other credits allowable pursuant to law.

(d) The provisions of this section shall be applicable to all taxable years commencing after December 31, 1993.

(e) For tax year 2013 2014 and all tax years thereafter, the income tax credit provided by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability.

Sec. 435. K.S.A. 2013 Supp. 79-4805 is hereby amended to read as follows: 79-4805. (a) There is hereby established in the state treasury the problem gambling and addictions grant fund. All moneys credited to such fund shall be used only for the awarding of grants under this section. Such fund shall be administered in accordance with this section and the provisions of appropriation acts.

(b) All expenditures from the problem gambling and addictions grant fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved in the manner prescribed by law.

(c) (1) There is hereby established a state grant program to provide assistance for the direct treatment of persons diagnosed as suffering from pathological gambling and to provide funding for research regarding the impact of gambling on residents of Kansas. Research grants awarded under this section may include, but need not be limited to, grants for determining the effectiveness of education and prevention efforts on the prevalence of pathological gambling in Kansas. All grants shall be made after open solicitation of proposals and evaluation of proposals against criteria established in rules and regulations adopted by the secretary of the department of social and rehabilitation Kansas department for aging and disability services. Both public and private entities shall be eligible to apply for and receive grants under the provisions of this section.

(2) Moneys in the problem gambling and addictions grant fund may be used to treat alcoholism, drug abuse and other addictive behaviors.

(d) The secretary of the department of social and rehabilitation for aging and disability services is hereby authorized to receive moneys from any grants, gifts, contributions or bequests made for the purpose of funding grants under this section and to expend such moneys for the purpose for which received.

(e) All grants made in accordance with this section shall be made from the problem gambling and addictions grant fund. The secretary shall administer the provisions of this section and shall adopt rules and regulations establishing criteria for qualification to receive grants and such other matters deemed necessary by the secretary for the administration of this section. Such rules and regulations shall include, but need not be limited to, a requirement that each recipient of a grant to provide treatment for pathological gamblers report at least annually to the secretary the grantee's measurable achievement of specific outcome goals.

(f) For the purpose of this section "pathological gambling" means the disorder by that name described in the most recent edition of the diagnostic and statistical manual.

(g) On the effective date of this act the director of accounts and reports shall transfer all moneys in the problem gambling grant fund to the problem gambling and addictions grant fund. Thereupon the problem gambling grant fund shall be and is hereby abolished.

Sec. 436. K.S.A. 12-736, 12-4808, 16-304, 16-311, 17-2264, 17-5829, 22-3723, 22a-243, 22a-244, 38-134, 38-320, 38-1808, 38-1817, 38-1819, 38-1820, 38-1821, 38-1822, 38-1901, 39-110, 39-111, 39-708c, 39-708d, 39-711a, 39-718b, 39-740, 39-744, 39-751, 39-753, 39-755, 39-758, 39-782, 39-783, 39-786, 39-787, 39-788, 39-7100, 39-7,100a, 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,109, 39-7,122, 39-7,123, 39-7,125, 39-7,127, 39-7,128, 39-7,130, 39-7,131, 39-7,139, 39-960, 39-1208, 39-1209, 39-1302, 39-1410, 39-1434, 39-1435, 39-1501, 39-1602, 39-1603, 39-1604, 39-1612, 39-1613, 39-1703, 39-1704, 39-1804, 40-2d02, 40-2256, 40-22a05, 40-3227, 59-2006, 59-2006b, 59-2006c, 59-2130, 59-2135, 59-2801, 59-2803, 59-2963, 59-2968, 59-2981, 59-29b57, 59-29b60, 59-29b63, 59-29b78, 59-29b81, 59-3065, 59-3067, 59-3070, 59-3080, 59-3094, 60-2204, 60-2310, 60-2401, 65-116i, 65-116j, 65-116k, 65-116l, 65-116m, 65-1,108, 65-1,120, 65-1,159, 65-1,162, 65-1,165, 65-507, 65-513, 65-2422b, 65-3507, 65-4432, 65-5101, 65-5902, 72-1046, 72-3608, 72-4311, 72-4314a, 72-4316, 72-8239, 72-8243, 72-89a02, 72-89b03, 74-5502, 74-5505, 74-6901, 74-6904, 74-7801, 75-2935c, 75-3303, 75-3303a, 75-3304, 75-3304a, 75-3307, 75-3315, 75-3323, 75-3328, 75-3337, 75-3338, 75-3339a, 75-3340, 75-3343a, 75-3347, 75-3354, 75-3728a, 75-5308e, 75-5309a, 75-5310, 75-5310a, 75-5313, 75-5316a, 75-5319, 75-5320, 75-5321, 75-5326, 75-5328a, 75-5343, 75-5344, 75-5345, 75-5365, 75-5371, 75-5375, 75-5376, 75-5381, 75-5382, 75-5383, 75-5386, 75-5391, 75-5393, 75-53,100, 75-5902, 75-5923, 75-5925, 75-5940, 75-5946, 75-5947, 75-5949, 75-5952, 75-5956, 76-170, 76-175, 76-317, 76-1237, 76-12a16, 76-12a17, 76-12a22, 76-12a30, 76-1528, 76-17a10, 76-17c07, 76-1936 and 78-101 and K.S.A. 2013 Supp. 8-255, 8-1008, 8-1567, 9-1216, 12-4509, 12-4516, 12-4516a, 16-312, 17-1762, 19-4001, 19-4007, 20-378, 20-380, 21-5413, 21-5914, 21-5927, as amended by section 2 of 2014 Senate Bill No. 271, 21-6602, 21-6614d, 21-6702, 21-6708, 22-2410, as amended by section 24 of 2014 Senate Substitute for House Bill No. 2338, 22-3302, 22-4612, 23-2202, 23-2203, 23-2204, 23-2209, 23-2212, 23-2213, 23-2219, 23-3102, 23-3109, 23-3113, 23-3114, 23-3121, 23-3210, 23-36,201, 23-36,310, 32-906, 32-918, 32-930, 38-143, 38-144, 38-2212, 38-2222, 38-2223, 38-2226, 38-2247, 38-2261, 38-2282, as amended by section 1 of 2014

House Bill No. 2577, 38-2286, 38-2304, 38-2310, 38-2312c, 38-2319, 38-2326, 38-2335, 38-2350, 38-2356, 38-2361, 39-717, 39-754, 39-756, 39-757, 39-760, 39-784, 39-785, 39-7,108, 39-7,129, 39-7,132, 39-7,134, 39-7,135, 39-7,138, 39-7,151, 39-7,155, 39-7,156, 39-7,157, 39-7,158, 39-7,159, 39-924, 39-926, 39-930, 39-935, 39-936, 39-938, 39-940, 39-944, 39-945, 39-946, 39-947, 39-947a, 39-948, 39-950, 39-951, 39-952, 39-953a, 39-954, 39-958, 39-961, 39-963, 39-965, 39-968, 39-969, 39-970, 39-971, 39-1002, 39-1202, 39-1402, 39-1404, 39-1405, 39-1406, 39-1407, 39-1408, 39-1409, 39-1411, 39-1430, 39-1431, 39-1432, 39-1433, 39-1436, 39-1443, 39-1803, 40-2,111, 40-2134, 40-4704, 41-2622, 44-508, 44-575, 44-577, 46-922, 46-2801, 59-2122, 59-2123, 59-2132, 59-2946, 59-2972, 59-2978, 59-29a02, 59-29a07, 59-29a11, 59-29a22, 59-29b46, 59-29b66, 59-3069, 60-1501, 60-2308, 65-1,246, 65-445, 65-503, 65-504, 65-506, 65-508, 65-516, 65-1456, 65-1673, 65-2409a, 65-2422d, 65-2895, 65-3503, 65-3504, 65-3506, 65-4024a, 65-4024b, 65-4412, 65-6205, 65-6207, 65-6210, 65-6214, 65-6217, 65-6218, 65-6220, 65-6501, 65-6502, 65-6503, 65-6610, 72-962, 72-973, 72-997, 72-1113, 72-53,106, 72-8187, 72-8223, 74-32,151, 74-32,160, 74-32,161, 74-4902, 74-4911f, 74-4927, 74-5602, 74-6703, 74-8917, 74-9501, 75-723, 75-725, 75-2935, 75-3306, 75-3307b, 75-3329, 75-3339, 75-37,121, 75-4265, 75-4266, 75-4375, 75-4376, 75-4378, 75-5268, 75-5301, 75-5366, 75-5367, 75-5397a, 75-5399, 75-53,105, 75-53,112, 75-5674, 75-5675, 75-5741, 75-5742, 75-5743, 75-5903, 75-5908, 75-5910, 75-5914, 75-5928, 75-5933, 75-5945, 75-5951, 75-5958, 75-5961, 75-6202, 75-6506, 75-6508, 75-7023, 75-7302, 75-7306, 75-7310, 75-7311, 75-7405, 76-375, 76-381, 76-12a01, 76-12a08, 76-12a10, 76-12b01, 76-1305, 76-1306, 76-1307, 76-17c08, 79-3221g, 79-3234, 79-32,200 and 79-4805 are hereby repealed.";

And by renumbering section accordingly;

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 public health and social services; relating to powers, duties and functions transferred to the Kansas department for aging and disability services from the Kansas department for children and families and the department of health and environment; updating references and corresponding changes due to Executive Reorganization Order No. 41, published in chapter 185 of the 2012 Session Laws of Kansas; amending K.S.A. 12-736, 12-4808, 16-304, 16-311, 17-2264, 17-5829, 22-3723, 22a-243, 22a-244, 38-134, 38-320, 38-1808, 38-1817, 38-1819, 38-1820, 38-1821, 38-1822, 38-1901, 39-110, 39-111, 39-708c, 39-708d, 39-711a, 39-718b, 39-740, 39-744, 39-751, 39-753, 39-755, 39-758, 39-782, 39-783, 39-786, 39-787, 39-788, 39-7,100, 39-7,100a, 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,109, 39-7,122, 39-7,123, 39-7,125, 39-7,127, 39-7,128, 39-7,130, 39-7,131, 39-7,139, 39-960, 39-1208, 39-1209, 39-1302, 39-1410, 39-1434, 39-1435, 39-1501, 39-1602, 39-1603, 39-1604, 39-1612, 39-1613, 39-1703, 39-1704, 39-1804, 40-2d02, 40-2256, 40-22a05, 40-3227, 59-2006, 59-2006b, 59-2006c, 59-2130, 59-2135, 59-2801, 59-2803, 59-2963, 59-2968, 59-2981, 59-29b57, 59-29b60, 59-29b63, 59-29b78, 59-29b81, 59-3065, 59-3067, 59-3070, 59-3080, 59-3094, 60-2204, 60-2310, 60-2401, 65-116i, 65-116j, 65-116k, 65-116l, 65-116m, 65-1,108, 65-1,120, 65-1,159, 65-1,162, 65-1,165, 65-507, 65-513, 65-2422b, 65-3507, 65-4432, 65-5101, 65-5902, 72-1046, 72-3608, 72-4311, 72-4314a, 72-4316, 72-8239, 72-8243, 72-89a02, 72-89b03, 74-5502, 74-5505, 74-6901, 74-6904, 74-7801, 75-2935c, 75-3303, 75-3303a, 75-3304, 75-3304a, 75-3307, 75-3315, 75-3323, 75-3328, 75-3337, 75-3338, 75-3339a, 75-3340, 75-3343a, 75-3347, 75-3354, 75-3728a, 75-5308e, 75-5309a, 75-5310, 75-5310a, 75-5313, 75-

5316a, 75-5319, 75-5320, 75-5321, 75-5326, 75-5328a, 75-5343, 75-5344, 75-5345, 75-5365, 75-5371, 75-5375, 75-5376, 75-5381, 75-5382, 75-5383, 75-5386, 75-5391, 75-5393, 75-53,100, 75-5902, 75-5923, 75-5925, 75-5940, 75-5946, 75-5947, 75-5949, 75-5952, 75-5956, 76-170, 76-175, 76-317, 76-1237, 76-12a16, 76-12a17, 76-12a22, 76-12a30, 76-1528, 76-17a10, 76-17c07, 76-1936 and 78-101 and K.S.A. 2013 Supp. 8-255, 8-1008, 8-1567, 9-1216, 12-4509, 12-4516, 12-4516a, 16-312, 17-1762, 19-4001, 19-4007, 20-378, 20-380, 21-5413, 21-5914, 21-5927, as amended by section 2 of 2014 Senate Bill No. 271, 21-6602, 21-6702, 21-6708, 22-2410, as amended by section 24 of 2014 Senate Substitute for House Bill No. 2338, 22-4612, 23-2202, 23-2203, 23-2204, 23-2209, 23-2212, 23-2213, 23-2219, 23-3102, 23-3109, 23-3113, 23-3114, 23-3121, 23-3210, 23-36,201, 23-36,310, 32-906, 32-918, 32-930, 38-143, 38-144, 38-2212, 38-2222, 38-2223, 38-2226, 38-2247, 38-2261, 38-2282, as amended by section 1 of 2014 House Bill No. 2577, 38-2286, 38-2304, 38-2310, 38-2319, 38-2326, 38-2335, 38-2350, 38-2356, 38-2361, 39-717, 39-754, 39-756, 39-757, 39-760, 39-784, 39-785, 39-7,108, 39-7,129, 39-7,132, 39-7,134, 39-7,135, 39-7,138, 39-7,151, 39-7,155, 39-7,156, 39-7,157, 39-7,158, 39-7,159, 39-924, 39-926, 39-930, 39-935, 39-936, 39-938, 39-940, 39-944, 39-945, 39-946, 39-947, 39-947a, 39-948, 39-950, 39-951, 39-952, 39-953a, 39-954, 39-958, 39-961, 39-963, 39-965, 39-968, 39-969, 39-970, 39-971, 39-1002, 39-1202, 39-1402, 39-1404, 39-1405, 39-1406, 39-1407, 39-1408, 39-1409, 39-1411, 39-1430, 39-1431, 39-1432, 39-1433, 39-1436, 39-1443, 39-1803, 40-2,111, 40-2134, 40-4704, 41-2622, 44-508, 44-575, 44-577, 46-922, 46-2801, 59-2122, 59-2123, 59-2132, 59-2946, 59-2972, 59-2978, 59-29a02, 59-29a07, 59-29a11, 59-29a22, 59-29b46, 59-29b66, 59-3069, 60-1501, 60-2308, 65-1,246, 65-445, 65-503, 65-504, 65-506, 65-508, 65-516, 65-1456, 65-1673, 65-2409a, 65-2422d, 65-2895, 65-3503, 65-3504, 65-3506, 65-4024a, 65-4024b, 65-4412, 65-6205, 65-6207, 65-6210, 65-6214, 65-6217, 65-6218, 65-6220, 65-6501, 65-6502, 65-6503, 65-6610, 72-962, 72-973, 72-997, 72-1113, 72-53,106, 72-8187, 72-8223, 74-32,151, 74-32,160, 74-32,161, 74-4902, 74-4911f, 74-4927, 74-5602, 74-6703, 74-8917, 74-9501, 75-723, 75-725, 75-2935, 75-3306, 75-3307b, 75-3329, 75-3339, 75-37,121, 75-4265, 75-4266, 75-4375, 75-4376, 75-4378, 75-5268, 75-5301, 75-5366, 75-5367, 75-5397a, 75-5399, 75-53,105, 75-53,112, 75-5674, 75-5675, 75-5741, 75-5742, 75-5743, 75-5903, 75-5908, 75-5910, 75-5914, 75-5928, 75-5933, 75-5945, 75-5951, 75-5958, 75-5961, 75-6202, 75-6506, 75-6508, 75-7023, 75-7302, 75-7306, 75-7310, 75-7311, 75-7405, 76-375, 76-381, 76-12a01, 76-12a08, 76-12a10, 76-12b01, 76-1305, 76-1306, 76-1307, 76-17c08, 79-3221g, 79-3234, 79-32,200 and 79-4805 and repealing the existing sections; and also repealing K.S.A. 2013 Supp. 21-6614d and 38-2312c.";

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

MARY PILCHER-COOK

ELAINE BOWERS

TOM HAWK

Conferees on part of Senate

DAVID CRUM

SUSAN CONCANNON

JIM WARD

Conferees on part of House

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **HB 2515**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2551** 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 Amended by Senate Committee of the Whole, as follows:

On page 1, following line 9, by inserting:

"Section 1. K.S.A. 65-3425 is hereby amended to read as follows: 65-3425. (a) As used in this section:

- (1) "Code" means a molded, imprinted or raised symbol.
- (2) "Person" means any individual, association, partnership, limited partnership, corporation or other entity.
- (3) "Plastic" means any material made of polymeric organic compounds and additives that can be shaped by flow.
- (4) "Plastic bottle" means a plastic container which: (A) Has a neck that is smaller than the body of the container; (B) accepts a screw-type, snap-cap or other closure; and (C) has a capacity of 16 fluid ounces or more but less than five gallons.
- (5) "Rigid plastic container" means any formed or molded container other than a bottle, intended for single use, composed predominantly of plastic resin and having a relatively inflexible finite shape or form with a capacity of eight ounces or more but less than five gallons.

(b) ~~On or after July 1, 1994,~~ No person shall distribute, sell or offer for sale in this state any plastic bottle or rigid plastic container, unless it is labeled with a nationally recognized code indicating the plastic resin used to produce the bottle or container. The nationally recognized code shall appear on or near the bottom of the bottle or container. ~~The code used for plastic bottles or rigid plastic containers with labels and basecaps of a different material shall be determined by the basic material of the bottle or container. The code shall consist of a number placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path around the code number. The numbers and letters used shall be as follows: 1 = PETE (polyethylene terephthalate), 2 = HDPE (high density polyethylene); 3 = V (vinyl), 4 = LDPE (low density polyethylene), 5 = PP (polypropylene), 6 = PS (polystyrene), 7 = OTHER.~~

(c) If the attorney general or county or district attorney has reason to believe that a person is violating the provisions of this section, the attorney general or county or district attorney shall give the person written notice thereof. If, after such notice is given, the attorney general or county or district attorney has reason to believe that the person is continuing to violate the provisions of this section, the attorney general or county or district attorney may bring an action to enjoin the violation and to recover a civil penalty of \$50 for each violation but not exceeding a total of \$500. Any such penalty recovered by the attorney general shall be deposited in the state treasury and credited to the state general fund. Any such penalty recovered by the county or district attorney shall be deposited in the general fund of the county in which the violation occurred.

Sec. 2. K.S.A. 2013 Supp. 65-3410a is hereby amended to read as follows: 65-3410a. (a) Except as provided by subsection (b), no city or county shall adopt by ordinance, resolution or in a solid waste management plan under K.S.A. 65-3405 or 65-3410, and amendments thereto, restrictions for any solid waste disposal area within its boundaries if such restrictions supersede or impair the local legislation of another city or county being serviced by the same solid waste disposal area or require another city or county to adopt new solid waste management requirements not currently required by statewide rules and regulations.

(b) A city or county may adopt restrictions for a solid waste disposal area under subsection (a) if:

- (1) The city or county owns the solid waste disposal area; ~~or~~ and
- (2) such restrictions apply to the residents of such city or county but not to residents of another city or county being serviced by the same solid waste disposal area.

(c) This section shall be part of and supplemental to the provisions of article 34 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(d) This section shall apply to any solid waste disposal area, including those in operation prior to July 1, 2014.;

On page 2, in line 6, after "K.S.A." by inserting "65-3425,"; in line 7, after "Supp." by inserting "65-3410a,"; in line 10, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "department of health and environment,"; by striking all in line 2; in line 3, by striking "section" and inserting "environment; relating to the department of health and environment; atmospheric mercury deposition monitoring network; plastic bottles and containers; solid waste; amending K.S.A. 65-3425 and K.S.A. 2013 Supp. 65-3410a and 75-5673 and repealing the existing sections";

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

LARRY POWELL

DAN KERSCHEN

MARCI FRANCISCO

Conferees on part of Senate

SHARON SCHWARTZ
KYLE HOFFMAN
PONKA-WE VICTORS

Conferees on part of House

Senator Powell moved the Senate adopt the Conference Committee Report on **HB 2551**.

On roll call, the vote was: Yeas 23; Nays 16; Present and Passing 1; Absent or Not Voting 0.

Yeas: Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, O'Donnell, Ostmeyer, Pettey, Powell, Shultz, Wagle.

Nays: Abrams, Baumgardner, Fitzgerald, Knox, Lynn, Masterson, McGinn, Melcher, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wolf.

Present and Passing: Love.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2580** 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 23, before "incident" by inserting "or search and rescue"; in line 25, before "for" by inserting "fire marshal"; in line 29, after the period by inserting "This subsection shall not apply to a search and rescue response for a lost individual when dealing with the recovery of any liability costs."; by striking all in line 30;

On page 2, by striking all in lines 1 through 8; in line 9, by striking "(d)" and inserting "(c)"; following line 24, by inserting:

"(d) The state fire marshal may recover the costs specified in subsection (b) pursuant to the provisions of the Kansas administrative procedure act after notice and an opportunity for a hearing.

(1) If payment is not made in full within 60 days after a final agency order is issued, the state fire marshal shall contact the responsible party in an effort to obtain payment.

(2) If the matter remains unresolved, the state fire marshal may obtain civil enforcement of the final agency order pursuant to the Kansas judicial review act and may recover any cost of collection.";

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

RALPH OSTMEYER
CLARK SHULTZ
OLETHA FAUST-GOUDEAU

Conferees on part of Senate

STEVE BRUNK
 TRAVIS COUTURE-LOVELADY
 LOUIS RUIZ

Conferees on part of House

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **HB 2580**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Knox, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2673** 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 15, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 6, in line 39, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 9, in line 13, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 11, in line 5, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 20, in line 40, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 21, in line 19, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 42, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 25, in line 25, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 41, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 26, in line 36, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 31, in line 6, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 34, in line 28, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 35, in line 18, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 36, in line 14, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 38, in line 8, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 28, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 39, in line 37, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 40, in line 12, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 37, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 41, in line 1, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 11, before "K.S.A." by inserting "On and after July 1, 2015,";
- On page 42, in line 3, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 10, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 22, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 32, before "K.S.A." by

inserting "On and after July 1, 2015,";

On page 43, in line 4, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 14, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 24, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 40, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 44, in line 28, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 46, in line 18, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 47, in line 13, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 48, in line 10, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 21, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 30, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 49, in line 13, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 50, in line 32, by striking "act" and inserting "section"; in line 37, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 51, in line 13, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 35, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 52, in line 2, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 53, in line 19, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 54, in line 14, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 55, in line 6, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 57, in line 27, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 59, in line 12, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 60, in line 5, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 17, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 62, in line 15, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 32, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 63, in line 22, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 68, in line 24, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 70, in line 34, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 71, in line 16, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 73, in line 1, before "K.S.A." by inserting "On and after July 1, 2015,";

On page 75, following line 1, by inserting:

"(c) This section shall take effect on and after July 1, 2015.";

Also on page 75, following line 43, by inserting:

"(f) This section shall take effect on and after July 1, 2015.";

On page 76, following line 13, by inserting:

"(e) This section shall take effect on and after July 1, 2015.";

On page 77, following line 6, by inserting:

"(d) This section shall take effect on and after July 1, 2015.

Sec. 59. On and after July 1, 2015, K.S.A. 2013 Supp. 65-28,131 is hereby amended to read as follows: 65-28,131. (a) ~~On and after July 1, 2010,~~ The board shall make available, unless otherwise prohibited by law, on a searchable website which shall be accessible by the public, the following information, which has been reported to the board, regarding licensees:

(1) The licensee's full name, business address, telephone number, license number, type, status and expiration date;

(2) the licensee's practice specialty, if any, and board certifications, if any;

(3) any public disciplinary action taken against the licensee by the board or by the licensing agency of any state or other country in which the licensee is currently licensed or has been licensed in the past;

(4) any involuntary limitation, denial, revocation or suspension of the licensee's staff membership or clinical privileges at any hospital or other health care facility, and the name of the hospital or facility, the date the action was taken, a description of the action, including any terms and conditions of the action and whether the licensee has fulfilled the conditions of the action;

(5) any involuntary surrender of the licensee's drug enforcement administration registration; and

(6) any final criminal conviction ~~or plea arrangement~~ resulting from the commission ~~or alleged commission~~ of a felony in any state or country.

(b) Any person applying for an active license, including a renewal or reinstatement license, shall provide the information required in subsection (a) on forms or in a manner determined by the board by rule and regulation.

(c) At the time of licensure or renewal, a licensee may add a statement to such licensee's profile as it appears on the website created herein. Such statement may provide further explanation of any disciplinary information contained in such licensee's profile.

(d) This section shall be part of and supplemental to the healing arts act.

Sec. 60. K.S.A. 65-2001 is hereby amended to read as follows: 65-2001. As used in the podiatry act, unless the context otherwise requires:

(a) "Board" means the state board of healing arts.

(b) "Podiatrist" means one practicing podiatry.

(c) "Podiatry" means the diagnosis and medical and surgical treatment of all illnesses of the human foot, including the ankle and tendons which insert into the foot as well as the foot, subject to subsection (d) of K.S.A. 65-2002, and amendments thereto.

Sec. 61. K.S.A. 65-2002 is hereby amended to read as follows: 65-2002. (a) It shall be unlawful for any person to profess to be a podiatrist, to practice or assume the duties incidental to podiatry, to advertise or hold oneself out to the public as a podiatrist, or to use any sign or advertisement with the word or words podiatrist, foot specialist, foot correctionist, foot expert, practapedist or chiropodist, or any other term or terms indicating that such person is a podiatrist or that such person practices or holds oneself out as practicing podiatry or foot correction in any manner, without first obtaining from the board a license authorizing the practice of podiatry in this state, except as hereinafter provided.

(b) A licensed podiatrist shall be authorized to prescribe such drugs or medicine, and to perform such surgery on the human foot ~~or toes~~, ankle and tendons that insert into the foot, including amputation of the toes or part of the foot, as may be necessary to the proper practice of podiatry, but no podiatrist shall amputate the human foot or administer any anesthetic other than local.

(c) This act shall not prohibit the recommendation, advertising, fitting or sale of corrective shoes, arch supports, or similar mechanical appliances, or foot remedies by manufacturers, wholesalers or retail dealers.

(d) No podiatrist shall perform surgery on the ankle unless such person has completed a three-year post-doctoral surgical residency program in reconstructive

rearfoot/ankle surgery and is either board certified or board qualified progressing to board certification in reconstructive rearfoot/ankle surgery by a nationally recognized certifying organization acceptable to the board. Surgical treatment of the ankle by a podiatrist shall be performed only in a medical care facility, as defined in K.S.A. 65-425, and amendments thereto.

(e) Not later than 90 days after the effective date of this act, the board shall appoint a five-member committee to be known as the podiatry interdisciplinary advisory committee. Such committee shall advise and make recommendations to the board on matters relating to licensure of podiatrists to perform surgery on the ankle pursuant to subsection (d). The podiatry interdisciplinary advisory committee shall consist of five members:

(1) One member of the board appointed by the board who shall serve as a nonvoting chairperson.

(2) two persons licensed to practice medicine and surgery specializing in orthopedics, chosen by the board from four names submitted by the Kansas medical society; and

(3) two podiatrists, at least one of whom shall have completed an accredited residency in foot and ankle surgery, chosen by the board from four names submitted by the Kansas podiatric medical association.

Members appointed to such committee shall serve at the pleasure of the board without compensation. All expenses of the committee shall be paid by the board. The provisions of this subsection shall expire on July 1, 2018.

Sec. 62. K.S.A. 65-2004 is hereby amended to read as follows: 65-2004. (a) Except as provided in subsection (b) of K.S.A. 65-2003, and amendments thereto, each applicant for a license to practice podiatry shall be examined by the board in the following subjects: Anatomy, bacteriology, chemistry, dermatology, histology, pathology, physiology, pharmacology and medicine, diagnosis, therapeutics, and clinical podiatry and surgery, limited in their scope to the treatment of the human foot, including the ankle and tendons which insert into the foot as well as the foot. If the applicant possesses the qualifications required by K.S.A. 65-2003, and amendments thereto, completes the examination prescribed with the passing grade as established by rules and regulations of the board and pays to the board the license fee established pursuant to K.S.A. 65-2012, and amendments thereto, such applicant shall be issued a license by the board to practice podiatry in this state.

(b) Each applicant before taking the examination shall pay to the board the examination fee established pursuant to K.S.A. 65-2012, and amendments thereto. Any applicant failing the examination may have a reexamination in accordance with criteria established by rules and regulations of the board, which criteria may limit the number of times an applicant may retake the examination.

Sec. 63. K.S.A. 2013 Supp. 65-2005 is hereby amended to read as follows: 65-2005. (a) A licensee shall be designated a licensed podiatrist and shall not use any title or abbreviations without the designation licensed podiatrist, practice limited to the human foot, including the ankle and tendons which insert into the foot as well as the foot, and shall not mislead the public as to such licensee's limited professional qualifications to treat human ailments. Whenever a registered podiatrist, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to refer to or designate a licensed podiatrist.

(b) The license of each licensed podiatrist shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. In each case in which a license is renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 65-2012, and amendments thereto. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under K.S.A. 65-2012, and amendments thereto, which shall be paid not later than the expiration date of the license. At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If a licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the licensee's license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, such licensee's license shall be canceled by operation of law and without further proceedings for failure to renew and shall be reissued only after the licensee has been reinstated under subsection (c).

(c) Any licensee who allows the licensee's license to be canceled by failing to renew may be reinstated upon recommendation of the board and upon payment of the renewal fee and the reinstatement fee established pursuant to K.S.A. 65-2012, and amendments thereto, and upon submitting evidence of satisfactory completion of the applicable reeducation and continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate reeducation and continuing education requirements for reinstatement of persons whose licenses have been canceled for failure to renew.

(d) The board, prior to renewal of a license, shall require the licensee, if in the active practice of podiatry within Kansas, to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402, and amendments thereto, and has paid the annual premium surcharge as required by K.S.A. 40-3404, and amendments thereto.

(e) The board may issue a temporary permit to practice podiatry in this state to any person making application for a license to practice podiatry who meets the required qualifications for a license and who pays to the board the temporary permit fee established pursuant to K.S.A. 65-2012, and amendments thereto. A temporary permit shall authorize the permittee to practice within the limits of the permit until the license is issued or denied to the permittee by the board.

(f) The board may issue a postgraduate permit to practice podiatry to any person engaged in a full-time, approved postgraduate study program; has made application for such postgraduate permit upon a form provided by the board; meets all the qualifications for a license, except the examination required under K.S.A. 65-2004, and amendments thereto; and has paid the fee established pursuant to K.S.A. 65-2012, and amendments thereto. The postgraduate permit shall authorize the person receiving the permit to practice podiatry in the postgraduate study program, but shall not authorize practice outside of the postgraduate study program. The postgraduate permit shall be canceled if the permittee ceases to be engaged in the postgraduate study program.

(g) The board may issue, upon payment to the board of the temporary license fee established pursuant to K.S.A. 65-2012, and amendments thereto, a temporary license

to a practitioner of another state or country who is appearing as a clinician at meetings, seminars or training programs approved by the board, if the practitioner holds a current license, registration or certificate as a podiatrist from another state or country and the sole purpose of such appearance is for promoting professional education.

(h) There is hereby created a designation of exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an exempt license established under K.S.A. 65-2012, and amendments thereto. The board may issue an exempt license only to a person who has previously been issued a license to practice podiatry within Kansas, who is no longer regularly engaged in such practice and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges attendant to the practice of podiatry. Each exempt license may be renewed annually subject to the other provisions of this section and other sections of the podiatry act. Each exempt licensee shall be subject to all provisions of the podiatry act, except as otherwise provided. The holder of an exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing education required under the podiatry act. Each exempt licensee may apply for a license to regularly engage in the practice of podiatry upon filing a written application with the board and submitting evidence of satisfactory completion of the applicable and continuing education requirements established by the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established under K.S.A. 65-2012, and amendments thereto. The board shall adopt rules and regulations establishing appropriate and continuing education requirements for exempt licensees to become licensed to regularly practice podiatry within Kansas.

(i) There is hereby created a designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to K.S.A. 65-2012, and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license to practice podiatry in Kansas, who is not regularly engaged in the practice of podiatry in Kansas, who does not hold oneself out to the public as being professionally engaged in such practice and who meets the definition of inactive health care provider as defined in K.S.A. 40-3401, and amendments thereto. An inactive license shall not entitle the holder to practice podiatry in this state. Each inactive license may be renewed subject to the provisions of this section. Each inactive licensee shall be subject to all provisions of the podiatry act, except as otherwise provided in this subsection. The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by K.S.A. 65-2010, and amendments thereto. Each inactive licensee may apply for a license to regularly engage in the practice of podiatry upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-2012, and amendments thereto. For those licensees whose license has been inactive for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for inactive licensees to become licensed to regularly practice podiatry within Kansas. Any licensee whose license has been inactive for more than two years and who has not been in the active practice of podiatry

or engaged in a formal education program since the licensee has been inactive may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(j) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes written application for such license on a form provided by the board and remits the same fee required for a license established under K.S.A. 65-2012, and amendments thereto. The board may issue a federally active license only to a person who meets all the requirements for a license to practice podiatry in Kansas and who practices podiatry solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who, in addition to such employment or assignment, provides professional services as a charitable health care provider as defined under K.S.A. 75-6102, and amendments thereto. The provisions of subsections (b) and (c) of this section relating to expiration, renewal and reinstatement of a license and K.S.A. 65-2010, and amendments thereto, relating to continuing education shall be applicable to a federally active license issued under this subsection. A person who practices under a federally active license shall not be deemed to be rendering professional service as a health care provider in this state for purposes of K.S.A. 40-3402, and amendments thereto.

(k) Each license or permit granted under this act shall be conspicuously displayed at the office or other place of practice of the licensee or permittee.

(l) A person whose license has been revoked may apply for reinstatement of the license after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form provided by the board and shall be accompanied by a reinstatement of a revoked license fee established by the board under K.S.A. 65-2012, and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement of the license. If the board determines a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

Sec. 64. K.S.A. 65-2001, 65-2002 and 65-2004 and K.S.A. 2013 Supp. 65-2005 are hereby repealed.";

And by renumbering sections accordingly;

Also on page 77, in line 7, before "K.S.A." by inserting "On and after July 1, 2015,"; in line 14, following "65-28,127," by inserting "65-28,131,"; in line 17, by striking "July 1, 2015 and"; also in line 17, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 2, before "amending" by inserting "the podiatry act,"; also in line 2, following "K.S.A." by inserting "65-2001, 65-2002, 65-2004,"; in line 8, before "65-2802" by inserting "65-2005,"; in line 9, following "65-28,127," by inserting "65-28,131,";

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

MARY PILCHER-COOK

ELAINE BOWERS

LAURA KELLY

Conferees on part of Senate

DAVID CRUM

SUSAN CONCANNON

JIM WARD

Conferees on part of House

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **HB 2673**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

On motion of Senator Bruce the Senate recessed until the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2487**.

The House adopts the Conference Committee report on **S Sub HB 2693**.

The House concurs in Senate amendments to **HB 2312**, and requests return of the bill.

The House adopts the Conference Committee report on **H Sub SB 245**.

The House adopts the Conference Committee report on **SB 258**.

The House adopts the Conference Committee report on **SB 263**.

The House announced the appointment of Rep. Hedke to replace Rep. Suellentrop as a conferee on **H Sub SB 84**.

The House announced the appointment of Rep. Alford to replace Rep. Kleeb as a conferee on **H Sub SB 84**.

The House announced the appointment of Rep. Kuether to replace Rep. Henry as a conferee on **H Sub SB 84**.

REPORT ON ENROLLED BILLS

SR 1823, SR 1824, SR 1825, SR 1826, SR 1827 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 1, 2014.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Friday, May 2, 2014.

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 2, 2014, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Dear Lord, as summer approaches our minds turn naturally to the wonderful prospect of vacation. Sometimes called “holiday” or “holy day”, vacations give us a chance to renew relationships with family, see new things, and simply relax. Time can bring new perspectives and appreciation of viewpoints unknown, even a long drive can help us to sort out those concerns which seem so perplexing when confronted with inhibiting interruptions. Dear Lord, be with us all as we take needed and holy days for rest and regeneration and keep us safe. In the name of the one who took the Sabbath for rest we pray. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

COMMUNICATIONS FROM STATE OFFICERS

Kansas Human Rights Commission
May 1, 2014

Executive Director, Ruth Glover, submitted the FY 2013 Annual Report of the Kansas Human Rights Commission. President Wagle announced the report is on file in the office of the Secretary of the Senate and is available for review at any time.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1834—

A RESOLUTION congratulating Dr. Patricia N. Long
on her retirement from Baker University.

WHEREAS, Dr. Patricia N. Long has served as the President of Baker University since July 1, 2006, and is now retiring. She was the first woman to serve as President of Baker University and she has also been the acting executive vice chancellor at the University of Missouri-Kansas City (UMKC); and

WHEREAS, Dr. Long was an administrator for 23 years at UMKC and Johnson County Community College and she taught in the Kansas City, Missouri, school district for seven years. Dr. Long began her career in higher education in 1983 at Johnson

County Community College, where she was promoted to assistant dean of student enrollment services and eventually to dean of student services from 1995 to 2000; and

WHEREAS, Dr. Long grew up in Wheatland, Missouri, and was the first member of her family to graduate from college; and

WHEREAS, Dr. Long holds a bachelor of arts degree in mathematics from Southwest Baptist University, a master's degree in adult education from Central Missouri State University and a Ph.D. in educational policy and leadership from the University of Kansas; and

WHEREAS, Baker University first opened its doors to students in November 1858 in Baldwin City, Kansas, after Kansas Territorial Governor James W. Denver signed the charter establishing the university. Baker was the first university in the state of Kansas, and is named after Osmon Cleander Baker, a distinguished scholar and bishop of what is now known as the United Methodist Church; and

WHEREAS, Baker University is ranked number 33 among regional universities in the Midwest in the most recent U.S. News and World Report rankings; and

WHEREAS, During Dr. Long's tenure at Baker University, she worked with the university advancement staff to raise more than \$11 million for the Ivan L. Boyd Center for Collaborative Science Education, the largest capital campaign project in the university's history. She also secured more than \$1.75 million for the current renovation and addition to the Student Union; and

WHEREAS, As President, Dr. Long oversaw the development of the QUEST program at the College of Arts and Sciences, Baker's new, innovative approach to general studies. She also launched Baker's Leadership Distinctive and Baker's Institute for Leadership and Positive Change by securing funding, developing curriculum and cultivating business relationships with partners; and

WHEREAS, Dr. Long was responsible for growing the MBA program at the School of Professional and Graduate Studies, ranked as the number one provider of MBAs in the Kansas City community by the Kansas City Business Journal; and

WHEREAS, Dr. Long led Baker to receive the Higher Learning Commission's top recommendation in 2011, which is a full ten years of re-accreditation, a rarity in the higher education landscape; and

WHEREAS, Dr. Long's many contributions to Baker University will serve the university well into the future: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Dr. Long on her retirement from Baker University and we thank her for her years of dedication to higher education in Kansas. Educators like Dr. Long help make Kansas a great state for all its citizens, and we wish her well in her retirement; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1834** was adopted by voice vote.

Senators Haley, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Kerschen, Love, McGinn, Olson, Ostmeyer, Pettey and Shultz introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1835—

A RESOLUTION commemorating the 60th anniversary of the landmark U.S. Supreme Court case *Brown v. Board of Education of Topeka, Kansas*.

WHEREAS, From the earliest times in American history, the U.S. educational system mandated separate schools for children based solely on race. In many instances, the schools for African American children were substandard facilities with out-of-date textbooks and insufficient supplies; and

WHEREAS, In 1896, in the case of *Plessy v. Ferguson*, the U.S. Supreme Court declared it law that "separate" but "equal" facilities be provided for African Americans. This holding necessitated separate dining facilities, restrooms, transportation, accommodations, and, among other things, public education; and

WHEREAS, In the 1940s and 1950s the National Association for the Advancement of Colored People (NAACP) spearheaded plans to end the doctrine of "separate but equal" using public schools as a means to that end. Local leaders of the NAACP recruited African American parents in Topeka for a class action suit against the local school board; and

WHEREAS, In 1952, *Brown v. Board of Education of Topeka, Kansas* was brought before the U.S. Supreme Court as a combination of five cases from Delaware, Kansas, South Carolina, Virginia and the District of Columbia, representing nearly 200 plaintiffs. The Court combined the cases because each sought the same relief from segregated schools for African Americans; and

WHEREAS, In a unanimous decision, the U.S. Supreme Court struck down the decision in *Plessy*, finding that racial segregation was a violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. The Court declared that, "in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal,"; and

WHEREAS, The landmark ruling in *Brown* was a major victory for the civil rights movement and laid the foundation for shaping national and international policies on human rights; and

WHEREAS, In 2004, at the opening of the *Brown v. Board of Education National Historic Site* in Topeka, Kansas, on the 50th anniversary of the ruling, President George W. Bush recognized its historic significance stating that, "The decision in *Brown versus Board of Education* did not end all segregation, did not even end school segregation for many years. The civil rights movement was still waiting on other heroes and cases and laws. Yet, all sides of the question knew that on May 17th, 1954, a line had been crossed in American history. The system of racial oppression in our country had lost its claim to legitimacy, and the rising demand for justice would not be denied." Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the 60th anniversary of the U.S. Supreme Court's ruling in *Brown v. Board of Education of Topeka, Kansas* and celebrate its role as a catalyst in launching the modern civil rights movement; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Haley.

On emergency motion of Senator Haley **SR 1835** was adopted by voice vote.

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1836—

A RESOLUTION memorializing Dr. Robert C. "Bob" Harder and recognizing his longstanding and dedicated service to the people of Kansas, especially to those in need.

WHEREAS, Robert C. "Bob" Harder, Th.D. died April 12, 2014, at age 84, after a lifetime of steadfast service to his family, state, community and church. He was born on June 4, 1929, in Horton, Kansas, to the Reverend and Mrs. Clarence Pop Harder; and

WHEREAS, Growing up as the son of a United Methodist minister, Dr. Harder called several northeast Kansas communities home. He graduated from Troy High School in 1947; he earned an undergraduate degree in 1951 from Baker University and maintained close ties to the school throughout his life. In 1954, he earned a Master of Theology degree from Southern Methodist University, which also later recognized him as alumnus of the year. In 1958, he achieved a doctorate of theology from Boston University; and

WHEREAS, Bob married Dorothy Lou Welty on July 31, 1953, and Dottie, as she is known to family and friends, survives at their Topeka home. After spending several months traveling in Europe, the Harders returned to Kansas in 1958 when Bob accepted an appointment as pastor of the East Topeka United Methodist Church; and

WHEREAS, In 1960, Dr. Harder was elected to the Kansas House of Representatives, 33rd District in Topeka, beginning what would become an historic career in state government. He left elective office in 1967 to work for Governor Robert Docking, the first of five Kansas governors he served; and

WHEREAS, After helping to create the Kansas Department of Social and Rehabilitation Services, Dr. Harder headed the agency as Secretary until 1987, earning him the distinction of being the longest-serving cabinet secretary in state history. He later served as Secretary of the Kansas Department of Health and Environment; and

WHEREAS, As Secretary of SRS, Dr. Harder earned the well-deserved reputation of being a tireless advocate for Kansans in need of community-based services due to their developmental disabilities, mental illnesses or other health-related issues; and

WHEREAS, Dr. Harder left state government in the early 1990s, but never really retired. He taught at Washburn University and the University of Kansas and served as a consultant to the Menninger Foundation and as the legislative liaison for the United Methodist Church. He also served as president of the Topeka League of Women Voters and worked as a volunteer lobbyist for the Statewide Independent Living Council of Kansas; and

WHEREAS, For many years, he delighted in working with and reading to students at two Topeka elementary schools. He also served on the Board of Trustees for the Topeka Shawnee County Public Library and he was a constant presence in the Topeka community; and

WHEREAS, Bob and Dottie were blessed with two children, Anne Harder Marley, Shawnee, married to Dennis G. Marley and James David Harder, Boston, and two grandchildren, Eric Harder Marley, Olathe, who, like Bob, was a Baker graduate, and Claire Marley, a student at the Massachusetts College of Art and Design: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we remember Dr. Robert C. "Bob" Harder and recognize his longstanding and dedicated service to the people of Kansas, especially to those in need; and

Be it further resolved: That the Secretary of the Senate shall provide five enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1836** was adopted by voice vote.

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1837—

A RESOLUTION congratulating and commending William V. "Bill" Minner on his retirement as Executive Director of the Kansas Human Rights Commission and for his 41 years of service to the people of Kansas.

WHEREAS, William V. "Bill" Minner has dedicated his life to the advancement of civil and human rights for all Kansans and to the abolition of all forms of discrimination; and

WHEREAS, Following his graduation from Langston University in Oklahoma, Mr. Minner joined the Kansas Human Rights Commission as a Field Investigator in 1972. After serving in various positions, he was promoted to Executive Director in 1997. In that same year he conciliated a discrimination complaint obtaining a \$200,000 settlement for the aggrieved party, the largest monetary settlement in the Commission's history; and

WHEREAS, In March 1995, the Commission had an open inventory of 2,678 cases, a record high for the agency, and a 22-month waiting period for investigation of complaints. At the end of Mr. Minner's 10th year as Executive Director, this backlog was reduced to 615 open cases with an average processing time of nine months; and

WHEREAS, Under Mr. Minner's leadership, the Kansas Human Rights Commission achieved national recognition when, in August 2004, the International Association of Official Human Rights Agencies recognized it "as one of the most successful Civil and Human Rights offices in the nation." Also under his leadership, the Commission resolved more than 17,000 complaints of alleged discrimination and recovered more than \$15 million on behalf of victims of discrimination; and

WHEREAS, Mr. Minner has received many awards during his years of public service, including the U.S. Department of Justice Community Service Award in 1981, the Outstanding Public Service Award presented by the Coordinating Committee of the Black Community in 1987, the Martin Luther King, Jr. Governor's Award presented by Governor Bill Graves in 1995 and numerous other awards; and

WHEREAS, On December 6, 2013, Mr. Minner announced his retirement after 41 years with the Commission, the last 16 years as Executive Director, making him the Commission's longest-serving Executive Director and serving under four different Kansas Governors; and

WHEREAS, Bill and Janet Minner reside in Topeka, and they have two children, Mira, Oklahoma City, and Lance, Lawrence: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend William V. "Bill" Minner on his retirement as Executive Director of the Kansas Human Rights Commission for his 41 years of service to the people of Kansas and for his steadfast commitment to the cause of civil and human rights for all Kansans; and

Be it further resolved: That the Secretary of the Senate shall provide five enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1837** was adopted by voice vote.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub Sub HB 2051**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2051** 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.

LARRY POWELL
DAN KERSCHEN
MARCI FRANCISCO
Conferees on part of Senate

SHARON SCHWARTZ
KYLE HOFFMAN
PONKA-WE VICTORS
Conferees on part of House

On motion of Senator Powell the Senate adopted the conference committee report on **S Sub Sub HB 2051**, and requested a new conference be appointed.

The President appointed Senators Powell, Kerschen and Francisco as a second Conference Committee on the part of the Senate on **S Sub Sub HB 2051**.

ORIGINAL MOTION

Senator Bruce moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **S Sub Sub HB 2231**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2231** 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 Substitute for House Bill No. 2231, as follows:

On page 1, by striking all in lines 11 through 34;

By striking all on pages 2 through 69;

On page 70, by striking all in lines 1 through 30 and inserting the following:

"Section 1. (a) For the fiscal years ending June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements, procedures 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 2014 and shall constitute the omnibus reconciliation spending limit bill for the 2014 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. (a) 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 property lost to the following claimant:

Brazell Bohanon # 33333

P. O. Box 2

Lansing, KS 66043.....\$66.97

(b) 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 property lost to the following claimant:

Terry Barber # 84515

P. O. Box 1568

Hutchinson, KS 67504.....\$33.75

(c) 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 property damaged to the following claimant:

Jesse Dunn # 72126

P. O. Box 1568

Hutchinson, KS 67504.....\$9.57

(d) 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 property lost to the following claimant:

Maurice Solomon # 0101636

P. O. Box 1568

Hutchinson, KS 67504.....\$39.68

(e) The department of corrections is hereby authorized and directed to pay the following amount from the Ellsworth correctional facility – facilities operations account of the state general fund for property damaged to the following claimant:

Sean Finch # 98824

P. O. Box 107

Ellsworth, KS 67439.....\$146.97

(f) 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 property damaged to the following claimant:

Jennifer Helus

14117 East 17th

Buhler, KS 67522.....\$2,092.77

(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 property lost to the following claimant:

Darryl Payton # 46603
 P. O. Box 1568
 Hutchinson, KS 67504.....\$29.95

(h) 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 lost wages to the following claimant:

Edward Newson # 64544
 P. O. Box 2
 Lansing, KS 66043.....\$8.00

(i) 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 lost property to the following claimant:

Bobby White # 76983
 P. O. Box 311
 El Dorado, KS 67042-0311.....\$43.88

(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 property damage to the following claimant:

Gregory Moore # 86598
 P. O. Box 2
 Lansing, KS 66043.....\$30.76

(k) 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 property damage to the following claimant:

Michael Giles # 99970
 P. O. Box 2
 Lansing, KS 66043.....\$109.17

(l) 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 property damage to the following claimant:

Michael Toney # 71755
 P. O. Box 311
 El Dorado, KS 67042.....\$5.73

(m) 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 property lost to the following claimant:

Rodger A. Patterson # 30581
 P. O. Box 1568
 Hutchinson, KS 67504.....\$17.19

(n) 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 property damage to the following claimant:

Michael Moore # 84815
 1318 KS Hwy 264
 Larned, KS 67550.....\$6.98

Sec. 3. The department for aging and disability services is hereby authorized and

directed to pay the following amount from the Larned state hospital – operating expenditures account of the state general fund for property lost by staff to the following claimant:

Juan Duarte Lozano # 0095109
1318 KS Hwy 264 LCMHF
Larned, KS 67550.....\$59.50

Sec. 4. The legislature is hereby authorized and directed to pay the following amount from the operations (including official hospitality) account of the state general fund for nonpayment of salary to the following claimant:

Senator David Haley
936 Cleveland Ave.
Kansas City, KS 66101.....\$79.00

Sec. 5. The state treasurer is hereby authorized and directed to pay the following amount from the unclaimed property claims fund as reimbursement for an expired warrant from 1997, to the following claimant:

John S. Pilcher
1644 N. Mars St
Wichita, KS 67212.....\$2,000.00

Sec. 6. (a) On the effective date of this act, notwithstanding the provisions of K.S.A. 12-1775a, and amendments thereto, the director of accounts and reports is hereby authorized and directed to transfer \$21,789.99 from the state general fund to the tax increment financing replacement fund of the state treasurer.

(b) The state treasurer is hereby authorized and directed to pay the following amount from the tax increment financing replacement of the state treasurer fund for errors in the amount of reimbursement the unified government of Wyandotte county was owed for tax increment financing reimbursements for a three-year period from 2009 to 2011:

Unified Government of Wyandotte County
701 N. 7th Street
Kansas City, KS 66101.....\$21,789.99

Sec. 7. The university of Kansas is hereby authorized and directed to pay the following amount from the operating expenditures (including official hospitality) account of the state general fund for property damage to the following claimant:

Amy McNair
4241 Briarwood Drive Apt. E-5
Lawrence, KS 66049.....\$4,125.00

Sec. 8. The department of administration is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for personal injury to the following claimant:

Martha Ventura
922 Delaware
Leavenworth, KS 66048.....\$16,000.00

Sec. 9. 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:

Alfreds Superior Tree Service

4631 W 47 th St S Wichita, KS 67215.....	\$416.11
Eder, Jeffrey 817 E County Road AA Leoti, KS 67861.....	\$49.56
Ford County Feed Yard 12466 US Highway 400 Ford, KS 67842.....	\$309.53
General Motors LLC PO Box 9016 Detroit, MI 48202.....	\$164,757.67
Hambelton, Paul 14619 Edgerton Rd Gardner, KS 66030.....	\$156.38
Hodgeman County Road & Bridge Dept 28561 SE L RD Jetmore, KS 67854.....	\$26,067.37
R & R Excavating PO Box 41 Lindsborg, KS 67456.....	\$210.60
Strobel, John R 31464 N Highway 59 Garnett, KS 66032.....	\$57.00
USD #115 Nemaha Central Schools 318 Main St Seneca, KS 66538.....	\$1,719.23
USD #330 Mission Valley PO Box 158 Eskridge, KS 66423.....	\$705.24
USD #449 Easton 32502 Easton Rd Easton, KS 66020.....	\$1,427.67
Vestring, Louis B 9128 NE Stony Creek Rd Cassoday, KS 66842.....	\$203.04
Wagner Farms 8021 50 Rd Kensington, KS 66951.....	\$386.86
Wichita Airport Authority 2173 Air Cargo Rd Wichita, KS 67209.....	\$6,176.74
Wildcat Concrete Services Inc. PO Box 750075 Topeka, KS 66675.....	\$66.84

Sec. 10. (a) Except as otherwise provided in sections 2 through 9, and amendments thereto, 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 9, and amendments thereto, as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by sections 2 through 9, and amendments thereto, 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. 11.

BOARD OF ACCOUNTANCY

(a) On July 1, 2014, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2015, by section 58(a) of chapter 136 of the 2013 Session Laws of Kansas on the board of accountancy fee fund of the board of accountancy is hereby increased from \$1,000 to \$1,500.

Sec. 12.

STATE BANK COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 59(a) of chapter 136 of the 2013 Session Laws of Kansas on the bank commissioner fee fund of the state bank commissioner is hereby decreased from \$11,256,037 to \$10,983,844.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2014, by section 78 of chapter 136 of the 2013 Session Laws of Kansas for the state bank commissioner is hereby decreased from 109.00 to 103.00.

Sec. 13.

STATE BANK COMMISSIONER

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 59(a) of chapter 136 of the 2013 Session Laws of Kansas on the bank commissioner fee fund of the state bank commissioner is hereby decreased from \$11,370,412 to \$11,247,761.

(b) On July 1, 2014, the position limitation established for the fiscal year ending June 30, 2015, by section 78 of chapter 136 of the 2013 Session Laws of Kansas for the state bank commissioner is hereby decreased from 109.00 to 103.00.

Sec. 14.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2014, by section 78 of chapter 136 of the 2013 Session Laws of Kansas for the Kansas board of barbering is hereby decreased from 1.50 to 1.00.

(b) On the effective date of this act, expenditures from the board of barbering fee fund of the Kansas board of barbering for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$500.

(c) On the effective date of this act, expenditures from the barbering fee fund of the Kansas board of barbering for the fiscal year ending June 30, 2014, for salaries and wages, and associated fringe benefits, shall not exceed \$114,164.

Sec. 15.

KANSAS BOARD OF BARBERING

(a) On July 1, 2014, the position limitation established for the fiscal year ending June 30, 2015, by section 78 of chapter 136 of the 2013 Session Laws of Kansas for the Kansas board of barbering is hereby decreased from 1.50 to 1.00.

(b) On July 1, 2014, expenditures from the board of barbering fee fund of the Kansas board of barbering for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$500.

(c) On July 1, 2014, expenditures from the barbering fee fund of the Kansas board of barbering for the fiscal year ending June 30, 2015, for salaries and wages, and associated fringe benefits, shall not exceed \$114,509.

Sec. 16.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 61(a) of chapter 136 of the 2013 Session Laws of Kansas on the behavioral sciences regulatory board fee fund of the behavioral sciences regulatory board is hereby increased from \$639,872 to \$674,554.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2014, by section 78 of chapter 136 of the 2013 Session Laws of Kansas for the behavioral sciences regulatory board is hereby decreased from 9.00 to 6.00.

Sec. 17.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 61(a) of chapter 136 of the 2013 Session Laws of Kansas on the behavioral sciences regulatory board fee fund of the behavioral sciences regulatory board is hereby increased from \$661,334 to \$691,455.

(b) On July 1, 2014, the position limitation established for the fiscal year ending June 30, 2015, by section 78 of chapter 136 of the 2013 Session Laws of Kansas for the behavioral sciences regulatory board is hereby decreased from 9.00 to 6.00.

Sec. 18.

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 ending June 30, 2014, 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:

Medical records maintenance trust fund.....\$35,000

Sec. 19.

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 ending June 30, 2015, 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:

Medical records maintenance trust fund.....\$35,000

Sec. 20.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 63(a) of chapter 136 of the 2013 Session Laws of Kansas on the cosmetology fee fund of the Kansas state board of cosmetology

is hereby increased from \$764,220 to \$960,699.

Sec. 21.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 63(a) of chapter 136 of the 2013 Session Laws of Kansas on the cosmetology fee fund of the Kansas state board of cosmetology is hereby increased from \$763,832 to \$933,461.

Sec. 22.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 67(a) of chapter 136 of the 2013 Session Laws of Kansas on the hearing instrument board fee fund of the Kansas board of examiners in fitting and dispensing of hearing instruments is hereby increased from \$28,939 to \$35,516.

(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of any statute, the director of accounts and reports shall transfer not more than \$5,000 from the hearing instrument fee fund of the Kansas board of examiners in fitting and dispensing of hearing instruments to the hearing instruments litigation fund of the Kansas board of examiners in fitting and dispensing of hearing instruments.

Sec. 23.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 67(a) of chapter 136 of the 2013 Session Laws of Kansas on the hearing instrument board fee fund of the Kansas board of examiners in fitting and dispensing of hearing instruments is hereby increased from \$27,919 to \$34,536.

(b) On July 1, 2014, or as soon thereafter as moneys are available, notwithstanding the provisions of any statute, the director of accounts and reports shall transfer not more than \$5,000 from the hearing instrument fee fund of the Kansas board of examiners in fitting and dispensing of hearing instruments to the hearing instruments litigation fund of the Kansas board of examiners in fitting and dispensing of hearing instruments.

Sec. 24.

BOARD OF NURSING

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 68(a) of chapter 136 of the 2013 Session Laws of Kansas on the board of nursing fee fund of the board of nursing is hereby increased from \$2,131,545 to \$2,280,805.

Sec. 25.

BOARD OF EXAMINERS IN OPTOMETRY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 69(a) of chapter 136 of the 2013 Session Laws of Kansas on the optometry fee fund of the board of examiners in optometry is hereby increased from \$86,856 to \$89,157.

(b) No expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2014, except upon the approval of the director of the budget acting

after ascertaining that: (1) Unforeseeable occurrence or unascertainable 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.

(c) During the fiscal year ending June 30, 2014, the executive officer of the board of examiners in optometry, with the approval of the director of the budget, may transfer moneys from the optometry fee fund to the optometry litigation fund of the board of examiners in optometry: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2014, shall not exceed \$200,000: *Provided further*, That the executive officer of the board of examiners in optometry 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. 26.

BOARD OF EXAMINERS IN OPTOMETRY

(a) On July 1, 2014, the expenditure limitation for state operations established for the fiscal year ending June 30, 2015, by section 69(a) of chapter 136 of the 2013 Session Laws of Kansas for the optometry fee fund of the board of examiners in optometry is hereby decreased from \$84,747 to \$83,947.

(b) No expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2015, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable 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.

(c) During the fiscal year ending June 30, 2015, the executive officer of the board of examiners in optometry, with the approval of the director of the budget, may transfer moneys from the optometry fee fund to the optometry litigation fund of the board of examiners in optometry: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2015, shall not exceed \$75,000: *Provided further*, That the executive officer of the board of examiners in optometry 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. 27.

STATE BOARD OF PHARMACY

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 70(a) of chapter 136 of the 2013 Session Laws of Kansas on the state board of pharmacy fee fund of the state board of pharmacy is hereby increased from \$828,922 to \$1,054,761.

(b) On July 1, 2014, the position limitation established for the fiscal year ending June 30, 2015, by section 78 of chapter 136 of the 2013 Session Laws of Kansas for the state board of pharmacy is hereby increased from 8.00 to 9.00.

Sec. 28.

REAL ESTATE APPRAISAL BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 71(a) of chapter 136 of the 2013 Session Laws of Kansas on the appraiser fee fund of the real estate appraisal board is hereby decreased from \$288,788 to \$250,609.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 71(a) of chapter 136 of the 2013 Session Laws of Kansas on the appraisal management companies fee fund of the real estate appraisal board is hereby increased from \$20,726 to \$58,905.

Sec. 29.

REAL ESTATE APPRAISAL BOARD

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 71(a) of chapter 136 of the 2013 Session Laws of Kansas on the appraiser fee fund of the real estate appraisal board is hereby decreased from \$286,530 to \$247,814.

(b) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 71(a) of chapter 136 of the 2013 Session Laws of Kansas on the appraisal management companies fee fund of the real estate appraisal board is hereby increased from \$31,695 to \$70,411.

Sec. 30.

KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 72(a) of chapter 136 of the 2013 Session Laws of Kansas on the real estate fee fund of the Kansas real estate commission is hereby decreased from \$1,013,133 to \$944,330: *Provided*, That, if 2014 House Bill No. 2125, or any other legislation which provides for the real estate commission to raise its fees is passed by the legislature during the 2014 regular session and enacted into law, or if the above agency receives additional funds through a transfer, then the provisions of this subsection are hereby declared null and void and shall have no force and effect.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2014, by section 78 of chapter 136 of the 2013 Session Laws of Kansas for the Kansas real estate commission is hereby decreased from 11.00 to 9.20.

(c) During the fiscal year ending June 30, 2014, notwithstanding the provisions of K.S.A. 58-3068, and amendments thereto, or any other statute, if at any time the balance remaining in the real estate recovery revolving fund is greater than \$200,000, any amount over \$200,000 may be used by the commission to upgrade its electronic storage system, including the costs associated with software development, hardware upgrades and information technology services.

Sec. 31.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 72(a) of chapter 136 of the 2013 Session Laws of Kansas on the real estate fee fund of the Kansas real estate commission is hereby decreased from \$1,013,133 to \$970,133: *Provided*, That, if 2014 House Bill No. 2125, or any other legislation which provides for the real estate commission to raise its fees is passed by the legislature during the 2014 regular session and enacted into law, or if the above

agency receives additional funds through a transfer, then the provisions of this subsection are hereby declared null and void and shall have no force and effect.

(b) On July 1, 2014, the position limitation established for the fiscal year ending June 30, 2015, by section 78 of chapter 136 of the 2013 Session Laws of Kansas for the Kansas real estate commission is hereby decreased from 11.00 to 9.00.

(c) During the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 58-3068, and amendments thereto, or any other statute, if at any time the balance remaining in the real estate recovery revolving fund is greater than \$200,000, any amount over \$200,000 may be used by the commission to upgrade its electronic storage system, including the costs associated with software development, hardware upgrades and information technology services.

Sec. 32.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 73(a) of chapter 136 of the 2013 Session Laws of Kansas on the securities act fee fund of the office of the securities commissioner of Kansas is hereby decreased from \$2,892,119 to \$2,759,657.

Sec. 33.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 73(a) of chapter 136 of the 2013 Session Laws of Kansas on the securities act fee fund of the office of the securities commissioner of Kansas is hereby decreased from \$2,891,289 to \$2,772,388.

Sec. 34.

STATE BOARD OF VETERINARY EXAMINERS

(a) On July 1, 2014, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 47-820, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$321,114 from the veterinary examiners fee fund of the state board of veterinary examiners to the veterinary examiners fee fund of the Kansas department of agriculture.

(b) On July 1, 2014, the position limitation established for the fiscal year ending June 30, 2015, by section 78 of chapter 136 of the 2013 Session Laws of Kansas for the state board of veterinary examiners is hereby decreased from 4.00 to 0.00.

Sec. 35.

GOVERNMENTAL ETHICS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures.....\$6,474

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 76(b) of chapter 136 of the 2013 Session Laws of Kansas on the governmental ethics commission fee fund of the governmental ethics commission is hereby increased from \$242,194 to \$247,194.

Sec. 36.

GOVERNMENTAL ETHICS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$10,337

Sec. 37.

KANSAS HOME INSPECTORS REGISTRATION BOARD

(a) On the effective date of this act, the provisions of section 77 of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 38.

LEGISLATURE

(a) On the effective date of this act, the expenditure limitation on the operations (including official hospitality) account of the state general fund of the legislature limiting the numbers of days persons in leadership positions may be given allowances in connection with discharging the duties assigned to the respective legislative officers during fiscal year 2014 in the provisions of section 81(a) of chapter 136 of the 2013 Session Laws of Kansas is hereby declared to be null and void and shall have no force and effect.

(b) On the effective date of this act, the expenditure limitation on the legislative special revenue fund of the legislature limiting the numbers of days persons in leadership positions may be given allowances in connection with discharging the duties assigned to the respective legislative officers during fiscal year 2014 in the provisions of section 81(b) of chapter 136 of the 2013 Session Laws of Kansas is hereby declared to be null and void and shall have no force and effect.

(c) In addition to the other purposes for which expenditures may be made by the legislature from the operating expenditures (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2014, as authorized by section 81(a) of chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the legislature from moneys appropriated in the operating expenditures (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2014, for membership dues and fees for the American society of legislative clerks and secretaries, council of state government, energy council, national conference of insurance legislators, national conference of state legislators, national council of legislators from the gaming states, state and local legal center and uniform law commission.

Sec. 39.

LEGISLATURE

(a) On July 1, 2014, the expenditure limitation on the operations (including official hospitality) account of the state general fund of the legislature limiting the numbers of days persons in leadership positions may be given allowances in connection with discharging the duties assigned to the respective legislative officers during fiscal year 2015 in the provisions of section 82(a) of chapter 136 of the 2013 Session Laws of Kansas is hereby declared to be null and void and shall have no force and effect.

(b) On July 1, 2014, the expenditure limitation on the legislative special revenue fund of the legislature limiting the numbers of days persons in leadership positions may be given allowances in connection with discharging the duties assigned to the respective legislative officers during fiscal year 2015 in the provisions of section 82(b) of chapter 136 of the 2013 Session Laws of Kansas is hereby declared to be null and void and shall have no force and effect.

(c) In addition to the other purposes for which expenditures may be made by the

legislature from the operating expenditures (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2015, as authorized by section 82(a) of chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the legislature from moneys appropriated in the operating expenditures (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2015, for membership dues and fees for the American society of legislative clerks and secretaries, council of state government, energy council, national conference of insurance legislators, national conference of state legislators, national council of legislators from the gaming states, state and local legal center and uniform law commission.

Sec. 40.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:
Operations (including legislative post audit committee).....\$250,000
Sec. 41.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now and hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Medicaid fraud control unit.....No limit
Home inspectors registration board closing fund.....No limit

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the court cost fund of the attorney general to the state general fund.

(c) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2014, by section 87(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$200,000 is hereby lapsed.

(d) On the effective date of this act, the director of accounts and reports shall transfer \$62,383 in the home inspectors registration fee fund of the Kansas home inspectors registration board to the home inspectors registration board closing fund of the attorney general. The attorney general shall distribute such amount of moneys to be used as a grant for the Kansas association of real estate inspectors (KAREI) during fiscal year 2014. On the effective date of this act, all liabilities of the home inspectors registration fee fund are hereby transferred to and imposed on the home inspectors registration board closing fund of the attorney general and the home inspectors registration fee fund is hereby abolished.

Sec. 42.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:
Operating expenditures.....\$730,393

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now and hereafter

lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Medicaid fraud control unit.....	No limit
Human trafficking victim assistance fund.....	No limit
Criminal appeals cost fund.....	No limit

Sec. 43.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Publication of proposed constitutional amendments.....	\$44,000
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Sec. 44.

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, 2014, all moneys now and 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:

Professional employer organization fee fund.....	No limit
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Sec. 45.

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, 2015, all moneys now and 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:

Professional employer organization fee fund.....	No limit
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Sec. 46.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 96(b) of chapter 136 of the 2013 Session Laws of Kansas on the operating expenditures account of the health care stabilization fund is hereby increased from \$1,750,430 to \$1,823,809.

Sec. 47.

JUDICIAL COUNCIL

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 98(a) of chapter 136 of the 2013 Session Laws of Kansas on the judicial council fund of the judicial council is hereby decreased from no limit to \$182,278.

Sec. 48.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Assigned counsel expenditures.....	\$1,300,000
Capital defense operations.....	\$360,000

Sec. 49.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....	\$440,000
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Assigned counsel expenditures.....	\$1,350,000
Capital defense operations.....	\$220,000
Sec. 50.	

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 104(b) of chapter 136 of the 2013 Session Laws of Kansas on the agency operations account of the expense reserve of the Kansas public employees retirement fund is hereby increased from \$11,589,460 to \$12,059,460.

(b) On July 1, 2014, or as soon as moneys are available, notwithstanding the provisions of K.S.A. 38-2101, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$5,000,000 from the Kansas endowment for youth fund to the state general fund.

Sec. 51.

CITIZENS' UTILITY RATEPAYER BOARD

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 110(a) of chapter 136 of the 2013 Session Laws of Kansas on the utility regulatory fee fund of the citizens' utility ratepayer board is hereby increased from \$819,928 to \$853,668.

Sec. 52.

DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act, of the \$6,054,305 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 210(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the national bio and agro-defense facility – debt service account, the sum of \$1,633 is hereby lapsed.

(b) On the effective date of this act, of the \$22,835,804 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 210(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the statehouse improvements – debt service account, the sum of \$117,711 is hereby lapsed.

(c) On the effective date of this act, of the \$1,274,501 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 210(b) of chapter 136 of the 2013 Session Laws of Kansas from the expanded lottery act revenues fund in the statehouse improvements – debt service account, the sum of \$1,274,501 is hereby lapsed.

(d) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,958 from the state general fund to the property contingency fund of the department of administration.

(e) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2014, by section 111(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$5,619 is hereby lapsed.

(f) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2014, by section 111(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the budget analysis account, the sum of \$189,835 is hereby lapsed.

Sec. 53.

DEPARTMENT OF ADMINISTRATION

(a) On July 1, 2014, of the \$5,868,938 appropriated for the above agency for the

fiscal year ending June 30, 2015, by section 112(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$123,720 is hereby lapsed.

(b) On July 1, 2014, of the \$6,056,874 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 211(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the national bio and agro-defense facility – debt service account, the sum of \$3,150 is hereby lapsed.

(c) On July 1, 2014, of the \$20,987,985 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 211(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the statehouse improvements – debt service account, the sum of \$20,000,000 is hereby lapsed.

(d) On July 1, 2014, of the \$3,119,748 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 211(b) of chapter 136 of the 2013 Session Laws of Kansas from the expanded lottery act revenues fund in the statehouse improvements – debt service account, the sum of \$478,948 is hereby lapsed.

(e) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State and local implementation grant – federal fund.....	No limit
Statehouse debt service – state highway fund.....	No limit

Provided, That on September 1, 2014, and February 1, 2015, or as soon after each date 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 \$10,000,000 from the state highway fund of the department of transportation to the statehouse debt service – state highway fund of the department of administration.

(f) 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 2015 as authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures may 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 2015 to raze building no. 3 (Docking state office building).

Sec. 54.

STATE COURT OF TAX APPEALS

(a) The number of full-time and regular part-time positions equated to full-time, paid from appropriations for fiscal year 2014, made in chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature for the state court of tax appeals shall not exceed 17.0 except upon approval of the state finance council.

Sec. 55.

STATE COURT OF TAX APPEALS

(a) The number of full-time and regular part-time positions equated to full-time, paid from appropriations for fiscal year 2015, made in chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature for the state court of tax appeals shall not exceed 17.0 except upon approval

of the state finance council.

Sec. 56.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 117(b) of chapter 136 of the 2013 Session Laws of Kansas on the division of vehicles operating fund of the department of revenue is hereby increased from \$46,949,484 to \$47,343,901.

(b) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2014, by section 117(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$32,087 is hereby lapsed.

Sec. 57.

DEPARTMENT OF REVENUE

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 118(b) of chapter 136 of the 2013 Session Laws of Kansas on the division of vehicles operating fund of the department of revenue is hereby increased from \$47,203,073 to \$47,899,003.

(b) On July 1, 2014, the amount of \$11,320,975 authorized by section 118(c) of chapter 136 of the 2013 Session Laws of Kansas to be transferred by the director of accounts and reports from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue on July 1, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, is hereby increased to \$11,481,784.

Sec. 58.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, any unencumbered balance which was reappropriated for the above agency for the fiscal year ending June 30, 2014, by section 123(f) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the employment incentive for persons with disabilities account is hereby lapsed.

Sec. 59.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Global trade services grant fund.....\$250,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Workforce data quality initiative – federal fund.....No limit

Dislocated worker training national emergency grant federal fund.....No limit

(c) On July 1, 2014, the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the animal health research grant account, is hereby lapsed.

(d) On July 1, 2014, the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the aviation research grant account, is hereby

lapsed.

(e) On July 1, 2014, the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the cancer center research grant account, is hereby lapsed.

Sec. 60.

KANSAS RACING AND GAMING COMMISSION

(a) On the effective date of this act, during the fiscal year ending June 30, 2014, notwithstanding the provisions of K.S.A. 74-8803, and amendments thereto, or any other statute, expenditures shall be made by the above agency from any special revenue fund or funds for the purposes of compensation of members of the Kansas racing and gaming commission for performing the duties and functions of the commission, based on the daily rate of \$88.66 as provided in K.S.A. 46-137a, and amendments thereto. The members of the commission shall continue to be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. On the effective date of this act, the provisions of section 121(h) of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 61.

KANSAS RACING AND GAMING COMMISSION

(a) On July 1, 2014, during the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 74-8803, and amendments thereto, or any other statute, expenditures shall be made by the above agency from any special revenue fund or funds for the purposes of compensation of members of the Kansas racing and gaming commission for performing the duties and functions of the commission, based on the daily rate of \$88.66 as provided in K.S.A. 46-137a, and amendments thereto. The members of the commission shall continue to be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. On July 1, 2014, the provisions of section 122(h) of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 62.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Indirect cost fund.....No limit

(b) On the effective date of this act, the expenditure limitation established by section 127(b) of chapter 136 of the 2013 Session Laws of Kansas on the workmen's compensation fee fund of the department of labor is hereby decreased from \$14,727,889 to \$10,400,891.

(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 2014, as authorized by section 127(b) of chapter 136 of the 2013 Session Laws of Kansas, expenditures shall be made by the above agency from the special employment security fund for fiscal year 2014 for soliciting additional bids for the property at 427 SW Topeka Blvd, Topeka, Kansas, before such property is razed: *Provided*, That all

expenditures for any such purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2014.

Sec. 63.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Indirect cost fund.....	No limit
Workforce data quality initiative – federal fund.....	No limit

(b) On July 1, 2014, the expenditure limitation established by section 128(b) of chapter 136 of the 2013 Session Laws of Kansas on the workmen's compensation fee fund of the department of labor is hereby decreased from \$13,425,942 to \$12,476,732.

(c) During the fiscal year ending June 30, 2015, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the state general fund or any special revenue fund or funds for fiscal year 2015 by the above agency by section 128 of chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or such special revenue fund or funds to study the impact of the secretary of labor, in accordance with the provisions of § 18 of the federal occupational safety and health act of 1970, 29 U.S.C. § 667, submitting a state plan for the state that provides for safe and healthful employment by the adoption of standards and means for enforcement of the standards that are at least as effective as those standards and means for enforcement of the standards as are provided by the federal occupational safety and health act of 1970, compiled in 29 U.S.C. §§ 651-678: *Provided*, That a report shall be presented to the president of the senate and to the speaker of the house of representatives on or before November 1, 2014, including the following information: (1) An outline of the proposed state plan; (2) a list of changes in statutes and rules and regulations required by the federal government as part of the proposed state plan; (3) a list of additional staff and positions required to implement the proposed state plan; (4) the amount of funding necessary to implement the plan; and (5) a projected date by which a cooperative agreement contemplated by the plan could be ready to be executed.

Sec. 64.

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, 2014, the following:

Operating expenditures – administration.....	\$63,237
Operating expenditures – veteran services.....	\$46,886
Scratch lotto – Kansas veterans' home.....	\$44,246
Scratch lotto – veterans services.....	\$88,309
Scratch lotto – veterans cemeteries.....	\$5,444
Scratch lotto – Kansas soldiers' home.....	\$44,247
Operations – state veterans cemeteries.....	\$19,30

(b) On the effective date of this act, of the \$1,755,361 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 129(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures

– Kansas soldiers' home account, the sum of \$61,945 is hereby lapsed.

(c) On the effective date of this act, of the \$2,091,124 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 129(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures – Kansas veterans' home account, the sum of \$81,042 is hereby lapsed.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 129(b) of chapter 136 of the 2013 Session Laws of Kansas for the veterans' home fee fund of the Kansas commission on veterans affairs is hereby increased from \$2,906,777 to \$2,907,527.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 129(b) of chapter 136 of the 2013 Session Laws of Kansas for the soldiers' home fee fund of the Kansas commission on veterans affairs is hereby increased from \$1,718,194 to \$1,790,520.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 129(b) of chapter 136 of the 2013 Session Laws of Kansas for the federal long term care per diem fund of the Kansas commission on veterans affairs is hereby increased from \$4,869,092 to \$5,212,089.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 129(b) of chapter 136 of the 2013 Session Laws of Kansas for the federal domiciliary per diem fund of the Kansas commission on veterans affairs is hereby decreased from \$1,447,882 to \$1,344,768.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 129(b) of chapter 136 of the 2013 Session Laws of Kansas for the commission on veterans affairs federal fund of the Kansas commission on veterans affairs is hereby decreased from \$197,820 to \$186,678.

(i) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

Veterans home Donlon hall sprinkler system.....	\$231,000
Veterans home sidewalks.....	\$66,000
Veterans home driveway redesign.....	\$77,394

Sec. 65.

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, 2015, the following:

Operating expenditures – administration.....	\$103,511
Operating expenditures – veteran services.....	\$248,575
Scratch lotto – Kansas soldiers' home.....	\$58,336
Scratch lotto – veterans services.....	\$159,160
Scratch lotto – veterans cemeteries.....	\$5,705
Operations – state veterans cemeteries.....	\$20,236
Veterans claims assistance program – administration.....	\$24,000

(b) On July 1, 2014, of the \$1,767,354 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 130(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures – Kansas soldiers' home account, the sum of \$207,548 is hereby lapsed.

(c) On July 1, 2014, of the \$2,130,962 appropriated for the above agency for the

fiscal year ending June 30, 2015, by section 130(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures – Kansas veterans' home account, the sum of \$202,981 is hereby lapsed.

(d) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 130(b) of chapter 136 of the 2013 Session Laws of Kansas for the veterans' home fee fund of the Kansas commission on veterans affairs is hereby increased from \$2,908,205 to \$2,974,461.

(e) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 130(b) of chapter 136 of the 2013 Session Laws of Kansas for the soldiers' home fee fund of the Kansas commission on veterans affairs is hereby increased from \$1,626,314 to \$1,655,258.

(f) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 130(b) of chapter 136 of the 2013 Session Laws of Kansas for the federal long term care per diem fund of the Kansas commission on veterans affairs is hereby increased from \$4,901,469 to \$5,672,092.

(g) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 130(b) of chapter 136 of the 2013 Session Laws of Kansas for the federal domiciliary per diem fund of the Kansas commission on veterans affairs is hereby increased from \$1,348,087 to \$1,487,695.

(h) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 130(b) of chapter 136 of the 2013 Session Laws of Kansas for the commission on veterans affairs federal fund of the Kansas commission on veterans affairs is hereby decreased from \$199,087 to \$187,499.

(i) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Veterans cemetery program rehabilitation and repair projects.....\$102,000

(j) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Soldiers home nurse call system replacement.....\$75,000

Halsey hall circulation system upgrade.....\$240,000

Halsey hall electrical upgrade.....\$60,000

Halsey hall resident room HVAC upgrade.....\$150,000

Halsey hall modular boilers.....\$120,000

Lincoln hall bathroom renovations.....\$150,000

Lincoln hall remodel.....\$400,000

Veterans home Timmerman and Triplett hallway sprinkler system.....\$220,000

Veterans home Donlon hall roof replacement.....\$165,000

Sec. 66.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) The director of accounts and reports shall not make the transfer of \$559,307 from the child care/development block grant federal fund of the Kansas department for children and families to the child care and development block grant – federal fund of the department of health and environment – division of health which was authorized to be made on July 1, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, by

section 132 (e) of chapter 136 of the 2013 Session Laws of Kansas, and on July 1, 2014, the provisions of section 132 (e) of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(b) Of the money appropriated for any of the state general fund accounts for the above named agency for the fiscal year ending June 30, 2015, the agency shall spend an additional \$125,000 on the aid to local units - primary health projects.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, 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:

Aid to local units - primary health projects.....\$200,000

(d) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2015, the following:

Infants and toddlers program.....\$100,000

Provided, That on July 1, 2014, if there are insufficient funds available in the children's initiatives fund to make such appropriation, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

Sec. 67.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Other medical assistance.....\$27,405,000

(b) On the effective date of this act, of the \$10,850,314 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 133(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the health policy operating expenditures account, the sum of \$2,814 is hereby lapsed.

(c) On the effective date of this act, of the \$72,920 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 133(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the office of the inspector general account, the sum of \$1 is hereby lapsed.

(d) On the effective date of this act, of the \$17,293,612 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 133(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the children's health insurance program account, the sum of \$5,829 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 133(b) of chapter 136 of the 2013 Session Laws of Kansas on the preventative health care program fund of the department of health and environment – division of health care finance is hereby increased from \$657,549 to \$1,306,377.

(f) On the effective date of this act, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2014, by section 133(b) of chapter 136 of the 2013 Session Laws of Kansas on the state workers compensation self-insurance fund of the department of health and environment – division of health care finance is hereby increased from \$3,832,597 to \$4,172,454.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 133(b) of chapter 136 of the 2013 Session

Laws of Kansas on the medical programs fee fund of the department of health and environment – division of health care finance is hereby increased from \$72,276,117 to \$81,826,393.

(h) On the effective date of this act, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2014, by section 133(b) of chapter 136 of the 2013 Session Laws of Kansas on the health benefits administration clearing fund – remit admin service org fund of the department of health and environment – division of health care finance is hereby increased from \$7,854,305 to \$9,500,000.

(i) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

KEES interagency transfer fund.....	No limit
Refugee and entrant assistance – state administered programs.....	No limit
Energy assistance block grant.....	No limit
Supplemental nutrition assistance program – admin.....	No limit
Temporary assistance for needy families.....	No limit
Title IV-E – adoption assistance.....	No limit

Sec. 68.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Other medical assistance.....	\$54,503,600
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(b) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 134(b) of chapter 136 of the 2013 Session Laws of Kansas on the preventative health care program fund of the department of health and environment – division of health care finance is hereby increased from \$657,390 to \$1,387,547.

(c) On July 1, 2014, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2015, by section 134(b) of chapter 136 of the 2013 Session Laws of Kansas on the state workers compensation self-insurance fund of the department of health and environment – division of health care finance is hereby decreased from \$3,841,819 to \$3,833,819.

(d) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 134(b) of chapter 136 of the 2013 Session Laws of Kansas on the medical programs fee fund of the department of health and environment – division of health care finance is hereby increased from \$72,676,117 to \$98,980,618.

(e) On July 1, 2014, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2015, by section 134(b) of chapter 136 of the 2013 Session Laws of Kansas on the health benefits administration clearing fund – remit admin service org of the department of health and environment – division of health care finance is hereby increased from \$7,854,305 to \$8,260,050.

(f) On July 1, 2014, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2015, by section

134(b) of chapter 136 of the 2013 Session Laws of Kansas on the cafeteria benefits fund of the department of health and environment – division of health care finance is hereby increased from \$1,906,055 to \$2,398,718.

(g) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

KEES interagency transfer fund.....	No limit
Refugee and entrant assistance – state administered programs.....	No limit
Energy assistance block grant.....	No limit
Supplemental nutrition assistance program – admin.....	No limit
Temporary assistance for needy families.....	No limit
Title IV-E – adoption assistance.....	No limit

(h) On July 1, 2014, the director of accounts and reports shall transfer \$200,000 from the medical programs fee fund of the department of health and environment – division of health care finance from moneys received for the children's health insurance program reauthorization act of 2009 (CHIPRA) bonus award during fiscal year 2014 to the aid to local units – primary health project account of the department of health and environment – division of public health.

(i) On July 1, 2014, the director of accounts and reports shall transfer \$7,062,390 from the medical programs fee fund of the department of health and environment – division of health care finance to the DADS social welfare fund of the Kansas department for aging and disability services.

Sec. 69.

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, 2015, 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:

Driving under the influence fund.....	No limit
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Sec. 70.

KANSAS DEPARTMENT FOR AGING
AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Parsons state hospital and training center – operating expenditures.....	\$129,572
Mental health and retardation services aid and assistance.....	\$4,000,000
Larned state hospital – SPTP new crimes reimbursement.....	\$125,000

Provided, That expenditures may be made from the Larned state hospital – SPTP new crimes reimbursement account for the reimbursement to Pawnee county for the costs of housing, maintaining, transporting and providing medical and mental health services to criminal defendants who, while receiving treatment in the sexual predator treatment program of Larned state hospital, committed a new crime and are being held in a jail in the state of Kansas: *Provided further*, That, except as provided further, expenditures shall be made based on a per diem rate for each such criminal defendant of actual costs incurred, not to exceed \$150: *Provided, however*, That the secretary for aging and

disability services may determine that extraordinary circumstances require payment at a higher per diem rate: *And provided further*, That costs for acute medical care of each criminal defendant of \$2,000 or less during fiscal year 2014 shall be included in the per diem rate: *Provided, however*, That costs for acute medical care of each such criminal defendant exceeding \$2,000 per year may be reimbursed from the Larned state hospital – SPTP new crimes reimbursement account upon the review and approval of a treatment plan that includes projected medical costs for such criminal defendant by the secretary for aging and disability services upon a finding that such expenditures are in the best financial interest of the state: *And provided further*, That expenditures for reimbursement for costs may be made upon presentation of invoices from the Pawnee county sheriff itemizing costs for housing, maintaining, transporting and providing medical and mental health services to such criminal defendants: *And provided further*, That, except as provided further, expenditures for reimbursement shall not be made for jail costs if more than 18 months have elapsed since arrest for a misdemeanor offense or 24 months have elapsed since arrest for a felony offense: *Provided, however*, That the Pawnee county attorney may submit a written request for continued reimbursement of jail costs to the secretary for aging and disability services including justification constituting good cause for delays in obtaining a conviction or an acquittal within such time period: *And provided further*, That if there are not sufficient moneys appropriated to the Larned state hospital – SPTP new crimes reimbursement account for the reimbursement for jail costs, the county may file a claim against the state pursuant to article 9 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

Debt service – state hospitals rehabilitation and repair.....\$137,694
 Larned state hospital – security cameras project.....\$204,000

(c) On the effective date of this act, of the \$152,805,600 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 137(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the LTC – medicaid assistance – NF account, the sum of \$26,374,961 is hereby lapsed.

(d) On the effective date of this act, of the \$103,264,496 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 137(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the other medical assistance account, the sum of \$8,927,443 is hereby lapsed.

(e) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Safe and supportive schools.....No limit

(f) On the effective date of this act, of the \$30,172,522 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 137(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the Larned state hospital – operating expenditures account, the sum of \$58,040 is hereby lapsed.

(g) On the effective date of this act, of the \$15,160,052 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 137(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the Osawatomie state

hospital – operating expenditures account, the sum of \$71,682 is hereby lapsed.

(h) On the effective date of this act, of the \$4,080,097 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 137(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the Rainbow mental health facility – operating expenditures account, the sum of \$150 is hereby lapsed.

(i) On the effective date of this act, the \$66,279 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 40(k) of chapter 136 of the 2013 Session Laws of Kansas from the state institutions building fund in the Parsons state hospital and training center – energy conservation debt service account, is hereby lapsed.

(j) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2014 for the Kansas department for aging and disability services as authorized by section 137 of chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2014 to provide continuing services to those individuals with developmental disabilities and physical disabilities who were removed from the waiting list and receiving services during fiscal year 2014.

(k) Any moneys in any account or accounts of the state general fund of the Kansas department for aging and disability services appropriated in the aggregate amount of \$4,000,000 for home and community based services PD waiver for the fiscal year ending June 30, 2014, that have not been budgeted during fiscal year 2014 to provide services to individuals already removed from the waiting list and receiving services shall be transferred to the mental health and retardation services aid and assistance account of the Kansas department for aging and disability services to be expended for the purpose of eliminating the underserved waiting list for the I/DD waiver for the fiscal year ending June 30, 2014. The secretary for aging and disability services shall certify such transfer to the director of accounts and reports and shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(l) During the fiscal year ending June 30, 2014, the secretary for aging and disability services may expend funds transferred from the Kansas neurological institute – operating expenditures account of the state general fund made pursuant to section 137(h) of chapter 136 of the 2013 Session Laws of Kansas for the purpose of providing services through the home and community based services waiver for individuals with developmental disabilities to reduce the underserved waiting list for the I/DD waiver.

(m) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 137(b) of chapter 136 of the 2013 Session Laws of Kansas on the DADS – social welfare fund of the Kansas department for aging and disability services is hereby increased from \$3,722,900 to \$8,000,000.

(n) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 137(a) of chapter 136 of the 2013 Session Laws of Kansas on the Rainbow mental health facility fee fund of the Kansas department for aging and disability services is hereby decreased from \$1,627,781 to \$0.

(o) On the effective date of this act, the expenditure limitation established for

Osawatomie state hospital fee fund for the fiscal year ending June 30, 2014, by section 137(b) of chapter 136 of the 2013 Session Laws of Kansas is hereby increased from \$8,198,438 to \$9,826,219.

(p) During the fiscal year ending June 30, 2014, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2014 from DADS – social welfare fund of the Kansas department for aging and disability services to the Larned state hospital – patient benefit fund for fiscal year 2014. The secretary for aging and disability services shall certify such transfer to the director of accounts and reports and shall transmit a copy of such certification to the director of legislative research.

Sec. 71.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Parsons state hospital and training center – operating expenditure.....	\$45,882
Alcohol and drug abuse services grants.....	\$500,000
Community based services.....	\$1,333,334
Mental health and retardation services aid and assistance.....	\$10,834,960
Larned state hospital – SPTP new crimes reimbursement.....	\$250,000

Provided, That any unencumbered balance in the Larned state hospital – SPTP new crimes reimbursement account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That expenditures may be made from the Larned state hospital – SPTP new crimes reimbursement account for the reimbursement to Pawnee county for the costs of housing, maintaining, transporting and providing medical and mental health services to criminal defendants who, while receiving treatment in the sexual predator treatment program of Larned state hospital, committed a new crime and are being held in a jail in the state of Kansas: *And provided further*; That, except as provided further, expenditures shall be made based on a per diem rate for each such criminal defendant of actual costs incurred, not to exceed \$150: *Provided, however*; That the secretary for aging and disability services may determine that extraordinary circumstances require payment at a higher per diem rate: *And provided further*; That costs for acute medical care of each criminal defendant of \$2,000 or less during fiscal year 2015 shall be included in the per diem rate: *Provided, however*; That costs for acute medical care of each such criminal defendant exceeding \$2,000 per year may be reimbursed from the Larned state hospital – SPTP new crimes reimbursement account upon the review and approval of a treatment plan that includes projected medical costs for such criminal defendant by the secretary for aging and disability services upon a finding that such expenditures are in the best financial interest of the state: *And provided further*; That expenditures for reimbursement for costs may be made upon presentation of invoices from the Pawnee county sheriff itemizing costs for housing, maintaining, transporting and providing medical and mental health services to such criminal defendants: *And provided further*; That, except as provided further, expenditures for reimbursement shall not be made for jail costs if more than 18 months have elapsed since arrest for a misdemeanor offense or 24 months have elapsed since arrest for a felony offense: *Provided, however*; That the Pawnee county attorney may submit a written request for continued reimbursement of jail costs to the secretary for

aging and disability services including justification constituting good cause for delays in obtaining a conviction or an acquittal within such time period: *And provided further*; That if there are not sufficient moneys appropriated to the Larned state hospital – SPTP new crimes reimbursement account for the reimbursement for jail costs, the county may file a claim against the state pursuant to article 9 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Debt service – state hospitals rehabilitation and repair.....\$40,806

(c) On July 1, 2014, of the \$185,250,392 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 138(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the LTC – medicaid assistance – NF account, the sum of \$30,378,551 is hereby lapsed.

(d) On July 1, 2014, of the \$135,723,988 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 138(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the other medical assistance account, the sum of \$26,256,017 is hereby lapsed.

(e) On July 1, 2014, of the \$3,845,150 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 217(a) of chapter 136 of the 2013 Session Laws of Kansas from the state institutions building fund in the debt service – new state security hospital account, the sum of \$625 is hereby lapsed.

(f) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Safe and supportive schools.....No limit

(g) On July 1, 2014, of the \$30,406,737 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 138(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the Larned state hospital – operating expenditures account, the sum of \$3,262,243 is hereby lapsed.

(h) On July 1, 2014, of the \$15,519,615 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 138(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the Osawatomie state hospital – operating expenditures account, the sum of \$1,014,549 is hereby lapsed.

(i) On July 1, 2014, of the \$2,058,868 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 138(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center – sexual predator treatment program account, the sum of \$1,108,225 is hereby lapsed.

(j) In addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2015 for the Kansas department for aging and disability services as authorized by section 138 of chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the Kansas department for aging and disability

services from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2015 to provide continuing services to those individuals with developmental disabilities and physical disabilities who were removed from the waiting list and receiving services during fiscal year 2015.

(k) Any moneys in any account or accounts of the state general fund of the Kansas department for aging and disability services appropriated in the aggregate amount of \$4,000,000 for home and community based services PD waiver for the fiscal year ending June 30, 2015, that have not been budgeted during fiscal year 2015 to provide services to individuals who were removed from the waiting list and receiving services as of June 30, 2014, shall be transferred to the mental health and retardation services aid and assistance account of the Kansas department for aging and disability services to be expended for the purposes of eliminating the underserved waiting list for the I/DD waiver for the fiscal year ending June 30, 2015. The secretary for aging and disability services shall certify such transfer to the director of accounts and reports and shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(l) During the fiscal years ending June 30, 2015, the secretary for aging and disability services may expend funds transferred from the Kansas neurological institute – operating expenditures account of the state general fund made pursuant to section 138(h) of chapter 136 of the 2013 Session Laws of Kansas for the purposes of providing services through the home and community based services waiver for individuals with developmental disabilities to reduce the underserved waiting list for the I/DD waiver.

(m) On July 1, 2014, the \$4,419,519 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 138(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the rainbow mental health facility – operating expenditures account is hereby lapsed.

(n) On July 1, 2014, the director of accounts and reports shall transfer all moneys in the rainbow mental health facility fee fund to the Osawatomi state hospital fee fund. On July 1, 2014, all liabilities of the rainbow mental health facility fee fund are hereby transferred to and imposed on the Osawatomi state hospital fee fund and the rainbow mental health facility fee fund is hereby abolished.

(o) On July 1, 2014, the director of accounts and reports shall transfer all moneys in the rainbow mental health facility – patient benefit fund to the Osawatomi state hospital – patient benefit fund. On July 1, 2014, all liabilities of the rainbow mental health facility – patient benefit fund are hereby transferred to and imposed on the Osawatomi state hospital – patient benefit fund and the rainbow mental health facility – patient benefit fund is hereby abolished.

(p) On July 1, 2014, the director of accounts and reports shall transfer all moneys in the rainbow mental health facility – work therapy patient benefit fund to the Osawatomi state hospital – work therapy patient benefit fund. On July 1, 2014, all liabilities of the rainbow mental health facility – work therapy patient benefit fund are hereby transferred to and imposed on the Osawatomi state hospital – work therapy patient benefit fund and the rainbow mental health facility – work therapy patient benefit fund is hereby abolished.

(q) On July 1, 2014, the director of accounts and reports shall transfer all moneys in the rainbow mental health facility – medical assistance program – federal fund to the Osawatomi state hospital – medical assistance program – federal fund. On July 1,

2014, all liabilities of the rainbow mental health facility – medical assistance program – federal fund are hereby transferred to and imposed on the Osawatomie state hospital – medical assistance program – federal fund and the rainbow mental health facility – medical assistance program – federal fund is hereby abolished.

(r) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 138(b) of chapter 136 of the 2013 Session Laws of Kansas on the Osawatomie state hospital fee fund of the Kansas department for aging and disability services is hereby increased from \$7,555,674 to \$8,755,323.

(s) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 138(b) of chapter 136 of the 2013 Session Laws of Kansas on the DADS – social welfare fund of the Kansas department for aging and disability services is hereby increased from \$222,900 to \$12,062,390.

(t) On July 1, 2014, of the \$8,815,678 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 138(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the state operations account, the sum of \$56,945 is hereby lapsed.

(u) On July 1, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$250,000 from the DADS – social welfare fund of the Kansas department for aging and disability services to the problem gambling and addictions grant fund of the Kansas department for aging and disability services for the purpose of providing treatment services for problem gamblers: *Provided*, That all individuals with gambling addictions who seek treatment services shall be provided such treatment services: *Provided, however*, That, if it is determined by the secretary for aging and disability services that the moneys are not needed for the purposes of providing treatment services for problem gamblers during such calendar quarter, the director of accounts and reports shall not make such transfer.

(v) During the fiscal year ending June 30, 2015, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2014 from DADS – social welfare fund of the Kansas department for aging and disability services to the Larned state hospital – patient benefit fund for fiscal year 2015. The secretary for aging and disability services shall certify such transfer to the director of accounts and reports and shall transmit a copy of such certification to the director of legislative research.

(w) During the fiscal year ending June 30, 2015, the secretary for aging and disability services is hereby authorized and directed to distribute or expend the portion of the federal disproportionate share funding allocated to rainbow mental health facility that is deposited and credited to the title XIX fund of the Kansas department for aging and disability services.

Sec. 72.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) On the effective date of this act, of the \$92,907,035 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 139(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the state operations (including official hospitality) account, the sum of \$191,505 is hereby lapsed.

(b) On the effective date of this act, of the \$95,618,383 appropriated for the above

agency for the fiscal year ending June 30, 2014, by section 139(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the youth services aid and assistance account, the sum of \$521,075 is hereby lapsed.

(c) On the effective date of this act, of the \$400,000 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 139(c) of chapter 136 of the 2013 Session Laws of Kansas from the children's initiatives fund in the children's cabinet accountability fund account, the sum of \$206,351 is hereby lapsed.

(d) On the effective date of this act, of the \$18,179,484 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 139(c) of chapter 136 of the 2013 Session Laws of Kansas from the children's initiatives fund in the early childhood block grant account, the sum of \$17,866 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 139(b) of chapter 136 of the 2013 Session Laws of Kansas on the social welfare fund of the Kansas department for children and families is hereby decreased from \$27,502,448 to \$25,266,549.

(f) On the effective date of this act, of the \$20,158,937 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 139(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$4,700,000 is hereby lapsed.

Sec. 73.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Youth services aid and assistance.....\$5,300,000

(b) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 140(b) of chapter 136 of the 2013 Session Laws of Kansas on the social welfare fund of the Kansas department for children and families is hereby decreased from \$27,549,851 to \$21,720,776.

(c) On July 1, 2014, of the \$93,319,557 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 140(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the state operations (including official hospitality) account, the sum of \$308,024 is hereby lapsed.

Sec. 74.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures.....\$50,781

Grants to libraries and library systems.....\$36,843

(b) On the effective date of this act, the moneys to be distributed in the grants to libraries and library systems account of the state general fund of the above agency for the fiscal year ending June 30, 2014, by section 145(a) of chapter 136 of the 2013 Session Laws of Kansas to be paid according to contracts with the subregional libraries of the Kansas talking book services is hereby increased from \$305,553 to \$342,396.

Sec. 75.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2015, the following:

Operating expenditures.....	\$138,899
Grants to libraries and library systems.....	\$1,703

(b) On July 1, 2014, the moneys to be distributed in the grants to libraries and library systems account of the state general fund of the above agency for the fiscal year ending June 30, 2015, by section 146(a) of chapter 136 of the 2013 Session Laws of Kansas to be paid according to contracts with the subregional libraries of the Kansas talking book services is hereby increased from \$305,438 to \$307,141.

Sec. 76.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, 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:

Deaf-blind project – federal fund.....	No limit
Safe schools – federal fund.....	No limit

Sec. 77.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....	\$239,612
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, 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:

Deaf-blind project – federal fund.....	No limit
Safe schools – federal fund.....	No limit

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Facilities conservation improvement debt service.....	\$1,692
Security system upgrade project.....	\$281,367

Sec. 78.

KANSAS STATE SCHOOL FOR THE DEAF

(a) On the effective date of this act, of the \$670,675 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 224(a) of chapter 136 of the 2013 Session Laws of Kansas from the state institutions building fund in the Roth building repairs account, the sum of \$140,000 is hereby lapsed.

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

Campus life safety and security.....	\$140,000
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(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, 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:

Personnel development grant – federal fund.....	No limit
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Safe schools – federal fund.....No limit
Sec. 79.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$182,874

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, 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:

Personnel development grant – federal fund.....No limit

Safe schools – federal fund.....No limit

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Roth building repairs.....\$785,000

Campus life safety and security.....\$597,623

Facility conservation improvement debt service.....\$3,020

Rehabilitation and repair projects.....\$265,000

Sec. 80.

STATE HISTORICAL SOCIETY

(a) 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 2015, 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 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cottonwood ranch painting project.....\$30,000

(b) On July 1, 2014, the cottonwood ranch stone wall repair account of the private gifts, grants and bequests fund of the state historical society is hereby abolished: *Provided*, That the expenditure limitation on the cottonwood ranch stone wall repair account of the private gifts, grants and bequests fund of the state historical society in the provisions of section 227(b) of chapter 136 of the 2013 Session Laws of Kansas is hereby declared to be null and void and shall have no force and effect.

Sec. 81.

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, 2015, the following:

Operating expenditures (including official hospitality).....\$9,000

Sec. 82.

EMPORIA STATE UNIVERSITY

(a) On July 1, 2014, of the \$29,502,987 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 162(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$65,354 is hereby lapsed.

Sec. 83.

WICHITA STATE UNIVERSITY

(a) If a majority of the Wichita state university classified employees vote in the affirmative to become unclassified university support staff during the election taking place April 30, 2014, through May 2, 2014, then, on July 1, 2014, of the \$64,004,622 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 170(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$91,004 is hereby lapsed.

Sec. 84.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Information technology education opportunities.....\$500,000

Provided, That the above agency shall make expenditures from the information technology education opportunities account during the fiscal year 2015, to provide information technology education opportunities to high schools through a public-private partnership designed to secure broad-based information technology certification: *Provided further*, That the state board of regents shall utilize a request for proposals process for contracts: *And provided further*, That such contract shall include the following components: (1) A research-based curriculum; (2) online access to the curriculum; (3) instructional software for classroom and student use; (4) certification of skills and competencies in a broad base of information technology-related skill areas; (5) professional development for teachers; and (6) deployment and program support, including, but not limited to, integration with current curriculum standards: *And provided further*, That the state board of regents, in cooperation with the department of education, shall select schools for the information technology education opportunities program through a statewide application process: *And provided further*, That the state board of regents, in cooperation with the department of education, shall select schools that represent a diverse cross section of Kansas schools to include: (A) Urban, suburban and rural schools; (B) small, medium and large school districts; and (C) ethnic diversity among schools.

Sec. 85.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Treatment and programs.....\$3,004,345

(b) On the effective date of this act, of the \$4,622,480 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 246(b) of chapter 136 of the 2013 Session Laws of Kansas from the correctional institutions building fund in the capital improvements – rehabilitation and repair of correctional institutions account, the sum of \$7,450 is hereby lapsed.

(c) On the effective date of this act, of the \$128,521 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 246(b) of chapter 136 of the 2013 Session Laws of Kansas from the correctional institutions building fund in the debt service payment for the prison capacity expansion projects bond issue account, the sum of \$1,103 is hereby lapsed.

(d) On the effective date of this act, of the \$3,997,900 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 246(c) of chapter 136 of the

2013 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 \$3,461 is hereby lapsed.

(e) On the effective date of this act, of the \$24,741,851 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 173(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of \$2,030,769 is hereby lapsed.

Sec. 86.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$25,849,889

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Operating expenditures – juvenile services.....\$2,089,998

Provided, That any unencumbered balance in the operating expenditures – juvenile services account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the operating expenditures – juvenile services account for official hospitality shall not exceed \$2,000.

Community corrections.....\$22,010,385

Provided, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2015 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.

Local jail payments.....\$800,000

Provided, That any unencumbered balance in the local jail payments account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That, notwithstanding the provisions of K.S.A. 19-1930, and amendments thereto, payments by the department of corrections under subsection (b) of K.S.A. 19-1930, and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.

Treatment and programs.....\$56,500,067

Provided, That any unencumbered balance in the treatment and programs account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Purchase of services.....\$21,266,989

Provided, That any unencumbered balance in the purchase of services account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Prevention and graduated sanctions community grants.....\$21,383,874

Provided, That any unencumbered balance in the prevention and graduated sanctions community grants account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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.

Topeka correctional facility – facilities operations.....\$15,001,996

Provided, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility – facilities operations.....\$30,977,862

Provided, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility – facilities operations.....\$40,141,566

Provided, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Ellsworth correctional facility – facilities operations.....\$14,530,133

Provided, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility – facilities operations.....\$12,998,620

Provided, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility – facilities operations.....\$15,297,999

Provided, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Norton correctional facility – facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility – facilities operations.....\$28,581,863

Provided, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Larned correctional mental health facility – facilities operations.....\$10,702,320

Provided, That any unencumbered balance in the Larned correctional mental health

facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however;* That expenditures from the Larned correctional mental health facility – facilities operations account for official hospitality shall not exceed \$500.

Kansas juvenile correctional complex facility operations.....\$16,526,337

Provided, That any unencumbered balance in the Kansas juvenile correctional complex facility operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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 the above agency with unified school districts or other accredited educational services providers.

Larned juvenile correctional facility operations.....\$9,390,907

Provided, That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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 the above agency with unified school districts or other accredited educational services providers.

Facilities operations.....\$14,285,777

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Any unencumbered balance in the management information systems account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, 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:

Supervision fees fund.....No limit

Residential substance abuse treatment – federal fund.....No limit

Department of corrections forensic psychologist fund.....No limit

Provided, That expenditures may be made from the department of corrections forensic psychologist fund for general health care contract expenses.

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

Department of corrections state asset forfeiture fund.....No limit

Chapter I – federal fund.....No limit

Victims of crime act – federal fund.....No limit

Correctional industries fund.....No limit

Provided, That expenditures may be made from the correctional industries fund for official hospitality.

Ed Byrne state and local law assistance – federal fund.....No limit

Bulletproof vest partnership – federal fund.....No limit

Safeguard community grants – federal fund.....No limit

Workforce investment act – federal fund.....No limit

Workplace and community transition training – federal fund.....No limit

USMS reimbursement – federal fund.....No limit

Community awareness project – federal fund.....	No limit
Corrections training and staff development – federal fund.....	No limit
Second chance act – federal fund.....	No limit
Alcohol and drug abuse treatment fund.....	No limit
<i>Provided</i> , That expenditures may be made from the alcohol and drug abuse treatment fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.	
Juvenile delinquency prevention trust fund.....	No limit
State of Kansas – department of corrections inmate benefit fund.....	No limit
Department of corrections – alien incarceration grant fund –federal.....	No limit
Department of corrections – general fees fund.....	No limit
<i>Provided</i> , That expenditures may be made from the department of corrections – general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: <i>Provided further</i> , That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: <i>And provided further</i> , 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: <i>And provided further</i> , That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the department of corrections – general fees 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
Hutchinson correctional facility – general fees fund.....	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
Norton correctional facility – general fees fund.....	No limit
El Dorado correctional facility – general fees fund.....	No limit
Larned correctional mental health facility – general fees fund.....	No limit
Correctional services special revenue fund.....	No limit
JEHT reentry program fund.....	No limit
Community corrections supervision fund.....	No limit
Community corrections special revenue fund.....	No limit
Medical assistance program – federal fund.....	No limit
Title IV-E fund.....	No limit
Juvenile accountability incentive block grant – federal fund.....	No limit
Juvenile justice delinquency prevention – federal fund.....	No limit
Juvenile detention facilities fund.....	No limit
Juvenile justice fee fund – central office.....	No limit
Juvenile justice federal fund – Larned juvenile correctional facility.....	No limit
Juvenile justice federal fund – Kansas juvenile correctional complex.....	No limit

Juvenile justice federal fund.....	No limit
Byrne grant – federal fund – Kansas juvenile correctional complex.....	No limit
Byrne grant – federal fund – Larned juvenile correctional facility.....	No limit
Byrne grant – federal fund.....	No limit
Prisoner reentry initiative demonstration – federal fund.....	No limit
Comprehensive approaches to sex offender management discretionary grant – federal fund.....	No limit
Part E – developing, testing, and demonstrating promising new programs – federal fund.....	No limit
Title V – delinquency prevention program – federal fund.....	No limit
Block grants for prevention and treatment of substance abuse – federal fund.....	No limit
Promoting safe and stable families – federal fund.....	No limit
Title I program for neglected and delinquent children – federal fund.....	No limit
Improving teacher quality state grants – federal fund.....	No limit
Kansas juvenile correctional complex – juvenile accountability block grant – federal fund.....	No limit
Larned juvenile correctional facility – juvenile accountability block grant – federal fund.....	No limit
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
Larned juvenile correctional facility fee fund.....	No limit
Larned juvenile correctional facility – Title I neglected and delinquent children – federal fund.....	No limit
National school breakfast program – federal fund – Larned juvenile correctional facility.....	No limit
Dev/test/demo new prgs – Larned juvenile correctional facility – federal fund.....	No limit
Kansas juvenile correctional complex fee fund..	No limit
Kansas juvenile correctional complex – Title I neglected and delinquent children – federal fund.....	No limit
National school breakfast program – federal fund – Kansas juvenile correctional complex.....	No limit
Kansas juvenile correctional complex – gifts, grants, and donations fund.....	No limit
Kansas juvenile correctional complex – improvement fund.....	No limit
Comprehensive approach to sex offender management discretionary grant – Kansas juvenile correctional complex – federal fund.....	No limit

(c) During the fiscal year ending June 30, 2015, 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, 2015, from the state general fund for the department of corrections or any correctional institution, correctional facility or juvenile facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2015 from the state general fund for the department of corrections or any correctional institution, correctional

facility or juvenile 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 2015 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 2015 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, 2014, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2014.

(f) On July 1, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, 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) During the fiscal year ending June 30, 2015, 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.

(h) On July 1, 2014, 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 \$500,000 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the community corrections special revenue fund of the department of corrections.

(i) In addition to the other purposes for which expenditures may be made by the department of corrections from the juvenile detention facilities fund for fiscal year 2015, notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, the department of corrections is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2015 for purchase of services.

(j) Any unencumbered balance in each of the following accounts in the children's initiatives fund in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: Judge Riddel boys ranch.

(k) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile
correctional facilities.....\$221,955

(l) On July 1, 2014, of the \$3,998,825 appropriated for the above agency for the

fiscal year ending June 30, 2015, by section 247(c) of chapter 136 of the 2013 Session Laws of Kansas from the state institutions building fund in the debt service – Topeka complex and Larned juvenile correctional facility account, \$1,575 is hereby lapsed.

(m) On July 1, 2014, of the \$4,140,675 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 247(b) of chapter 136 of the 2013 Session Laws of Kansas from the correctional institutions building fund in the capital improvements – rehabilitation and repair of correctional institutions account, the sum of \$3,740 is hereby lapsed.

(n) In addition to the other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the state institutions building fund or from any special revenue fund or funds for fiscal year 2015 as authorized by this or other appropriation act of the 2014 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the state institutions building fund or from any special revenue fund or funds for fiscal year 2015 to raze building no. 9 (Kiowa living unit).

(o) During the fiscal year ending June 30, 2015, no expenditures shall be made by the above agency for fiscal year 2015 from the state general fund or any special revenue fund or funds for fiscal year ending June 30, 2015, by chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014, regular session of legislature to purchase or lease any real property for use as a parole office in Kansas City, Kansas, if such property is located adjacent to any child care facility as defined in K.S.A. 65-503, and amendments thereto, licensed by the department of health and environment.

(p) On July 1, 2014, any unencumbered balance in the state of Kansas – department of corrections inmate benefit fund of the above agency in excess of \$100 as of June 30, 2014, is hereby lapsed: *Provided*, That on July 1, 2014, or as soon thereafter as it can be determined, the amount of money determined to be unencumbered is hereby appropriated to the treatment and programs account of the state general fund of the above agency for fiscal year 2015.

Sec. 87.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Military honors funeral fund.....No limit

Provided, That the adjutant general is hereby authorized to accept gifts and donations of money during fiscal year 2014 for military funeral honors or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military honors funeral fund.

Geological survey fund.....No limit

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$160,000 from the disaster relief account of the state general fund of the adjutant general to the geological survey fund of the adjutant general.

(c) On the effective date of this act, of the amount reappropriated for the above

agency for the fiscal year ending June 30, 2014, by section 176(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the disaster relief account, the sum of \$3,000,000 is hereby lapsed.

Sec. 88.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- State and local implementation grant program – federal fund.....No limit
- Military honors funeral fund.....No limit

Provided, That the adjutant general is hereby authorized to accept gifts and donations of money during fiscal year 2015 for military funeral honors or purposes related thereto:

Provided further, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military honors funeral fund.

(b) Any unencumbered balance in excess of \$100 as of June 30, 2015, for the above agency in the disaster relief account of the state general fund is hereby reappropriated for fiscal year 2016: *Provided*, That on July 1, 2014, the provisions of section 176(e) of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 89.

STATE FIRE MARSHAL

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$51,998 from the hazardous material program fund of the state fire marshal to the fire marshal fee fund of the state fire marshal.

Sec. 90.

STATE FIRE MARSHAL

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 178(a) of chapter 136 of the 2013 Session Laws of Kansas on the fire marshal fee fund of the state fire marshal is hereby increased from \$3,291,929 to \$3,448,118.

(b) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by subsection (a) on the fire marshal fee fund of the state fire marshal is hereby increased from \$3,448,118 to \$3,648,118: *Provided*, That if 2014 House Bill No. 2580, or any other legislation which establishes regional emergency response teams to provide a response to hazardous materials or search and rescue incidents is not passed, then, on July 1, 2014, the provisions of this subsection are hereby declared null and void and shall have no force and effect.

(c) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 178(a) of chapter 136 of the 2013 Session Laws of Kansas on the hazardous material program fund of the state fire marshal is hereby decreased from \$363,314 to \$346,510.

(d) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 178(a) of chapter 136 of the 2013 Session Laws of Kansas on the state fire marshal liquefied petroleum gas fee fund of the state fire

marshal is hereby decreased from \$157,742 to \$150,800.

(e) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$15,519 from the hazardous material program fund of the state fire marshal to the fire marshal fee fund of the state fire marshal.

(f) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

FFY12 HMEP grant – federal fund.....No limit

(g) On July 1, 2014, the hazardous materials emergency fund of the state fire marshal is hereby redesignated as the emergency response fund of the state fire marshal: *Provided*, That on July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount not to exceed \$500,000 from the fire marshal fee fund of the state fire marshal to the emergency response fund of the state fire marshal: *Provided further*, That in addition to the other purposes for which expenditures may be made by the state fire marshal from the moneys appropriated from the emergency response fund, expenditures shall be made by the state fire marshal from the moneys appropriated from the emergency response fund to establish regional emergency response teams to provide a response to hazardous materials or search and rescue incidents: *And provided further*, That, if 2014 House Bill No. 2580 or any other legislation which establishes regional emergency response teams to provide a response to hazardous materials or search and rescue incidents is not passed, then, on July 1, 2014, the provisions of this subsection are hereby declared null and void and shall have no force and effect.

Sec. 91.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 179(a) of chapter 136 of the 2013 Session Laws of Kansas on the Kansas highway patrol operations fund of the Kansas highway patrol is hereby increased from \$53,989,285 to \$54,298,922.

(b) On the effective date of this act, the amount of \$13,530,614.25 authorized by section 179(d) of chapter 136 of the 2013 Session Laws of Kansas to be transferred by the director of accounts and reports from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol on April 1, 2014, is hereby decreased to \$13,380,614.25.

(c) In addition to the other purposes for which expenditures may be made by the Kansas highway patrol from the vehicle identification number fee fund for fiscal year 2014 by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the Kansas highway patrol from the vehicle identification number fee fund for fiscal year 2014 for the purpose of providing a 5.0 percent salary increase for the following classifications: Law enforcement officer I, law enforcement officer II, law enforcement officer III and public service executive II.

Sec. 92.

KANSAS HIGHWAY PATROL

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 180(a) of chapter 136 of the 2013 Session Laws of Kansas on

the Kansas highway patrol operations fund of the Kansas highway patrol is hereby decreased from \$56,502,222 to \$55,762,039.

(b) On July 1, 2014, the amount of \$15,061,899 authorized by section 180(d) of chapter 136 of the 2013 Session Laws of Kansas to be transferred by the director of accounts and reports from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol on July 1, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, is hereby decreased to \$15,024,399.

(c) In addition to the other purposes for which expenditures may be made by the Kansas highway patrol from any special revenue fund or funds of the Kansas highway patrol for fiscal year 2015 by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the Kansas highway patrol from any special revenue fund or funds of the Kansas highway patrol for fiscal year 2015 for the purpose of providing a 5.0 percent salary increase for the following classifications: Law enforcement officer I, law enforcement officer II, law enforcement officer III and public service executive II.

Sec. 93.

ATTORNEY GENERAL –

KANSAS BUREAU OF INVESTIGATION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 181(b) of chapter 136 of the 2013 Session Laws of Kansas on the criminal justice information system line fund of the attorney general – Kansas bureau of investigation is hereby increased from \$743,390 to no limit.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Bulletproof vest partnership – federal fund.....No limit

(c) During the fiscal year ending June 30, 2014, 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 2014 made in chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 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 2014 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.

(d) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2014, by section 181(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the meth lab cleanup account, the sum of \$137,514 is hereby lapsed.

Sec. 94.

ATTORNEY GENERAL –

KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$816,755

(b) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 182(b) of chapter 136 of the 2013 Session Laws of Kansas on the criminal justice information system line fund of the attorney general – Kansas bureau of investigation is hereby increased from \$743,390 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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Bulletproof vest partnership – federal fund.....No limit

Uninterrupted power source replacement fund.....No limit

Provided, That on July 1, 2014, 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 \$27,000 from the state highway fund to the uninterrupted power source replacement fund of the attorney general – Kansas bureau of investigation: *Provided further*, That expenditures from the uninterrupted power source replacement fund shall be made for the purpose of replacing the uninterrupted power source at the Kansas bureau of investigation Great Bend regional office.

(d) During the fiscal year ending June 30, 2015, 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 2015 made in chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 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 2015 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.

(e) In addition to the other purposes for which expenditures may be made by the Kansas bureau of investigation from the record check fee fund for the fiscal year ending June 30, 2015, as authorized by section 182(b) of chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the Kansas bureau of investigation from moneys appropriated in the record check fee fund for the fiscal year ending June 30, 2015, for the rehabilitation and repair of the roof at the Topeka headquarters annex and for replacing two heating boilers at the Great Bend regional office: *Provided*, That, such expenditure shall not exceed \$95,000.

Sec. 95.

KANSAS SENTENCING COMMISSION

(a) On the effective date of this act, of the \$691,036 appropriated for the above

agency for the fiscal year ending June 30, 2014, by section 185(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$47,620 is hereby lapsed.

Sec. 96.

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 187(a) of chapter 136 of the 2013 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 increased from \$528,351 to \$581,351.

Sec. 97.

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 188(a) of chapter 136 of the 2013 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 increased from \$527,899 to \$586,235.

Sec. 98.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....	\$270,412
Wheat genetics research.....	\$160,000

Provided, That in addition to the other purposes for which expenditures may be made by the Kansas department of agriculture from the wheat genetics research account of the state general fund for fiscal year 2015, expenditures shall be made by the above agency from the wheat genetics research account of the state general fund for fiscal year 2015 to request from the Kansas wheat innovation center a report to the senate committee on agriculture during the 2015 regular session of the legislature concerning wheat genetics research.

(b) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2015, for the water plan project or projects specified, the following:

Streambank stabilization projects.....	\$750,000
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Provided, That any unencumbered balance in the streambank stabilization projects account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.

Wheat genetics research.....	\$50,000
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Provided, That no expenditures from the wheat genetics research account of the state water plan fund shall be made for salaries and wages: *Provided further*, That in addition to the other purposes for which expenditures may be made by the Kansas department of agriculture from the wheat genetics research account of the state water plan fund for fiscal year 2015, expenditures shall be made by the above agency from the wheat genetics research account of the state water plan fund for fiscal year 2015 to request from the Kansas wheat innovation center a report to the senate committee on agriculture

during the 2015 regular session of the legislature concerning wheat genetics research.

(c) On July 1, 2014, of the \$575,110 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 190(f) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the agriculture marketing program account, \$2,092 is hereby lapsed.

(d) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending on June 30, 2015, 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.....\$321,114
Sec. 99.

STATE FAIR BOARD

(a) On the effective date of this act, of the \$341,331 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 191(b) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the state fair debt service account, the sum of \$84,919 is hereby lapsed.

(b) On the effective date of this act, of the \$510,000 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 254(c) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the state fair bonded debt service account, the sum of \$355,000 is hereby lapsed.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the state fair fee fund of the state fair board to the state fair capital improvements fund of the state fair board.
Sec. 100.

STATE FAIR BOARD

(a) On July 1, 2014, of the \$315,831 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 192(b) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the state fair debt service account, the sum of \$3,131 is hereby lapsed.

(b) On June 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the state fair fee fund of the state fair board to the state fair capital improvements fund of the state fair board.

(c) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:
Capital improvements.....\$400,000
Sec. 101.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2015, for the state water plan project or projects specified, the following:
John Redmond reservoir bonds.....\$1,619,835

Provided, That any unencumbered balance in the John Redmond reservoir bonds account in excess of \$100 as of June 30, 2015, is hereby reappropriated for fiscal year 2016.
Sec. 102.

KANSAS DEPARTMENT OF WILDLIFE,
PARKS AND TOURISM

(a) On the effective date of this act, of the \$3,026,203 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 195(a) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the operating expenditures account, the sum of \$191,382 is hereby lapsed.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2014, the following:

State parks operating expenditures.....\$187,069

Provided, That the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2014, by section 195(a) of chapter 136 of the 2013 Session Laws of Kansas on the state parks operating expenditures account of the state economic development initiatives fund of the Kansas department of wildlife, parks and tourism is hereby decreased from \$1,000 to \$0.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 195(b) of chapter 136 of the 2013 Session Laws of Kansas for the department access roads fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$846,456 to \$1,269,915.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 195(b) of chapter 136 of the 2013 Session Laws of Kansas for the boating fee fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$873,350 to \$1,156,605: *Provided*, That the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2014, by section 195(b) of chapter 136 of the 2013 Session Laws of Kansas on the boating fee fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$1,000 to \$2,000.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 195(b) of chapter 136 of the 2013 Session Laws of Kansas for the wildlife fee fund of the Kansas department of wildlife, parks and tourism is hereby decreased from \$25,998,361 to \$25,329,232: *Provided*, That expenditures from this fund for official hospitality shall not exceed \$2,000.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 195(b) of chapter 136 of the 2013 Session Laws of Kansas for the parks fee fund of the Kansas department of wildlife, parks and tourism is hereby decreased from \$7,261,605 to \$6,454,743.

(g) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

Debt service – Kansas City district office.....\$4,313

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 256(h) of chapter 136 of the 2013 Session Laws of Kansas for the debt service – Kansas City district office account on the boating fee fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$10,400 to \$11,645.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2014, by section 256(k) of chapter 136 of the 2013 Session Laws of Kansas for the debt service – Kansas City office account on the wildlife fee

fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$43,000 to \$61,065.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Kansas City district office.....\$26,377

(k) In addition to the other purposes for which expenditures may be made by the above agency from the nonfederal grants fund for fiscal year 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the nonfederal grants fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Imperiled aquatic species building at Farlington fish hatcher improvements.....\$543,000
Sec. 103.

KANSAS DEPARTMENT OF WILDLIFE,
PARKS AND TOURISM

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 196(a) of chapter 136 of the 2013 Session Laws of Kansas for the operating expenditures account on the state economic development initiatives fund of the Kansas department of wildlife, parks and tourism is hereby decreased from \$3,043,135 to \$2,837,963.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2015, the following:

Travel and tourism operating expenditures.....\$11,850

State parks operating expenditures.....\$189,869

Provided, That the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2015, by section 196(a) of chapter 136 of the 2013 Session Laws of Kansas on the state parks operating expenditures account of the state economic development initiatives fund of the Kansas department of wildlife, parks and tourism is hereby decreased from \$1,000 to \$0.

(c) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 196(b) of chapter 136 of the 2013 Session Laws of Kansas for the department access roads fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$851,441 to \$1,651,441.

(d) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 196(b) of chapter 136 of the 2013 Session Laws of Kansas for the parks fee fund of the Kansas department of wildlife, parks and tourism is hereby decreased from \$7,284,260 to \$5,565,476.

(e) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 196(b) of chapter 136 of the 2013 Session Laws of Kansas for the boating fee fund of the Kansas department of wildlife, parks and tourism is hereby decreased from \$1,176,761 to \$1,162,136: *Provided*, That expenditures from this account for official hospitality shall not exceed \$2,000.

(f) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 196(b) of chapter 136 of the 2013 Session Laws of Kansas for the wildlife fee fund of the Kansas department of wildlife, parks and tourism is hereby

decreased from \$24,003,137 to \$23,381,639: *Provided*, That the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2015, by section 196(b) of chapter 136 of the 2013 Session Laws of Kansas on the boating fee fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$1,000 to \$2,000.

(g) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Debt service – Kansas City district office.....\$3,453

(h) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Kansas City district office.....\$21,108

(i) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 257(e) of chapter 136 of the 2013 Session Laws of Kansas for the public lands major maintenance account on the state agricultural production fund of the Kansas department of wildlife, parks and tourism is hereby decreased from \$563,000 to \$257,000.

(j) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 257(h) of chapter 136 of the 2013 Session Laws of Kansas for the debt service – Kansas City district office account on the boating fee fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$11,050 to \$12,047.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects.....\$200,000

(l) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 257(k) of chapter 136 of the 2013 Session Laws of Kansas for the shooting range development account on the wildlife fee fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$100,000 to \$250,000.

(m) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 257(k) of chapter 136 of the 2013 Session Laws of Kansas for the debt service – Kansas City office account on the wildlife fee fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$46,800 to \$61,242.

(n) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 257(cc) of chapter 136 of the 2013 Session Laws of Kansas for the public lands major maintenance account on the federally licensed wildlife areas fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$187,000 to \$490,000.

(o) On July 1, 2014, the expenditure limitation established for the fiscal year

ending June 30, 2015, by section 257(p) of chapter 136 of the 2013 Session Laws of Kansas for the public lands major maintenance account on the wildlife restoration fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$60,000 to \$625,000.

(p) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 257(r) of chapter 136 of the 2013 Session Laws of Kansas for the public lands major maintenance account on the sport fish restoration program fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$140,000 to \$480,000.

(q) On July 1, 2014, the expenditure limitation established by section 196(b) of chapter 136 of the 2013 Session Laws of Kansas on the wildlife fee fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$24,003,137 to \$24,753,137: *Provided*, That in addition to the other purposes for which expenditures may be made by the Kansas department of wildlife, parks and tourism from the wildlife fee fund for the fiscal year 2015, expenditures shall be made by the above agency from the wildlife fee fund for fiscal year 2015 for restoration of the Neosho wildlife area.

(r) In addition to the other purposes for which expenditures may be made by the Kansas department of wildlife, parks and tourism from the wildlife restoration fund for fiscal year 2015 as authorized by section 196(b) of chapter 136 of the 2013 Session Laws of Kansas, expenditures shall be made by the above agency from the wildlife restoration fund for fiscal year 2015 for restoration of the Neosho wildlife area: *Provided*, That expenditures from the wildlife restoration fund for restoration of the Neosho wildlife area shall not exceed \$2,250,000.

(s) During the fiscal year ending June 30, 2015, 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 2015 by the above agency by chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014 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 progress of the aquatic nuisance species program and efforts to curtail the spread of aquatic nuisance species throughout the state.

Sec. 104.

DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2014, the expenditure limitation established for the fiscal year ending June 30, 2015, by section 198(b) of chapter 136 of the 2013 Session Laws of Kansas for the agency operations account of the state highway fund of the department of transportation is hereby increased from \$259,050,575 to \$259,071,375.

(b) On July 1, 2017, the expenditure limitation established by this act or any other act of appropriation for the agency operations account of the state highway fund of the department of transportation for the fiscal year ending June 30, 2018, is hereby increased by \$4,110, to allow for signage and designation expenditures related to the passage of 2014 Substitute for House Bill No. 2424.

Sec. 105. On June 30, 2014, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the expanded lottery act revenues fund for the fiscal year ending June 30, 2014, is insufficient to fund the appropriations and transfers that are authorized from the expanded lottery act

revenues fund for the fiscal year ending June 30, 2014, in accordance with the provisions of appropriation acts. The director of the budget shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund to the expanded lottery act revenues fund in order to fund all such appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2014. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the expanded lottery act revenues fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this 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.

Sec. 106. On June 30, 2015, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the expanded lottery act revenues fund for the fiscal year ending June 30, 2015, is insufficient to fund the appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2015, in accordance with the provisions of appropriation acts. The director of the budget shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund to the expanded lottery act revenues fund in order to fund all such appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2015. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the expanded lottery act revenues fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this 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.

Sec. 107. (a) During the fiscal year ending June 30, 2015, no state agency named in chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature shall expend any moneys appropriated for the fiscal year ending June 30, 2015, from the state general fund or in any special revenue fund or funds for such state agency in this or other appropriation act of the 2014 regular session of the legislature, for acquisition of a new or used passenger car or truck as a replacement for a passenger car or truck owned by the state agency, unless:

(1) The motor vehicle being replaced has an unadjusted odometer reading of 130,000 miles or more for a passenger car or 150,000 miles or more for a truck; or

(2) the passenger car or truck being replaced requires repairs which are estimated to cost more than the amount equal to 30.0% of the replacement value of a new or used passenger car or truck of the same class, as the case may be, including parts and labor, in order to be safe to drive.

(b) Any state agency named in chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature shall report on all vehicles requested to be replaced to the director of legislative research or such director's designee, including:

- (1) Vehicle model;
- (2) vehicle year;

- (3) vehicle mileage;
 - (4) cost of replacement; and
 - (5) estimate of safety-related repairs necessary for a vehicle to be replaced.
- (c) As used in this section:

(1) "State agency" means each state agency named in chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, except that state agency shall not include the Kansas highway patrol;

(2) "passenger car" has the meaning ascribed thereto in K.S.A. 8-1445, and amendments thereto; and

(3) "truck" has the meaning ascribed thereto in K.S.A. 8-1481, and amendments thereto.

(d) On July 1, 2014, the provisions of section 205 of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 108. (a) During the fiscal year ending June 30, 2015, in addition to the other purposes for which expenditures may be made by the secretary for aging and disability services from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for aging and disability services for fiscal year 2015 by chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services from the state general fund or from any special revenue fund or funds for fiscal year 2015, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Wyandotte county, Kansas, subject to the provisions of this section:

Tract 1: A tract of land in the Southeast Quarter of Section 27 and the Southwest Quarter of Section 26, Township 11, Range 25, Kansas City (formerly city of Rosedale), Wyandotte County, Kansas, being more particularly described as follows:

Beginning at a point in the West line of the Southwest Quarter of Section 26: said point being 1,978.79 feet South and 12.12 feet West by coordinate from the Northwest Corner of the Southwest Quarter of said Section 26; thence North 48° 24' 39" East, 6.72 feet; thence Northeasterly on a curve to the left, having a radius of 330.0 feet; an arc distance of 42.58 feet; thence North 43° 44' 59" East, tangent to the last described curve, 458.10 feet; thence North and Easterly on a curve to the right, tangent to the last described course, having a radius of 370.0 feet, an arc distance of 298.37 feet; thence North 89° 57' 12" East, tangent to the last described curve, 32.68 feet to a point in the West line of Eaton street as now established; said point being 1,500.46 feet South and 640.84 feet East by coordinate from the Northwest corner of the Southwest Quarter of said Section 26; thence Southerly along the West line of Eaton street as now established, on a curve to the left, having a radius of 1,457.50 feet, an arc distance of 297.65 feet; thence continuing South 0° 04' 51" West along the West line of Eaton street, tangent to the last described curve, 840.22 feet to a point in the South line of the Southwest Quarter of said Section 26; thence South 89° 52' 04" West along said South line of the Southwest Quarter of Section 26, 624.95 feet to the Southwest corner of said Section 26; thence continuing North 89° 47' 33" West along the South line of the Southeast Quarter of Section 27, 157.04 feet to a point in the East line of Rainbow boulevard as now established; said point being 2,637.11 feet South and 173.20 feet West

by coordinate from the Northeast corner of the Southeast Quarter of said Section 27; thence North $34^{\circ} 16' 36''$ West along the East line of said Rainbow boulevard as now established 107.63 feet; thence Northerly along the East line of said Rainbow boulevard on a curve to the right, tangent to the last described course, having a radius of 470.0 feet, an arc distance of 284.05 feet; thence continuing North $0^{\circ} 21' 04''$ East along the East line of said Rainbow boulevard tangent to the last described curve, 223.43 feet; thence South $89^{\circ} 53' 40''$ East, 99.31 feet; thence Easterly on a curve to the left, tangent to the last described course, having a radius of 340.0 feet, an arc distance of 163.21 feet; thence North $48^{\circ} 24' 39''$ East, 60.91 feet to a point in the East line of the Southeast Quarter of said Section 27 and the point of beginning, except that part described as follows:

A tract of land in the Southeast Quarter of Section 27 and the Southwest Quarter of fractional Section 26, Township 11 South, Range 25 East of the sixth principal meridian in Kansas city, Wyandotte county, Kansas, being more particularly described as follows:

Commencing at the Southeast corner of said Section 27, said point also being the Southwest corner of said fractional Section 26: thence South $89^{\circ} 52' 04''$ West 18.68 feet, along the South line of said fractional Section 27; thence North $37^{\circ} 10' 40''$ West 340.27 feet; thence North $26^{\circ} 02' 37''$ West 95.94 feet; thence North $11^{\circ} 50' 19''$ West 69.03 feet; thence North $00^{\circ} 21' 04''$ East 111.93 feet; thence South $89^{\circ} 53' 40''$ East 88.17 feet; thence North $85^{\circ} 44' 47''$ East 74.42 feet; thence North $60^{\circ} 52' 01''$ East 61.08 feet; thence North $09^{\circ} 18' 23''$ East 34.82 feet to a point on the Southeasterly right-of-way line of 36th avenue, as now established, and a point on a curve concave to the South having a radius of 340.00 feet; thence Northeasterly 29.08 feet, along said Southeasterly right-of-way line and said curve; thence North $43^{\circ} 00' 28''$ East 3.39 feet, along said Southeasterly right-of-way line; thence South $01^{\circ} 44' 25''$ East 61.07 feet, departing from said right-of-way line; thence South $07^{\circ} 53' 36''$ East 63.88 feet; thence South $05^{\circ} 45' 03''$ East 126.04 feet; thence South $02^{\circ} 32' 11''$ East 159.70 feet; thence South $15^{\circ} 51' 35''$ East 16.65 feet; thence South $55^{\circ} 15' 49''$ East 24.11 feet; thence South $87^{\circ} 54' 32''$ East 64.98 feet; thence South $83^{\circ} 38' 39''$ East 120.30 feet; thence South $06^{\circ} 53' 33''$ West 167.11 feet to a point on the South line of the Southeast Quarter of said fractional Section 26; thence South $89^{\circ} 52' 04''$ West 189.24 feet, along said South line to the Southwest corner of said fractional Section 26 and the point of beginning, and except: a tract of land in the Southwest Quarter of fractional Section 26, Township 11 South, Range 25 East of the sixth principal meridian in Kansas City, Wyandotte county, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of said fractional Section 26, said point also being the Southeast corner of Section 27, Township 11 South, Range 23 East: thence North $89^{\circ} 52' 04''$ East 498.04 feet, along the South line of said fractional Section 26, to the true point of beginning; thence North $00^{\circ} 07' 56''$ West 114.76 feet; thence North $89^{\circ} 52' 04''$ East 23.21 feet; thence North $00^{\circ} 33' 33''$ East 111.14 feet; thence North $01^{\circ} 19' 24''$ East 331.54 feet; thence North $05^{\circ} 10' 25''$ West 53.01 feet; thence North $08^{\circ} 52' 42''$ West 115.11 feet; thence North $05^{\circ} 22' 21''$ West 38.90 feet; thence North $02^{\circ} 40' 12''$ East 55.93 feet; thence North $08^{\circ} 49' 10''$ East 49.39 feet; thence North $26^{\circ} 40' 27''$ West 29.20 feet; thence North $18^{\circ} 04' 39''$ East 130.98 feet; thence North $20^{\circ} 52' 07''$ East 40.16 feet; thence North $39^{\circ} 36' 45''$ East 32.58 feet; thence North $61^{\circ} 53' 31''$ East 32.13 feet; thence North $79^{\circ} 11' 37''$ East 51.31 feet to a point on the West right-of-way line of Eaton street, as now established, said right-of-way line being a curve

concave to the West having a radius of 1475.50 feet; thence Southerly 288.15 feet, along said West right-of-way line and said curve; thence South 00° 04' 51" West 840.21 feet, along said West right-of-way line, to a point on the South line of said fractional Section 26; thence South 89° 52' 04" West 126.91 feet, along said South line, to the true point of beginning.

Tract 2:

A tract of land in the Southeast Quarter of Section 27 and the Southwest Quarter of fractional Section 26, Township 11 South, Range 25 East of the sixth principal meridian in Kansas city, Wyandotte county, Kansas, being more particularly described as follows:

Commencing at the Southeast corner of said Section 27, said point also being the Southwest corner of said fractional Section 26: thence South 89° 52' 04" West 18.68 feet, along the South line of said fractional Section 27; thence North 37° 10' 40" West 340.27 feet; thence North 26° 02' 37" West 95.94 feet; thence North 11° 50' 19" West 69.03 feet; thence North 00° 21' 04" East 111.93 feet; thence South 89° 53' 40" East 88.17 feet; thence North 85° 44' 47" East 74.42 feet; thence North 60° 52' 01" East 61.08 feet; thence North 09° 18' 23" East 34.82 feet to a point on the Southeasterly right-of-way line of 36th avenue, as now established, and a point on a curve concave to the South having a radius of 340.00 feet; thence Northeasterly 29.08 feet, along said Southeasterly right-of-way line and said curve; thence North 43° 00' 28" East 3.39 feet, along said Southeasterly right-of-way line; thence South 01° 44' 25" East 61.07 feet, departing from said right-of-way line; thence South 07° 53' 36" East 63.88 feet; thence South 05° 45' 03" East 126.04 feet; thence South 02° 32' 11" East 159.70 feet; thence South 15° 51' 35" East 16.65 feet; thence South 55° 15' 49" East 24.11 feet; thence South 87° 54' 32" East 64.98 feet; thence South 83° 38' 39" East 120.30 feet; thence South 06° 53' 33" West 167.11 feet to a point on the South line of the Southeast Quarter of said fractional Section 26; thence South 89° 52' 04" West 189.24 feet, along said South line to the Southwest corner of said fractional Section 26 and the point of beginning.

A tract of land in the Southwest Quarter of fractional Section 26, Township 11 South, Range 25 East of the sixth principal meridian in Kansas City, Wyandotte county, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of said fractional Section 26, said point also being the Southeast corner of Section 27, Township 11 South, Range 23 East: thence North 89° 52' 04" East 498.04 feet, along the South line of said fractional Section 26, to the true point of beginning; thence North 00° 07' 56" West 114.76 feet; thence North 89° 52' 04" East 23.21 feet; thence North 00° 33' 33" East 111.14 feet; thence North 01° 19' 24" East 331.54 feet; thence North 05° 10' 25" West 53.01 feet; thence North 08° 52' 42" West 115.11 feet; thence North 05° 22' 21" West 38.90 feet; thence North 02° 40' 12" East 55.93 feet; thence North 08° 49' 10" East 49.39 feet; thence North 26° 40' 27" West 29.20 feet; thence North 18° 04' 39" East 130.98 feet; thence North 20° 52' 07" East 40.16 feet; thence North 39° 36' 45" East 32.58 feet; thence North 61° 53' 31" East 32.13 feet; thence North 79° 11' 37" East 51.31 feet to a point on the West right-of-way line of Eaton street, as now established, said right-of-way line being a curve concave to the West having a radius of 1475.50 feet; thence Southerly 288.15 feet, along said West right-of-way line and said curve; thence South 00° 04' 51" West 840.21 feet, along said West right-of-way line, to a point on the South line of said fractional Section 26; thence South 89° 52' 04" West 126.91 feet, along said South line, to the true

point of beginning.

(b) The real property described in subsection (a) shall be sold or conveyed to the Kansas university endowment association or the university of Kansas, as determined by the chancellor of the university of Kansas, at the appraised value.

(c) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary for aging and disability services without having first advised and consulted with the joint committee on state building construction.

(d) Prior to the sale or conveyance of the real property described in subsection (a), 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.

(e) When the sale is made, the proceeds thereof shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the appropriate account of the state general fund or special revenue fund of the Kansas department for aging and disability services as determined by the secretary for aging and disability services. The secretary for aging and disability services shall transmit a copy of such determination to the director of legislative research.

(f) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 2013 Supp. 75-6609, and amendments thereto.

(g) In the event that the secretary for aging and disability services determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 109.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

State employee payment.....\$4,507,124

Provided, That all moneys in the state employee payment account shall be used for the purpose of paying the proportionate share of the cost to the state general fund for the \$250 annual payment to all full-time state employees during fiscal year 2015 and, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the state employee payment account by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with each such approval, to the proper accounts created by state general fund appropriations for fiscal year 2015 for which such transfers are so approved under this section.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2015, the following:

State employee payment.....\$64,873

Provided, That all moneys in the state employee payment account shall be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund for the \$250 annual payment to all full-time state employees during fiscal year 2015 and, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the state employee payment account by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with each such approval, to the proper accounts created by state economic development initiatives fund appropriations for fiscal year 2015 for which such transfers are so approved under this section.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2015, the following:
State employee payment.....\$4,876

Provided, That all moneys in the state employee payment account shall be used for the purpose of paying the proportionate share of the cost to the state water plan fund for the \$250 annual payment to all full-time state employees during fiscal year 2015 and, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the state employee payment account by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with each such approval, to the proper accounts created by state water plan fund appropriations for fiscal year 2015 for which such transfers are so approved under this section.

(d) Except as provided further, the director of accounts and reports is hereby authorized and directed to pay for fiscal year 2015, in accordance with the terms, conditions and limitations prescribed in this section, a \$250 payment to each full-time state employee. Each such payment shall be included in such employee's first regular pay warrant in December, 2014. The amount of the payment shall be displayed separately on the warrant stub or advice. In order to be eligible for such payment during fiscal year 2015, such state employee shall have been employed full-time by the state of Kansas for the previous 12 months.

(e) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for the fiscal year ending June 30, 2015, by the director of accounts and reports, who is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts in accordance with such approval, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, for the \$250 annual payment to all full-time state employees for the fiscal year ending June 30, 2015.

(f) The director of the budget shall prepare a budget estimate based upon the most recent payroll information for the \$250 annual payment to all full-time state employees, and all amendments and revisions of such estimate, and the director of the budget shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the director of legislative research.

(g) The following persons are not eligible for nor shall receive an annual payment pursuant to this section: Members of the legislature, governor, lieutenant governor, attorney general, secretary of state, state treasurer or commissioner of insurance. Notwithstanding the provisions of K.S.A. 44-511, 46-137a, 46-137b, 75-3103, 75-3111a and 75-31201, and amendments thereto, or any other statute, no expenditures shall be made from the state general fund, state economic development initiatives fund or state water plan fund, or any special revenue fund or funds for the fiscal year ending June 30, 2015, for the purpose of authorizing an annual payment, pursuant to this section, for members of the legislature, governor, lieutenant governor, attorney general, secretary of state, state treasurer or commissioner of insurance.

(h) The annual payment authorized pursuant to this section shall not be considered an increase in the rate of compensation of the pay plan for persons in the classified service under the Kansas civil service act for the purposes of the provisions of K.S.A. 44-511, 46-137a, 46-137b, 75-3103, 75-3111a and 75-31201, and amendments thereto.

Sec. 110. K.S.A. 2013 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, 2013, notwithstanding the other provisions of this section, on March 1, 2013, 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 \$250,000 or the amount equal to 5% of the total gross receipts during fiscal year 2013 from state fair activities and non-fair days activities through March 1, 2013, except that, subject to approval by the director of the budget prior to March 1, 2013, 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, 2013, the state fair board may certify an amount on March 1, 2013, 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, 2013, 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 2013. 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;

(2) for the fiscal year ending June 30, 2014, notwithstanding the other provisions of this section, on March 1, 2014, 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 \$250,000 or the amount equal to 5% of the total gross receipts during fiscal year 2014 from state fair activities and non-fair days activities through March 1, 2014, except that, subject to approval by the director of the budget prior to March 1, 2014, 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, 2014, the state fair board may certify an amount on March 1, 2014, 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, 2014, 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 2014. 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; and

(3) for the fiscal year ending June 30, 2015, notwithstanding the other provisions of this section, on March 1, 2015, 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 \$250,000 or the amount equal to 5% of the total gross receipts during fiscal year 2015 from state fair activities and non-fair days activities through March 1, 2015, except that, subject to approval by the director of the budget prior to March 1, 2015, 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, 2015, the state fair board may certify an amount on March 1, 2015, 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, 2015, 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 2015. 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, except for the fiscal year ending June 30, 2014, the transfer shall not exceed \$250,000, and for the fiscal year ending June 30, 2015, the transfer shall not exceed \$400,000; 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 year ending June 30, 2013, and the fiscal year ending June 30, 2015.

Sec. 111. K.S.A. 2013 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. 2013 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) (1) On July 1, 2013, on July 1, 2014, and on July 1, 2015, the director of accounts and reports shall transfer \$2,000,000 from the state economic development initiatives fund to the state housing trust fund established by K.S.A. 2013 Supp. 74-8959, and amendments thereto.

~~(2) On July 1, 2016, and on July 1, 2017, 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. 2013 Supp. 74-8959, and amendments thereto.~~

~~(2)~~ (2) Notwithstanding the provisions of K.S.A. 2013 Supp. 74-8959, and amendments thereto, to the contrary, during fiscal year 2013, fiscal year 2014, and fiscal year 2015, moneys in the state housing trust fund shall be used solely for the purpose of loans or grants to cities or counties for infrastructure or housing development in rural areas. During such fiscal years, on or before January 14, 2013, January 13, 2014, and January 12, 2015, the president of the Kansas housing resources corporation shall submit a report concerning the activities of the state housing trust fund to the house of representatives committee on appropriations and the senate committee on ways and means.

Sec. 112. K.S.A. 2013 Supp. 72-8814, as amended by section 47 of 2014 Senate Substitute for House Bill No. 2506, 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. 2013 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 year ending June 30, 2014. 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. 113. K.S.A. 2013 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. 2013 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), (d)(3), (h) ~~or~~ (i) or (j), 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. Such payments shall be 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:

(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

(B) The net earnings rate of the pooled money investment portfolio for the preceding month.

(2) (A) For fiscal year 2013, fiscal year 2014 and fiscal year 2015, 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 state general fund 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.

(3) (A) For fiscal year 2013, fiscal year 2014 and fiscal year 2015, the next \$5,000,000 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 above the first \$1,000,000 certified pursuant to subsection (d)(2)(A), shall be transferred by the director of accounts and reports from the state general fund to the following: The national bio agro-defense facility fund at Kansas state university.

(B) There is hereby established in the state treasury the national bio agro-defense facility fund which shall be administered by Kansas state university in accordance with

the strategic plan adopted by the governor's national bio agro-defense facility steering committee. All moneys credited to the fund shall be used in accordance with the governor's national bio agro-defense facility steering committee's plan with the approval of the president of Kansas state university. All expenditures from the national bio agro-defense facility 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 steering committee and the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed \$581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the legislative post audit act, 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~~ year ending ~~June 30, 2015, and~~ June 30, 2016, 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.

(i) During the fiscal year ending June 30, ~~2013~~ 2015, 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 ~~\$12,287,267~~ \$32,000,000 for such fiscal year.

(j) During the fiscal year ending June 30, 2014, 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 \$10,000,000 for such fiscal year.

Sec. 114. K.S.A. 2013 Supp. 79-34,156 is hereby amended to read as follows: 79-34,156. On the effective date of this act, for the fiscal year ending June 30, 2014, the director of accounts and reports shall transfer \$200,000 from the state highway fund to the Kansas qualified biodiesel fuel producer incentive fund. No moneys shall be transferred from the state highway fund or from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund during the fiscal year ending June 30, 2015. On July 1, 2015, and quarterly thereafter, the director of accounts and reports shall transfer \$875,000 from the state highway fund to the Kansas qualified biodiesel fuel producer incentive fund. If sufficient moneys are not available in the state highway fund for such transfer on July 1, 2015, 2016, 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 highway 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.

Sec. 115. K.S.A. 2013 Supp. 79-4804 is hereby amended to read as follows: 79-4804.(a) After the transfer of moneys pursuant to K.S.A. 2013 Supp. 79-4806, and

amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than $\frac{1}{2}$ of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including, but not limited to, continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) Except as provided further, in each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, except that, No moneys shall be transferred from the state economic development initiatives fund to the state water plan fund on such dates during state fiscal year 2014 or state fiscal year 2015. In state fiscal year 2015, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$800,000 from the state economic development initiatives fund to the state water plan fund. No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 116. K.S.A. 2013 Supp. 2-223, 12-5256, 72-8814, as amended by section 47 of 2014 Senate Substitute for House Bill No. 2506, 74-99b34, 79-34,156 and 79-4804 are hereby repealed.

Sec. 117. *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 this 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. 118. *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 initiative fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any such funds.

Sec. 119. *Savings.* (a) Any unencumbered balance as of June 30, 2014, in any special revenue fund, or account thereof, of any state agency named in chapter 136 of the 2013 Session Laws of Kansas or this act which is not otherwise specifically appropriated or limited for fiscal year 2015 by chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2015, for the same use and purpose as the same was heretofore appropriated.

(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, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund, or the correctional institutions building fund, or to any account of any of such funds.

Sec. 120. (a) During the fiscal year ending June 30, 2015, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2015, 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.

(b) 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. 121. *Federal grants.* (a) During the fiscal year ending June 30, 2015, each federal grant or other federal receipt which is received by a state agency named in chapter 136 of the 2013 Session Laws of Kansas or this act and which is not otherwise appropriated to that state agency for fiscal year 2015 by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, is hereby appropriated for fiscal year 2015 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 2015, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2015.

(b) In addition to the other purposes for which expenditures may be made by any state agency which is named in chapter 136 of the 2013 Session Laws of Kansas or 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 2015 by chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014 regular session of the legislature to apply for and receive federal grants during fiscal year 2015, 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. 122. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, and having an unencumbered balance as of June 30, 2014, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2015, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(b) This subsection 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, 2013.

Sec. 123. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature and having an unencumbered balance as of June 30, 2014, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2015, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such

appropriation.

(b) This subsection 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, 2013.

Sec. 124. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature and having an unencumbered balance as of June 30, 2014, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2015, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection 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, 2013.

Sec. 125. (a) Any transfers of money during the fiscal year ending June 30, 2015, from any special revenue fund of any state agency named in chapter 136 of the 2013 Session Laws of Kansas or 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, 2015.";

And by renumbering remaining section accordingly

On page 1, in the title, by striking all in lines 1 through 8 and inserting the following:
 "AN ACT making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing and directing payment of certain claims against the state; 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. 2013 Supp. 2-223, 12-5256, 72-8814, as amended by section 47 of 2014 Senate Substitute for House Bill No. 2506, 74-99b34, 79-34,156 and 79-4804 and repealing the existing sections.";

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

TY MASTERSON

JIM DENNING

Conferees on part of Senate

GENE SUELLENTROP

MARVIN KLEEB

Conferees on part of House

Senator Masterson moved the Senate adopt the Conference Committee Report on **S Sub Sub HB 2231**.

On roll call, the vote was: Yeas 22; Nays 18; Present and Passing 0; Absent or Not Voting 0.

Yeas: Arpke, Bowers, Bruce, Denning, Donovan, Holmes, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Shultz, Smith, Wagle, Wolf.

Nays: Abrams, Baumgardner, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Knox, McGinn, Melcher, Pettey, Pilcher-Cook, Pyle, V.

Schmidt, Tyson.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: While I was not a participant in the development of this budget, I respect and appreciate the efforts of those that worked so tirelessly on this process. I came to this Senate as a fiscal conservative. I cannot support a budget that includes a guesstimated 200 million dollar loss in revenues this year and unknown losses for next year. But I am not only concerned with the large numbers, I also cannot defend or vote in favor of expenditures in this budget as small as a 79 dollar reimbursement to a member of this governing body. I vote “No” on **S Sub Sub HB 2231**. – MOLLY BAUMGARDNER

Senator Haley requests the record to show that he concurs with the “Explanation of Vote” offered by Senator Baumgardner on **S Sub Sub HB 2231**.

Madam President: I appreciate the hard work of these folks who crafted this budget. And, I recognize that a good part of this budget is for corrections, something I fought for last year when we voted for that budget. However, I disagree with the assertions that we lack revenue, as some others have said. We are simply spending too much of the peoples' money, money they need and should be able to keep. I vote “No” on **S Sub Sub HB 2231**. – STEVE FITZGERALD

Madam President: I vote no on **S Sub Sub HB 2231** because we are denying the stark reality of the situation we face in the out years. By fiscal year 2019, our state general fund will be in the red by \$1.2 billion, which is the direct result of the irresponsible Brownback income tax cuts. All of this goes without saying that in the near future we also will be facing a court decision in the *Gannon v. Kansas* case on the “adequacy” of funding our school finance formula. We need to anticipate the further dire impact that could have on our general fund in the out years. Without regard to an honest and realistic understanding of our state’s general fund profile, I believe Governor Brownback’s administration is on a reckless course of fiscal mismanagement. We will be confronted with difficult decisions in the next two sessions – because we’ll still be here. The bottom line is we’ve gone too far on Governor Brownback’s self-admitted “glide path to zero.” That is why I vote “No”. – ANTHONY HENSLEY

Senators Francisco, Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub Sub HB 2231**.

Madam President: A vote for the CCR on **S Sub Sub HB 2231** is a vote of consent in support of further funding and implementation of common core standards, as the Senate had adopted the following language that is not contained in this report nor the earlier education budget report:

“Senate Journal APRIL 3, 2014: **S Sub Sub HB 2506** be amended by motion of Senator Knox on page 31, following line 4, by inserting: "New Sec. 44. (a) No state agency named in chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014 regular session of the legislature or any school district shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years ending June 30, 2015, June 30, 2016, or June 30,

2017, to implement the common core standards or any portion of such standards, including any assessments affiliated with common core standards unless the legislature expressly consents to the use of the common core standards.

“(b) As used in this section, "common core standards" means the set of uniform educational curriculum standards for grades kindergarten through 12 established by the common core state standards initiative.”;

“And by renumbering sections accordingly.

“Upon the showing of five hands a roll call vote was requested. On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 1; Absent or Not Voting 0.” – DENNIS PYLE

CHANGE OF CONFERENCE

The President announced the appointment of Senator Lynn as a member of the Conference Committee on **HB 2099** to replace Senator Olson.

The President announced the appointment of Senator Wagle as a member of the Conference Committee on **HB 2099** to replace Senator Longbine.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

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

ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1838—

A RESOLUTION congratulating the Hesston High School boys' basketball team on winning the 2014 Class 3A State Basketball Championship.

WHEREAS, The Hesston High School boys' basketball team won the 2014 Class 3A State Basketball Championship with a 59-54 victory over Beloit High School. Hesston finished the season with a perfect record, 26-0; and

WHEREAS, The state championship win is the boys' basketball team's first title since 1985 and third in program history; and

WHEREAS, Hesston had to rally in the fourth quarter to pull out the victory. All five Hesston starters came up with key plays that were crucial to the team's victory. Grant Raleigh made a go-ahead three-pointer with 48 seconds to play, Ryan Schadler made a key three-pointer and forced a Beloit turnover in the last minute of play, Tyler McCartney opened the fourth quarter with a three-pointer and added a driving layup, Wyatt McKinney stole the ball with less than 20 seconds to play and hit free throws while Justin Smith added nine points and a team high of 11 rebounds; and

WHEREAS, Greg Raleigh is the head coach for the boys' basketball team. Coach Raleigh's record over three years is 57-13 and he was named Class 3A Coach of the Year. Coach Raleigh's son, Grant Raleigh, was named Class 3A Player of the Year; and

WHEREAS, The members of the 2013-2014 Hesston High School boys' basketball team are Alex Hostetter, Cole McCreary, Cole Seltzer, Daniel Fuhlgrem, David Henderson, Dylan Fry, Jordan Roth, Tanner Bachman, Tyler Stark, Zach Esau, Zach Vogt, Trey Denno, Grant Raleigh, Scott Duerksen, Alex Lemus, Cole Rostetter, Tyler McCartney, Garrett Roth, Justin Smith, Kelson Classen, Grant Dahlsten, Jon Weber,

Ryan Schadler, Levi Caffery, Brad Simpson and Wyatt McKinney; and

WHEREAS, Four members of the team were named all-league team members: Grant Raleigh, first team; Wyatt McKinney, first team; Tyler McCartney, second team; and Ryan Schadler, second team. Both Wyatt McKinney and Grant Raleigh were named to the 3A First Team All-State and Ryan Schadler was named honorable mention 3A All-State. Wyatt McKinney was also named to play in the Kansas Basketball Coaches Association's All Star game: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Hesston High School boys' basketball team on its state championship title. Their hard work and athletic ability are points of pride for their families, school and the community of Hesston. We extend our best wishes for their continued success in the future; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator McGinn.

On emergency motion of Senator McGinn **SR 1838** was adopted by voice vote.

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1839—

A RESOLUTION congratulating the Hesston High School girls' basketball team on winning the 2014 Class 3A State Basketball Championship.

WHEREAS, The Hesston High School girls' basketball team won the 2014 Class 3A State Basketball Championship with a 46-36 victory over Lyons High School. Hesston finished the season 25-1 with the only loss to Class 4A Division I runner-up Wamego; and

WHEREAS, The state championship is the first for the girls' basketball program after second place finishes in 1982 and 1985; and

WHEREAS, Hesston built a 12-point lead in the third quarter of the championship game, but Lyons rallied in the fourth quarter. Hesston made seven of eight free throws in the final two minutes to clinch the win. Hesston and Lyons are league rivals, playing a nearly duplicate game earlier in the season, with Hesston winning 43-35; and

WHEREAS, Matt Richardson is the head coach for the girls' basketball team. Coach Richardson's record over nine years is 161-48 and he was named Class 3A Coach of the Year; and

WHEREAS, The members of the 2013-2014 Hesston High School girls' basketball team are Ali Jost, Caylee Richardson, Megan Voth, Jessanna Nebel, Kylie Brenneman, Abi Decker, Hannah Weber, Taylor Valdez, Audrey Winslow, Katelyn Hageman, Kirsten Heibert, Hannah Schmitt, Liz Reimer, Cami Richardson, Lauren Clark and Kelsey Unruh; and

WHEREAS, Five members of the team were named all-league team members: Caylee Richardson, first team; Cami Richardson, second team; Kelsey Unruh, second team; Ali Jost, honorable mention; and Hannah Schmitt, honorable mention. Both Caylee and Cami Richardson were named 3A First Team All-State and Kelsey Unruh was named honorable mention 3A All-State: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Hesston High School girls' basketball team on its state championship title. These young women have worked hard throughout the season and this title is a testament to that hard work. We extend our best wishes for their continued success in the future; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator McGinn.

On emergency motion of Senator McGinn **SR 1839** was adopted by voice vote.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to share with the body that Wichita East High School has been recognized by *US News and World Report* as the top-ranked public high school in the State of Kansas. The rankings considered student performance on state assessments, how effectively schools educated minority students and economically disadvantaged students, and how well students are prepared for college level work based on advanced placement and International Baccalaureate (IB) tests.

Senator Faust-Goudeau proudly referenced her daughter, Paris Cunningham, who graduated with a 4.0 grade point average from Wichita East High School, and also recognized Principal Ken Thiessen for his work at the high school.

There are three graduates of Wichita East serving in the Kansas Senate: Senators Faust-Goudeau, Petersen, and Shultz. In addition, Senator O'Donnell has family that are graduates.

Senators honored Principal Thiessen with a standing ovation.

ORIGINAL MOTION

Senator Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 258, SB 263; HB 2172, HB 2643.**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 258** 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 6 through 36;

On page 2, by striking all in lines 1 through 43;

On page 3, by striking all in lines 1 through 34 and inserting:

"New Section 1. The changes to law in this act shall be known as Meriden's law.

New Sec. 2. (a) A certificate of birth resulting in stillbirth shall be established by the state registrar.

(b) The certificate of birth resulting in stillbirth shall contain personal and demographic information describing the stillbirth event and shall not contain any information relating to the child's death.

(c) The certificate of birth resulting in stillbirth is not proof of a live birth.

(d) This section shall be part of and supplemental to the uniform vital statistics act, K.S.A. 65-2401 et seq., and amendments thereto.

Sec. 3. K.S.A. 65-2401 is hereby amended to read as follows: 65-2401. As used in this act: ~~(+)~~(a) "Vital statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to birth, adoption, legitimation, death, stillbirth, marriage, divorce, annulment of marriage, induced

termination of pregnancy, and data incidental thereto.

~~(2)(b)~~ "Live birth" means the complete expulsion or extraction from its mother of a ~~product of human conception~~ human child, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(c) "Gestational age" means the age of the human child as measured in weeks as determined by either the last date of the mother's menstrual period, a sonogram conducted prior to the 20th week of pregnancy or the confirmed known date of conception.

~~(3)(d)~~ "Stillbirth" means any complete expulsion or extraction from its mother of a ~~product of human conception the weight of which is in excess of 350 grams, irrespective of the duration of pregnancy~~ human child the gestational age of which is not less than 20 completed weeks, resulting in other than a live birth, as defined in this ~~act~~ section, and which is not an induced termination of pregnancy.

~~(4)(e)~~ "Induced termination of pregnancy" means ~~the purposeful interruption of pregnancy with the intention other than to produce a live born infant or to remove a dead fetus and which does not result in a live birth~~ abortion, as defined in K.S.A. 65-6701, and amendments thereto.

~~(5)(f)~~ "Dead body" means a lifeless human body or such parts of a human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

~~(6)(g)~~ "Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

~~(7)(h)~~ "Secretary" means the secretary of health and environment.

Sec. 4. K.S.A. 65-2412 is hereby amended to read as follows: 65-2412. (a) A death certificate or stillbirth certificate for each death or stillbirth which occurs in this state shall be filed with the state registrar within three days after such death and prior to removal of the body from the state and shall be registered by the state registrar if such death certificate or stillbirth certificate has been completed and filed in accordance with this section. If the place of death is unknown, a death certificate shall be filed indicating the location where the body was found as the place of death. A certificate shall be filed within three days after such occurrence; if death occurs in a moving conveyance, the death certificate shall record the location where the dead body was first removed from such conveyance as the place of death.

(b) The funeral director or person acting as such who first assumes custody of a dead body ~~or fetus~~ shall file the death certificate. Such person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the physician last in attendance prior to burial. The death certificate filed with the state registrar shall be the official death record, except that a funeral director licensed pursuant to K.S.A. 65-1714, and amendments thereto, may verify as true and accurate information pertaining to a death on a form provided by the state registrar, and any such form, verified within 21 days of date of death, shall be prima facie evidence of the facts therein stated for purposes of establishing death. The secretary of health and environment shall fix and collect a fee

for each form provided a funeral director pursuant to this subsection. The fee shall be collected at the time the form is provided the funeral director and shall be in the same amount as the fee for a certified copy of a death certificate.

(c) When death occurred without medical attendance or when inquiry is required by the laws relating to postmortem examinations, the coroner shall investigate the cause of death and shall complete and sign the medical certification within 24 hours after receipt of the death certificate or as provided in K.S.A. 65-2414, and amendments thereto.

(d) In every instance a certificate shall be filed prior to interment or disposal of the body.

Sec. 5. K.S.A. 65-2426a is hereby amended to read as follows: 65-2426a. No dead body, as such term is defined in subsection ~~(4)~~ (f) of K.S.A. 65-2401, and amendments thereto, shall be cremated unless a coroner's permit to cremate has been furnished to authorize such cremation. A telefacsimile signed copy of the coroner's permit to cremate which authorizes the cremation shall constitute legal authorization for such cremation under this section. The provisions of this section shall be construed as supplemental to and as a part of the uniform vital statistics act. Any person who knowingly violates this section, upon conviction, shall be fined not more than \$500.

Sec. 6. K.S.A. 65-2401, 65-2412 and 65-2426a are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "the uniform vital statistics act; relating to issuance of certificates of birth resulting in stillbirth; amending K.S.A. 65-2401, 65-2412 and 65-2426a and repealing the existing sections";

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

LANCE KINZER
ROB BRUCHMAN
JANICE PAULS

Conferees on part of House

JEFF KING
GREG SMITH
DAVID HALEY

Conferees on part of Senate

Senator King moved the Senate adopt the Conference Committee Report on **SB 258**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 263** submits the following report:

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

On page 2, by striking all in lines 8 through 43;

By striking all in pages 3 through 54 and inserting the following:

"New Sec. 2. (a) The following findings and purpose apply to this section:

(1) The legislature finds that the federal government shutdown in 2013 delayed the payment of death gratuity benefits to the survivors of more than 25 United States service members and the legislature honors all service members who have died in service of their country; and

(2) the purpose of this section is to assist the families of fallen Kansas military service members during their time of need in the event of a future federal government shutdown.

(b) On and after January 1, 2015, when a federal government shutdown occurs and an eligible Kansas military service member is killed, the costs of the death gratuity shall be paid by the adjutant general. The adjutant general shall be reimbursed for the cost of the death gratuity once the federal government has reopened and pays the death gratuity. The adjutant general shall develop and implement a procedure to provide such reimbursements on or before January 1, 2015.

(c) To provide for the payments of the costs of paying the death gratuities described in subsection (a), the pooled money investment board is authorized and directed to loan to the adjutant general sufficient funds therefor. 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 loans. There shall be no interest on these loans.

(d) The loan principal shall be payable solely from reimbursements received by the adjutant general for death gratuity payments paid by the state of Kansas during a federal government shutdown.

(e) The 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.

(f) There is hereby created in the state treasury the adjutant general death gratuity payment facilitation fund. From and after January 1, 2015, the adjutant general may periodically certify to the pooled money investment board amounts to be transferred pursuant to this subsection. Upon certification to the pooled money investment board by the adjutant general of the amounts authorized by subsection (b), the pooled money investment board shall transfer amounts certified by the adjutant general from the state bank accounts described in subsection (b) to the adjutant general death gratuity payment facilitation fund.

(g) All expenditures pursuant to this section, from the adjutant general death gratuity payment facilitation 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 adjutant general, or the adjutant general's designee.

(h) During a federal government shutdown, the adjutant general shall:

(1) Pay the death gratuity to the Kansas military service member's survivor, as designated by the Kansas military service member pursuant to the provisions of 10 U.S.C. § 1477(a), as in effect on July 1, 2014. If an eligible Kansas military service

member does not designate a survivor or designates only a portion of the death gratuity to be paid to the survivor, the amount of the death gratuity not covered by a designation shall be paid in accordance with the provisions of 10 U.S.C. § 1477(b), as in effect on July 1, 2014; and

(2) make a death gratuity payment immediately upon receiving official notification of the death of an eligible Kansas military service member.

(i) When making a death gratuity payment as authorized under subsection (g), the adjutant general may act pursuant to the provisions of 10 U.S.C. § 1479, as in effect on July 1, 2014, for the purpose of making an immediate payment under 10 U.S.C. § 1475, as in effect on July 1, 2014.

(j) As used in this section:

(1) "Death gratuity" means the benefit payable to a Kansas military service member in accordance with 10 U.S.C. § 1477, as in effect on July 1, 2014.

(2) "Eligible Kansas military service member" means a resident of the state to whose survivor a death gratuity should be paid pursuant to 10 U.S.C. §§ 1475-1476, as in effect on July 1, 2014.

(3) "Federal government shutdown" means any furlough of non-emergency federal personnel and curtailment of agency programs, activities or services resulting in the government's inability to pay a death gratuity to the survivor of an eligible Kansas military service member.

Sec. 3. K.S.A. 2013 Supp. 73-1235, as amended by section 26 of 2014 Substitute for House Bill No. 2681, is hereby amended to read as follows: 73-1235. (a) There is hereby established with the Kansas commission on veterans affairs office an advisory board which shall be known as the VCAP advisory board. The advisory board shall advise the director of the Kansas commission on veterans affairs office on all veterans services, including in the implementation and administration of the veterans claims assistance program.

(b) (1) The advisory board shall consist of at least seven members as follows:

(A) The deputy director of veterans services, who shall be a permanent member of the advisory board and shall serve as the chairperson of the advisory board.

(B) Each veterans service organization participating in the grant program shall appoint one member of the advisory board who shall be a veteran. The deputy director of veterans services shall notify the state level unit of each national veterans service organization which has an office in the federal department of veteran affairs regional office in Wichita, Kansas, and request written confirmation of the intent of the veterans service organization to participate in the veterans claims assistance program and to request an annual service grant.

(C) The governor shall appoint two members of the advisory board who shall be veterans. With regard to members appointed by the governor, any veterans service organization may submit a list of three names for consideration by the governor in making the appointment. The governor shall consider each such list if timely submitted and may appoint from among those listed.

(D) Two legislators, one from each house, shall be appointed to the advisory board with the speaker of the house of representatives and president of the senate each appointing a member. One legislator shall be a member of the democratic party and one legislator shall be a member of the republican party.

(2) If there are less than two veterans services organizations participating in the

grant program under subsection (b)(1)(B), then the governor shall appoint the remaining members of the advisory board. Appointments under this paragraph shall not exceed two members.

(c) Within 90 days of the effective date of this act, the governor, the speaker of the house of representatives and the president of the senate shall appoint the initial members of the advisory board. Of the initial appointments to the advisory board by the governor, one shall be for a term of one year, one shall be for a term of two years and one shall be for a term ending three years after the date of the initial appointment. After the initial appointments, terms of office of the members appointed by the governor shall be for three years. The term of office of each member appointed by the speaker of the house of representatives or the president of the senate shall end on the first day of the regular session of the legislature which commences in the first odd-numbered year occurring after the year such member was appointed.

(d) Each member of the advisory board, other than the deputy director of ~~the veterans-claims assistance program services~~, shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the advisory board for any reason other than the expiration of a member's term of office, the governor, the speaker of the house of representatives or president of the senate shall appoint a successor of like qualifications to fill the unexpired term in accordance with this section. In the case of any vacancy occurring in the position of an advisory board member who was appointed from a list of nominations submitted by a veterans service organization, the governor shall notify that veterans service organization of the vacant position and request a list of three nominations of veterans from which the governor shall appoint a successor to the advisory board.

(e) Annually, the advisory board shall elect a vice-chairperson and secretary from among its members and shall meet at least four times each year at the call of the chairperson.

(f) The members of the advisory board attending meetings of the advisory board or attending a subcommittee meeting thereof authorized by the advisory board shall receive no compensation for their services but shall be paid subsistence allowances, mileage and other expenses as provided in subsections (b), (c) and (d) of K.S.A. 75-3223, and amendments thereto.

Sec. 4. K.S.A. 2013 Supp. 73-1239, as amended by section 29 of 2014 Substitute for House Bill No. 2681, is hereby amended to read as follows: 73-1239. The Vietnam war era medallion, medal and a certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of this bill, "veteran" means any person defined as a veteran by the United States department of veterans' affairs or its successor agency. The director of the Kansas commission on veterans affairs office shall administer the program and shall adopt all rules and regulations necessary to administer the program. The agency shall determine as expeditiously as possible the persons who are entitled to a Vietnam war era medallion, medal and a certificate and distribute the medallions, medals and the certificates. Applications for the Vietnam war era medallion, medal and the certificate shall be filed with the director of the Kansas commission on veterans affairs office at any time after January 1, 2010, on forms prescribed and furnished by the ~~deputy~~ director of the Kansas

commission on veterans affairs office. The deputy director of veteran services shall approve all applications that are in order, and shall cause a Vietnam war era medallion, medal and a certificate to be prepared for each approved veteran in the form approved by the director of the Kansas commission on veterans affairs office. The deputy director of veteran services shall review applications for the Vietnam war era medallion, medal and a certificate to ensure recipients are enrolled for eligible federal benefits.

New Sec. 5. (a) In awarding any contract for the performance of any job or service for which moneys appropriated are to be expended, the secretary of administration, or the secretary's designee, shall give a preference to disabled veteran businesses doing business as Kansas firms, corporations or individuals, or which maintain Kansas offices or places of business and shall have the goal of awarding at least 3% of all such contracts to disabled veteran businesses.

(b) On or before October 1, 2015, the secretary of administration shall file with the Kansas commission on veterans affairs a report of the number of contracts awarded to disabled veteran businesses during the fiscal year ending June 30, 2015, and the number of such businesses that responded to solicitations of bids or proposals issued by the department of administration during such fiscal year.

(c) As used in this section:

(1) "Disabled veteran" means a person who has served in the armed forces of the United States and who is entitled to compensation for a service-connected disability, according to the laws administered by the veterans administration, or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree.

(2) "Disabled veteran business" means a business: (A) Not less than 51% of which is owned by one or more disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock of which is owned by one or more disabled veterans; and (B) the management and daily business operations of which are controlled by one or more disabled veterans.

Sec. 6. K.S.A. 2013 Supp. 75-3740 is hereby amended to read as follows: 75-3740.

(a) Except as provided by K.S.A. 75-3740b, and amendments thereto, and subsections (b) and (k), all contracts and purchases made by or under the supervision of the director of purchases or any state agency for which competitive bids are required shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

(b) A contract shall be awarded to a certified business or disabled veteran business which is also a responsible bidder, whose total bid cost is not more than 10% higher than the lowest competitive bid. Such contract shall contain a promise by the certified business that the percentage of employees that are individuals with disabilities will be maintained throughout the contract term and a condition that the certified business shall not subcontract for goods or services in an aggregate amount of more than 25% of the total bid cost.

(c) The director of purchases shall have power to decide as to the lowest responsible bidder for all purchases, but if:

(1) (A) A responsible bidder purchases from a qualified vendor goods or services on the list certified by the director of purchases pursuant to K.S.A. 75-3317 et seq., and amendments thereto, the dollar amount of such purchases made during the previous fiscal year shall be deducted from the original bid received from such bidder for the

purpose of determining the lowest responsible bid, except that such deduction shall not exceed 10% of the original bid received from such bidder; or

(B) a responsible bidder purchases from a certified business the dollar amount of such purchases made during the previous fiscal year shall be deducted from the original bid received from such bidder for the purpose of determining the lowest responsible bid, except that such deduction shall not exceed 10% of the original bid received from such bidder;

(2) the dollar amount of the bid received from the lowest responsible bidder from within the state is identical to the dollar amount of the bid received from the lowest responsible bidder from without the state, the contract shall be awarded to the bidder from within the state; and

(3) in the case of bids for paper products specified in K.S.A. 75-3740b, and amendments thereto, the dollar amounts of the bids received from two or more lowest responsible bidders are identical, the contract shall be awarded to the bidder whose bid is for those paper products containing the highest percentage of recycled materials.

(d) Any or all bids may be rejected, and a bid shall be rejected if it contains any material alteration or erasure made after the bid is opened. The director of purchases may reject the bid of any bidder who is in arrears on taxes due the state, who is not properly registered to collect and remit taxes due the state or who has failed to perform satisfactorily on a previous contract with the state. The secretary of revenue is hereby authorized to exchange such information with the director of purchases as is necessary to effectuate the preceding sentence notwithstanding any other provision of law prohibiting disclosure of the contents of taxpayer records or information. Prior to determining the lowest responsible bidder on contracts for construction of buildings or for major repairs or improvements to buildings for state agencies, the director of purchases shall consider: (1) The criteria and information developed by the secretary of administration, with the advice of the state building advisory commission to rate contractors on the basis of their performance under similar contracts with the state, local governmental entities and private entities, in addition to other criteria and information available; and (2) the recommendations of the project architect, or, if there is no project architect, the recommendations of the secretary of administration or the agency architect for the project as provided in K.S.A. 75-1254, and amendments thereto. In any case where competitive bids are required and where all bids are rejected, new bids shall be called for as in the first instance, unless otherwise expressly provided by law or the state agency elects not to proceed with the procurement.

(e) Before the awarding of any contract for construction of a building or the making of repairs or improvements upon any building for a state agency, the director of purchases shall receive written approval from the state agency for which the building construction project has been approved, that the bids generally conform with the plans and specifications prepared by the project architect, by the secretary of administration or by the agency architect for the project, as the case may be, so as to avoid error and mistake on the part of the contractors. In all cases where material described in a contract can be obtained from any state institution, the director of purchases shall exclude the same from the contract.

(f) All bids with the names of the bidders and the amounts thereof, together with all documents pertaining to the award of a contract, shall be made a part of a file or record and retained by the director of purchases for five years, unless reproduced as provided

in K.S.A. 75-3737, and amendments thereto, and shall be open to public inspection at all reasonable times.

(g) As used in this section:

(1) "Certified business" means any business certified annually by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that:

(A) Does business primarily in Kansas or substantially all of its production in Kansas;

(B) employs at least ~~20%~~ 10% of its employees who are individuals with disabilities and reside in Kansas;

(C) offers to contribute at least 75% of the premium cost for individual health insurance coverage for each employee. ~~The level of such coverage shall be at least equal to the level of benefits offered by the state employee benefit program established by K.S.A. 75-6501 et seq., and amendments thereto.~~ The department of administration shall require a certification of these facts as a condition to the certified business being awarded a contract pursuant to subsection (b); and

(D) does not employ individuals under a certificate issued by the United States secretary of labor under subsection (c) of 29 U.S.C. § 214;

(2) "individuals with disabilities" or "individual with a disability" means any individual who:

(A) Is certified by the Kansas department for aging and disability services as having a physical or mental impairment which constitutes a substantial barrier to employment;

(B) works a minimum number of hours per week for a certified business necessary to qualify for health insurance coverage offered pursuant to subsection (g)(1); and

(C) (i) is receiving services, has received services or is eligible to receive services under a home and community based services program, as defined by K.S.A. 39-7,100, and amendments thereto;

(ii) is employed by a charitable organization domiciled in the state of Kansas and exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended; or

(iii) is an individual with a severe and persistent mental illness, as determined by a clinical or functional assessment approved by the Kansas department for aging and disability services;

(3) "physical or mental impairment" means:

(A) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss substantially affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; or endocrine; or

(B) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, mental illness and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairment, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis and intellectual disability; and

(4) "project architect" shall have the meaning ascribed thereto in K.S.A. 75-1251,

and amendments thereto.

(5) "disabled veteran" means a person verified by the Kansas commission on veterans affairs office to have served in the armed forces of the United States and who is entitled to compensation for a service-connected disability, according to the laws administered by the veterans administration, or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree.

(6) "disabled veteran business" means a business certified annually by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, and is verified by the commission on veterans affairs office that:

(A) Not less than 51% is owned by one or more disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock owned by one or more disabled veterans;

(B) the management and daily business operations are controlled by one or more disabled veterans; and

(C) such business maintains the requirements of subparagraphs (A) and (B) during the entire contract term.

(h) Any state agency authorized by the director of purchases to make purchases pursuant to subsection (e) of K.S.A. 75-3739, and amendments thereto, shall consider any unsolicited proposal for goods or services under this section.

(i) The secretary of administration and the secretary for aging and disability services, jointly, shall adopt rules and regulations as necessary to effectuate the purpose of this section.

(j) On and after January 13, 2014, at the beginning of each regular session of the legislature, the secretary of administration and the secretary for aging and disability services shall submit to the social services budget committee of the house of representatives and the appropriate subcommittee of the committee on ways and means of the senate, a written report on:

(1) The number of certified businesses certified by the department of administration during the previous fiscal year;

(2) the number of certified businesses awarded contracts pursuant to subsection (b) during the previous fiscal year;

(3) the number of contracts awarded pursuant to subsection (b) to each certified business during the previous fiscal year;

(4) the number of individuals with disabilities removed from, reinstated to or not reinstated to home and community based services or other medicaid program services during the previous fiscal year as a result of employment with a certified business;

(5) the number of individuals employed by each certified business during the previous fiscal year; and

(6) the number of individuals with disabilities employed by each certified business during the previous fiscal year.

(k) When a state agency is receiving bids to purchase passenger motor vehicles, such agency shall follow the procedures prescribed in subsection (c)(2), except in the case where one of the responsible bidders offers motor vehicles which are assembled in Kansas. In such a case, 3% of the bid of the responsible bidder which offers motor

vehicles assembled in Kansas shall be subtracted from the bid amount, and that amount shall be used to determine the lowest bid pursuant to subsection (c)(2). This subsection shall only apply to bids which match the exact motor vehicle specifications of the agency purchasing passenger motor vehicles.

Sec. 7. K.S.A. 2013 Supp. 75-37,102 is hereby amended to read as follows: 75-37,102. (a) Upon request of the chief administrative officer of a state agency and subject to the approval of the secretary of administration, the director of purchases may convene a procurement negotiating committee to obtain services or technical products for the state agency.

(b) Each procurement negotiating committee shall be composed of: (1) The director of purchases, or a person designated by the director; (2) the chief administrative officer of the state agency desiring to make the procurement, or a person designated by the officer; and (3) the secretary of administration, or a person designated by the secretary or, if a procurement involves information technology or services, the executive chief information technology officer or a person designated by the executive chief information technology officer.

(c) The negotiating committee is authorized to negotiate for the procuring state agency contracts with qualified parties to provide services or technical products needed by the state agency.

(d) Prior to negotiating for the procurement, a notice to bidders first shall be published in the Kansas register. Upon receipt of bids or proposals, the committee may negotiate with one or more of the firms or certified businesses submitting bids or proposals and select from among those submitting such bids or proposals the party to contract with to provide the services or technical products. In selecting the party to contract with to provide services or technical products under this section, the committee shall consider whether such party is:

(1) A certified business or a business which has or purchased goods or services from a qualified vendor on the list certified by the director of purchases pursuant to K.S.A. 75-3317 et seq. and amendments thereto; or

(2) a disabled veteran business:

(A) Doing business as a Kansas firm, corporation or individual; or

(B) maintaining offices or places of business in Kansas.

(e) Contracts entered into pursuant to this section shall not be subject to the provisions of K.S.A. 75-3738 through 75-3740a, and amendments thereto. Meetings to conduct negotiations pursuant to this section shall not be subject to the provisions of K.S.A. 75-4317 through 75-4320a, and amendments thereto. The director of purchases shall submit a report at least once in each calendar quarter to the legislative coordinating council and the chairpersons of the senate committee on ways and means and the house of representatives committee on appropriations of all contracts entered into pursuant to this section. In the event that the negotiating committee selects a bid which is not the lowest bid on a given contract, the directors report shall contain a rationale explaining why the lowest bidder was not awarded the contract.

(f) Nothing in this section shall be construed as requiring either negotiations pursuant to this section or bids pursuant to K.S.A. 75-3739, and amendments thereto, for the procurement of professional services or services for which, in the judgment of the director of purchases, meaningful specifications cannot be determined.

(g) As used in this section:

(1) "Certified business" shall mean the same as in K.S.A. 75-3740, and amendments thereto;

(2) "disabled veteran" shall mean the same as in K.S.A. 75-3740, and amendments thereto; and

(3) "disabled veteran business" shall mean the same as in K.S.A. 75-3740, and amendments thereto.

Sec. 8. K.S.A. 2013 Supp. 72-6415b, as amended by section 38 of 2014 Senate Substitute for House Bill No. 2506, is hereby amended to read as follows: 72-6415b. School facilities weighting may be assigned to enrollment of a district only if: (a) The district has adopted a local option budget in an amount equal to at least 25% of the amount of the state financial aid determined for the district in the current school year; and (b) (1) the contractual bond obligations incurred by the district ~~was~~ were approved by the electors of the district at an election held on or before July 1, 2014, or (2) the district commences operation of a new school facility in school year 2013-2014 or 2014-2015 and the construction of such facility was financed primarily with federal funds and such facility is located on a military reservation. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

Sec. 9. K.S.A. 2013 Supp. 72-6415b, as amended by section 38 of 2014 Senate Substitute for House Bill No. 2506, 73-1235, as amended by section 26 of 2014 Substitute for House Bill No. 2681, 73-1239, as amended by section 29 of 2014 Substitute for House Bill No. 2681, 75-3740 and 75-37,102 are hereby repealed.

Sec. 10. 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 "ACT"; by striking all in lines 2 through 19; in line 20, by striking all before the period and inserting "concerning military and veterans matters; amending K.S.A. 2013 Supp. 72-6415b, as amended by section 38 of 2014 Senate Substitute for House Bill No. 2506, 73-1235, as amended by section 26 of 2014 Substitute for House Bill No. 2681, 73-1239, as amended by section 29 of 2014 Substitute for House Bill No. 2681, 75-3740 and 75-37,102 and repealing the existing sections";

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

MARIO GOICO

LESLIE OSTERMAN

MELANIE MEIER

Conferees on part of House

RALPH OSTMEYER

CLARK SHULTZ

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **SB 263**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM 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 9, following line 41, by inserting:

"Sec. 9. K.S.A. 2013 Supp. 12-1509 is hereby amended to read as follows: 12-1509. (a) Any county or city requiring the licensure of plumbers practicing within the county or city may conduct examinations designated by K.S.A. 12-1508, and amendments thereto, for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; (3) fixing a uniform fee to be charged all applicants taking each such examination; and (4) requiring all persons receiving such license annually to obtain not less than 12 hours biennially or six hours annually of continuing education approved by such local governing body. Not less than six hours biennially or three hours annually shall consist of code education. Continuing education may be provided by the local governing body, a nationally recognized trade association, community college, technical school, technical college or other provider approved by the local governing body. All hours of education shall consist of training relative to construction, maintenance and code update training. Neither the county commission nor the governing body of such city shall impose any restriction on the number of providers of such continuing education.

(b) The certificate of competency received by any person who completes the experience requirements specified in subsections (e) and (f) and who successfully passes an examination designated by K.S.A. 12-1508, and amendments thereto, shall be valid proof of competency for licensure, without additional examination, in any county or city of the state which requires licensure of plumbers practicing within such county or city. The county or city shall issue the appropriate certificate to any applicant therefor who presents such a certificate of competency and who demonstrates that such applicant has met the experience requirements specified in subsections (e) and (f). The county or city shall fix a uniform fee to be charged all such applicants for licensure.

(c) All new licenses issued by a county or city upon the basis of successful passage of an examination designated by K.S.A. 12-1508, and amendments thereto, shall bear a distinctive notation identifying the testing agency and the specific test by name. All such licenses renewed upon the basis of completed continuing education as provided by subsection (a) shall bear a distinctive notation to verify such completion. All such licenses shall be valid in any other county or city which requires examination and licensure of plumbers for practice in such county or city.

(d) No person who was certified or licensed prior to July 1, 1989, upon the basis of passage of a standard examination designated as such under the provisions of article 15 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and whose certificate or license was issued by a political subdivision which prescribed a minimum score of not less than 70% for passage of such examination, shall be required to be reexamined for renewal of certification or licensure.

(e) Before issuing a journeyman certificate, the issuing jurisdiction shall verify the validity of the applicant's documented proof of a minimum of two years field experience. "Field experience" means working under the direct supervision of a person having a valid journeyman certificate or master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of ~~240 hours classroom training~~ 930 program hours documented by a certificate of completion.

(f) Before issuing a master certificate, the issuing jurisdiction shall verify the validity of the applicant's documented proof of having a valid journeyman certificate for a minimum of two years or having field experience for a minimum of four years.

(g) (1) No person shall install, improve, repair, maintain or inspect a medical gas piping system within a county or city unless such person: (A) Is licensed under the provisions of K.S.A. 12-1508 et seq., and amendments thereto; and (B) is certified under the appropriate professional qualifications standard or standards of ASSE Series 6000. All installers shall obtain a proper permit from the county or city for which the medical gas is being installed, all inspections shall be done by a third party agency certified under the appropriate professional qualifications standard or standards of ASSE Series 6000 for medical gas systems inspectors and all documentation of the inspections and certifications of installers and inspectors shall be provided to the county or city prior to any occupancy of the building or unit of the building in which the medical gas piping has been installed until an occupancy permit is issued. This subsection shall not apply in counties or cities in which building codes require an inspector certified by a nationally-recognized code organization to inspect medical gas installation prior to an occupancy permit being issued or to limited maintenance on a medical gas piping system previously installed in a hospital when performed by hospital maintenance personnel.

(2) As used in this subsection (g):

(A) "Medical gas piping" means the piping used solely to transport gasses used for medical purposes at a health care facility or the place of business of a health care provider;

(B) "limited maintenance" means minor repair or replacement of incidental parts and any related inspection or testing; and

(C) "hospital" means a medical care facility as defined in K.S.A. 65-425, and amendments thereto, and includes within its meaning any clinic, long-term care facility, limited care residential facility and joint enterprises for the provision of health care services operated in connection with the operation of the medical care facility.

Sec. 10. K.S.A. 2013 Supp. 12-1526 is hereby amended to read as follows: 12-1526. (a) Any county or city requiring the licensure of electricians practicing within the county or city may conduct examinations designated by K.S.A. 12-1525, and amendments thereto, for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such

examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; (3) fixing a uniform fee to be charged all applicants taking each such examination; and (4) requiring all persons receiving such license to obtain not less than 12 hours biennially or six hours annually of continuing education approved by such local governing body. Not less than six hours biennially or three hours annually shall consist of code education. Continuing education may be provided by the local governing body, a nationally recognized trade association, community college, technical school, technical college or other provider approved by the local governing body. All hours of education shall consist of training relative to construction, maintenance and code update training. Neither the county commission nor the governing body of such city shall impose any restriction on the number of providers of such continuing education.

(b) The certificate of competency received by any person who completes the experience requirements specified in subsections (e) and (f) and who successfully passes an examination designated by K.S.A. 12-1525, and amendments thereto, shall be valid proof of competency for licensure, without additional examination, in any county or city of the state which requires licensure of electricians practicing within such county or city. The county or city shall issue the appropriate certificate to any applicant therefor who presents such a certificate of competency and who demonstrates that such applicant has met the experience requirements specified in subsections (e) and (f). The county or city shall fix a uniform fee to be charged all such applicants for licensure.

(c) All new licenses issued by a county or city upon the basis of successful passage of an examination designated by K.S.A. 12-1525, and amendments thereto, shall bear a distinctive notation identifying the testing agency and the specific test by name. All licenses renewed upon the basis of completed continuing education as provided by subsection (a) shall bear a distinctive notation to verify such completion. All such licenses shall be valid in any other county or city which requires examination and licensure of electricians for practice in such county or city.

(d) No person who was certified or licensed prior to July 1, 1989, upon the basis of passage of a standard examination designated as such under the provisions of article 15 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and whose certificate or license was issued by a political subdivision which prescribed a minimum score of not less than 70% for passage of such examination, shall be required to be reexamined for renewal of certification or licensure.

(e) Before issuing a journeyman or residential certificate, the issuing jurisdiction shall verify the validity of the applicant's documented proof of a minimum of two years field experience. "Field experience" means working under the direct supervision of a person having a valid journeyman certificate, residential certificate or master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of ~~240 hours classroom training~~ 930 program hours documented by a certificate of completion.

(f) Before issuing a master certificate, the issuing jurisdiction shall verify the validity of the applicant's documented proof of having a valid journeyman certificate for a minimum of two years.

Sec. 11. K.S.A. 2013 Supp. 12-1542 is hereby amended to read as follows: 12-

1542. (a) Any county or city requiring the licensure of mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics practicing within the county or city may conduct examinations designated by K.S.A. 12-1541, and amendments thereto, for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; (3) fixing a uniform fee to be charged all applicants taking each such examination; and (4) requiring all persons receiving such license annually to obtain not less than 12 hours biennially or six hours annually of continuing education approved by such local governing body. Not less than six hours biennially or three hours annually shall consist of code education. Continuing education may be provided by the local governing body, a nationally recognized trade association, community college, technical school, technical college or other provider approved by the local governing body. All hours of education shall consist of training relative to construction, maintenance and code update training. Neither the county commission nor the governing body of such city shall impose any restriction on the number of providers of such continuing education.

(b) The certificate of competency received by any person who completes the experience requirements specified in subsections (e) and (f) and who successfully passes an examination designated by K.S.A. 12-1541, and amendments thereto, shall be valid proof of competency for licensure, without additional examination, in any county or city of the state which requires licensure of mechanical heating, ventilation and air conditioning mechanics practicing within such county or city. The county or city shall issue the appropriate certificate to any applicant therefor who presents such a certificate of competency and who demonstrates that such applicant has met the experience requirements specified in subsections (e) and (f). The county or city shall fix a uniform fee to be charged all such applicants for licensure.

(c) All new licenses issued by a county or city upon the basis of successful passage of an examination designated by K.S.A. 12-1541, and amendments thereto, shall bear a distinctive notation identifying the testing agency and the specific test by name. All licenses renewed upon the basis of completed continuing education as provided by subsection (a) shall bear a distinctive notation to verify such completion. All such licenses shall be valid in any other county or city which requires examination and licensure of mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics for practice in such county or city.

(d) No person who was certified or licensed prior to July 1, 1989, upon the basis of passage of a standard examination designated by the political subdivision and whose certificate or license was issued by such political subdivision which prescribed a minimum score of not less than 70% for passage of such examination, shall be required to be reexamined for renewal of certification or licensure.

(e) Before issuing a journeyman heating, ventilation and air conditioning mechanic certificate, the issuing jurisdiction shall verify the validity of the applicant's documented proof of a minimum of two years field experience. "Field experience" means working under the direct supervision of a person having a valid journeyman certificate or master

certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of minimum of ~~240 hours classroom training~~ 930 program hours documented by a certificate of completion.

(f) Before issuing a master heating, ventilation and air conditioning certificate, the issuing jurisdiction shall verify the validity of the applicant's documented proof of having a valid journeyman certificate for a minimum of two years or having field experience for a minimum of four years.";

Also on page 9, in line 42, after "Supp." by inserting "12-1509, 12-1526, 12-1542,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "cemetery corporations" and inserting "certain regulated entities and activities; cemeteries and agreements relating thereto; requirements concerning certain city and county licenses"; in line 2, after "Supp." by inserting "12-1509, 12-1526, 12-1542,";

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

JULIA LYNN

SUSAN WAGLE

TOM HOLLAND

Conferees on part of Senate

STEVE HUEBERT

TOM PHILLIPS

JOHN ALCALA

Conferees on part of House

Senator Lynn moved the Senate adopt the Conference Committee Report on **HB 2172**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2643** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

LES DONOVAN

CARYN TYSON

TOM HOLLAND

Conferees on part of Senate

RICHARD CARLSON

JOHN EDMONDS

TOM SAWYER

Conferees on part of House

On motion of Senator Donovan the Senate adopted the conference committee report on **HB 2643**, and requested a new conference be appointed.

The President appointed Senators Donovan, Tyson and Holland as a second Conference Committee on the part of the Senate on **HB 2643**.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Governor to the Senate for confirmation was considered.

Senator Bruce moved the following appointment be confirmed as recommended by the Committee on Confirmation Oversight.

University of Kansas Hospital Authority:

David Dillon, Term ends March 15, 2017

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub SB 245**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 245** 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 (Corrected) amendments, as follows:

On page 1, by striking all in lines 9 through 35:

By striking all in pages 2 through 11;

On page 12, preceding line 1, by inserting the following:

"Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2017, 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:

Mineral production education fund.....No limit

New Sec. 2. (a) There is hereby established in the state treasury the mineral production education fund which shall be administered by the department of education. On and after July 1, 2016, all moneys that are to be credited to the mineral production education fund pursuant to the provisions of K.S.A. 79-4227, 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 mineral production education fund. All expenditures from the mineral production education fund shall be for school district finance. All expenditures from the mineral production education 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 commissioner of education or the designee of the commissioner.

(b) On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total amount of moneys credited to the mineral production education fund during the six months next preceding the date of transfer, from the mineral production education fund to the state school district finance fund.

New Sec. 3. On July 1, 2016, the director of accounts and reports shall transfer all moneys in the oil and gas valuation depletion trust fund to the state general fund. On July 1, 2016, all liabilities of the oil and gas valuation depletion trust fund are hereby transferred to and imposed on the state general fund, and the oil and gas valuation depletion trust fund is hereby abolished.

Sec. 4. On and after July 1, 2016, K.S.A. 2013 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not affect the courts located therein.

(3) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(4) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(5) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271 – 74th congress, or amendments thereof.

(6) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(7) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(8) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(9) No county may levy ad valorem taxes under the authority of this section upon

real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(10) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(12) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(13) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(14) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(16) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(17) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(18) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

(19) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(20) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(21) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(22) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(23) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.

(24) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.

(25) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(26) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(27) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199, 65-3001 through 65-3028, and amendments thereto.

(28) Counties may not exempt from or effect changes in K.S.A. 2013 Supp. 80-121, and amendments thereto.

(29) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.

(30) Counties may not exempt from or effect changes in the wireless enhanced 911 act, in the VoIP enhanced 911 act or in the provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.

(31) Counties may not exempt from or effect changes in K.S.A. 2013 Supp. 26-601, and amendments thereto.

(32) (A) Counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas liquor control act.

(33) (A) Counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.

(34) Counties may not exempt from or effect changes in the Kansas lottery act.

(35) Counties may not exempt from or effect changes in the Kansas expanded lottery act.

(36) Counties may neither exempt from nor effect changes to the eminent domain procedure act.

(37) Any county granted authority pursuant to the provisions of K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be subject to the limitations and prohibitions imposed under K.S.A. 19-5001 through 19-5005, and amendments thereto.

(38) Except as otherwise specifically authorized by K.S.A. 19-5001 through 19-5005, and amendments thereto, counties may not exercise any authority granted pursuant to K.S.A. 19-5001 through 19-5005, and amendments thereto, including the imposition or levy of any retailers' sales tax.

~~(39) Counties may not exempt from or effect changes in K.S.A. 2013 Supp. 19-271, and amendments thereto.~~

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties,

such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.

Sec. 5. On and after July 1, 2014, K.S.A. 2013 Supp. 19-271 is hereby amended to read as follows: 19-271. (a) The board of county commissioners of each county shall establish a county oil and gas valuation depletion trust fund if the county is to receive moneys from the oil and gas valuation depletion trust fund created under the provisions of K.S.A. 2013 Supp. 79-4231, and amendments thereto. The county treasurer shall be responsible for the administration of such fund.

~~(b) Upon receipt of an authorization for distribution of county oil and gas valuation depletion trust fund moneys pursuant to K.S.A. 2013 Supp. 79-4231, and amendments thereto, the county treasurer shall release 20% of the moneys credited to such county's trust account to the county general fund for expenditure as directed by the board. On and after July 1, 2014, the moneys in the county's oil and gas valuation depletion trust fund shall be expended as directed by the board.~~

~~(c) Moneys credited to the county oil and gas valuation depletion trust fund shall be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In making the budgets of such county, the amounts credited to, and the amount on hand in, such fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of such county. Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.~~

Sec. 6. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6410, as amended by section 37 of 2014 Senate Substitute for House Bill No. 2506, is hereby amended to read as follows: 72-6410. (a) "State financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) (1) Subject to the other provisions of this subsection, "base state aid per pupil" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of base state aid per pupil for school year 2014-2015, and each school year thereafter, shall be at least \$3,838.

(2) The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) "School financing sources" means the sum of the following amounts:

- (1) ~~An amount equal to the proceeds from the state public school financing levy;~~
- (2) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto;
- (3) ~~(2)~~ an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school;
- (4) ~~(3)~~ an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal

of such statutory sections;

~~(5)~~ (4) an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto;

~~(6)~~ (5) an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto;

~~(7)~~ (6) an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

~~(8)~~ (7) an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto;

~~(9)~~ (8) an amount equal to the amount of a grant, if any, received by the district under the provisions of K.S.A. 72-983, and amendments thereto; and

~~(10)~~ (9) an amount equal to 70% of the federal impact aid of the district.

(d) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid defined herein as an amount equal to the federally qualified percentage of the amount of moneys provided for the district under title I of public law 874 shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

~~(e) "State public school financing levy" means the tax levied under the authority of K.S.A. 72-6431, and amendments thereto.~~

Sec. 7. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6431, as amended by section 41 of 2014 Senate Substitute for House Bill No. 2506, 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 2013-2014 and school year 2014-2015.

(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~~ remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(d) ~~On June 6 of each year, the amount, if any, by which a district's school financing sources 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. 8. K.S.A. 2013 Supp. 79-4227 is hereby amended to read as follows: 79-4227. (a) All revenue collected or received by the director from the tax imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. The state treasurer shall first credit such amount as the director shall order to the mineral production tax refund fund created under subsection (b) of this section. ~~Except as otherwise provided by this section, the state treasurer shall credit the remainder of such amounts as follows: (1) Seven percent to the special county mineral production tax fund created under subsection (c) of this section; and (2) the remainder shall be credited to the state general fund. On and after July 1, 2012, and thereafter, except as otherwise provided by this section, the state treasurer shall credit the remainder of such amounts for oil and gas for any county which had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas as follows: (1) Seven percent to the special county mineral production tax fund created under subsection (c); (2) 12.41% to the oil and gas valuation depletion trust fund; and (3) the remainder shall be credited to the state general fund. Any revenue collected or received from the tax imposed by this act during fiscal year 2013 shall be credited as provided in this section as in existence on the effective date of this act. On and after July 1, 2013, through June 30, 2014, the state treasurer shall credit the remainder of such amounts for oil and gas for any county which had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas as follows: (1) Seven percent to the special county mineral production tax fund created under subsection (c); (2) 6% to the oil and gas valuation depletion trust fund; and (3) the remainder shall be credited to the state general fund. On and after July 1, 2014, through June 30, 2015, the state treasurer shall credit the remainder of such amounts for oil and gas for any county which had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas as follows: (1) Seven percent to the special county mineral production tax fund created under subsection (c); (2) 8% to the oil and gas valuation depletion trust fund; and (3) the remainder shall be credited to the state general fund~~ Second, the state treasurer shall credit 7% of the remainder of such amounts to the special county mineral production tax fund created in subsection (c). Finally, the state treasurer shall credit the remainder of such amounts collected or received from the tax imposed by this act during fiscal years 2013, 2014 and 2015 for oil and gas for any county which had \$100,000 or more

in receipts of the excise tax upon the severance and production of oil and gas as follows: (1) 12.41% to the oil and gas valuation depletion trust fund; and (2) the remainder shall be credited to the state general fund. The state treasurer shall credit the remainder of such amounts collected or received from the tax imposed by this act during fiscal year 2016, and thereafter, and distributed during fiscal year 2017, and thereafter, for oil and gas for any county which had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas as follows: (1) 20% to the mineral production education fund created in section 2, and amendments thereto; and (2) the remainder shall be credited to the state general fund.

(b) A refund fund designated as "mineral production tax refund fund" not to exceed \$50,000 is hereby created for the prompt payment of all tax refunds. The mineral production tax refund fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) There is hereby created a special county mineral production tax fund. On December 1, 1983, and quarterly thereafter, the director of taxation shall distribute all moneys credited to such fund to the county treasurers of all counties in which taxes were levied under K.S.A. 79-4217, and amendments thereto, for the severing and producing of coal, oil or gas from property within the county, in the proportion that the taxes levied upon production in each county bears to the total of all of such taxes levied in all of such counties. Such distribution shall be based on returns filed, with any adjustments or corrections thereto made by the director of taxation.

(d) The secretary of revenue shall make provision for the determination of the counties within which taxes are levied under K.S.A. 79-4217, and amendments thereto, for the severance of coal, oil or gas and shall certify the same to the director of accounts and reports.

(e) The director of accounts and reports shall draw warrants on the state treasurer payable to the county treasurer of each county entitled to payment from the special county mineral production tax fund upon vouchers approved by the director of taxation. Upon receipt of such warrant, each county treasurer shall credit 50% of the amount thereof to the county general fund and shall distribute the remaining 50% thereof to the treasurer of each school district all or any portion of which is located within the county in the proportion that the assessed value of coal, oil and gas properties within each district bears to the total of the assessed value of all coal, oil and gas properties within the county. Such assessed valuation shall be determined upon the basis of the most recent November 1 tax roll. The treasurer of each school district shall credit the entire amount of the moneys so received to the general fund of the school district.

Sec. 9. On and after July 1, 2014, K.S.A. 2013 Supp. 79-4231 is hereby amended to read as follows: 79-4231. (a) There is hereby created in the state treasury the oil and gas valuation depletion trust fund. The director of taxation shall administer the oil and gas valuation depletion trust fund. All amounts credited to the oil and gas valuation depletion trust fund pursuant to the provisions of K.S.A. 79-4227, and amendments thereto, less the administration fee imposed under subsection ~~(e)~~ (b), shall be credited to a separate trust account which shall be established within such fund for each county which in any fiscal year had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas. Each county's trust account shall be credited in the proportion that the amount of oil and gas valuation depletion trust fund receipts

collected from that county bears to the total amount of moneys credited to the oil and gas valuation depletion trust fund pursuant to K.S.A. 79-4227, and amendments thereto. Commencing July 1, 2012, and thereafter on an annual basis, the director of taxation shall certify to the director of accounts and reports the amount due the county from the county's oil and gas depletion trust account on October 1 based on all amounts credited thereto, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of each such county for the amount credited to such county's trust account. Upon receipt of such warrant, the treasurer of the county shall credit the same to the oil and gas valuation depletion trust fund of the county established in K.S.A. 2013 Supp. 19-271, and amendments thereto. Except that the director of taxation shall transfer all of the moneys credited to the Wilson county trust account to the Wilson county capital improvement fund in any such tax year until the payment of all costs of financing projects authorized pursuant to K.S.A. 2013 Supp. 74-8961, and amendments thereto, has been completed, and at that time the provisions of this subsection related to distributions to the Wilson county treasurer shall be applicable as provided in this subsection.

~~(b) For any tax year that the oil and gas leasehold ad valorem valuation of any county, which has a trust account established and maintained in a county oil and gas valuation depletion trust fund as provided by K.S.A. 2013 Supp. 19-271, and amendments thereto, is less than 50% of the oil and gas leasehold ad valorem valuation of such county for the second succeeding tax year which commences January 1 following the end of the fiscal year in which the county had \$100,000 or more in receipts of the excise tax upon the production of oil and gas, as certified by the property valuation division, on or before January 15 of the year following such tax year, the director of taxation shall certify the oil and gas leasehold ad valorem valuation amounts for each county and shall authorize the county treasurer to release 20% of the moneys credited to such county's oil and gas valuation depletion trust fund to the county general fund of such county. In any year in which a county's oil and gas leasehold valuation is 50% or more of the oil and gas leasehold valuation of such county for tax year as described in this subsection, such county shall not receive an authorization for distribution of trust fund moneys pursuant to this section for such tax year.~~

~~(e)~~ The director of taxation shall impose and collect an administration fee for the administration of the oil and gas valuation depletion trust fund, this section and the provisions of K.S.A. 2013 Supp. 79-4227, and amendments thereto, equal to 2% of the amount credited to the oil and gas valuation depletion trust fund. The administration fee shall be imposed and collected prior to crediting any amount to any trust account established and maintained for a county in the oil and gas valuation depletion trust fund. All amounts collected for the administration fee shall be transferred from the oil and gas valuation depletion trust fund to the state general fund.

~~(d)~~ (c) All moneys credited to the oil and gas valuation depletion trust fund upon the effective date of this act shall be distributed to each county not later than 30 days following the effective date of this act for deposit in the county's oil and gas valuation depletion trust fund established pursuant to the provisions of K.S.A. 2013 Supp. 19-271, and amendments thereto.

Sec. 10. K.S.A. 2013 Supp. 79-4227 is hereby repealed.

Sec. 11. On and after July 1, 2014, K.S.A. 2013 Supp. 19-271, 72-6410, as amended by section 37 of 2014 Senate Substitute for House Bill No. 2506, 72-6431, as

amended by section 41 of 2014 Senate Substitute for House Bill No. 2506 and 79-4231 are hereby repealed.

Sec. 12. On and after July 1, 2016, K.S.A. 2013 Supp. 19-101a, 19-271, as amended by section 5 of this act and 79-4231, as amended by section 9 of this act, are hereby repealed.";

And by renumbering remaining section accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 6 and inserting "concerning education funding; relating to mineral production; creating the mineral production education fund; abolishing the oil and gas valuation depletion trust fund; concerning school financing sources; making and concerning appropriations for fiscal year 2017; amending K.S.A. 2013 Supp. 19-101a, 19-271, 72-6410, as amended by section 37 of 2014 Senate Substitute for House Bill No. 2506, 72-6431, as amended by section 41 of 2014 Senate Substitute for House Bill No. 2506, 79-4227 and 79-4231 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 19-271, as amended by section 5 of this act and 79-4231, as amended by section 9 of this act.";

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

GENE SUELLENTROP

MARVIN KLEEB

JERRY HENRY

Conferees on part of House

TY MASTERSON

JIM DENNING

LAURA KELLY

Conferees on part of Senate

Senator Masterson moved the Senate adopt the Conference Committee Report on **H Sub SB 245**.

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

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2389** 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. 2389, as follows:

On page 1, by striking all in lines 8 through 36;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 28; following line 28, by inserting:

"Section 1. K.S.A. 2013 Supp. 21-5417, as amended by section 1 of 2014 Senate Bill No. 256, is hereby amended to read as follows: 21-5417. (a) Mistreatment of a dependent adult is knowingly committing one or more of the following acts:

(1) Infliction of physical injury, unreasonable confinement or unreasonable punishment upon a dependent adult;

(2) taking the personal property or financial resources of a dependent adult for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of a dependent adult through:

(A) Undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such dependent adult;

(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto; or

(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(3) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of such dependent adult.

(b) Mistreatment of an elder person is knowingly committing one or more of the following acts:

(1) Taking the personal property or financial resources of an elder person for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of an elder person through:

(A) Undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such elder person;

(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto; or

(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(2) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of such elder person.

(c) Mistreatment of a dependent adult as defined in:

(1) Subsection (a)(1) is a severity level 5, person felony;

(2) subsection (a)(2) if the aggregate amount of the value of the personal property or financial resources is:

(A) \$1,000,000 or more is a severity level 2, person felony;

(B) at least \$250,000 but less than \$1,000,000 is a severity level 3, person felony;

(C) at least \$100,000 but less than \$250,000 is a severity level 4, person felony;

(D) at least \$25,000 but less than \$100,000 is a severity level 5, person felony;

(E) at least \$1,000 but less than \$25,000 is a severity level 7, person felony;

(F) less than \$1,000 is a class A person misdemeanor, except as provided in subsection ~~(b)(2)~~ ~~(G)~~ ~~(c)(2)~~ ~~(G)~~; and

(G) less than \$1,000 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of mistreatment of a dependent adult two or more times is a severity level 7, person felony; and

(3) subsection (a)(3) is a severity level 8, person felony.

(d) Mistreatment of an elder person as defined in:

(1) Subsection (b)(1) if the aggregate amount of the value of the personal property

or financial resources is:

- (A) \$1,000,000 or more is a severity level 2, person felony;
- (B) at least \$250,000 but less than \$1,000,000 is a severity level 3, person felony;
- (C) at least \$100,000 but less than \$250,000 is a severity level 4, person felony;
- (D) at least \$25,000 but less than \$100,000 is a severity level 5, person felony;
- (E) at least \$5,000 but less than \$25,000 is a severity level 7, person felony;
- (F) less than \$5,000 is a class A person misdemeanor, except as provided in subsection ~~(d)(2)(G)~~, (d)(1)(G); and

(G) less than \$5,000 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of mistreatment of an elder person two or more times is a severity level 7, person felony; and

~~(2)~~ (2) subsection (b)(2) is a severity level 8, person felony.

(e) It shall be an affirmative defense to any prosecution for mistreatment of a dependent adult or mistreatment of an elder person as described in subsections (a)(2) and (b)(1) that:

(1) The personal property or financial resources were given as a gift consistent with a pattern of gift giving to the person that existed before the dependent adult or elder person became vulnerable;

(2) the personal property or financial resources were given as a gift consistent with a pattern of gift giving to a class of individuals that existed before the dependent adult or elder person became vulnerable;

(3) the personal property or financial resources were conferred as a gift by the dependent adult or elder person to the benefit of a person or class of persons, and such gift was reasonable under the circumstances; or

(4) a court approved the transaction before the transaction occurred.

(f) No dependent adult or elder person is considered to be mistreated under subsection (a)(1), (a)(3) or (b)(2) for the sole reason that such dependent adult or elder person relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult or elder person is a member or adherent.

(g) As used in this section:

(1) "Adequate consideration" means the personal property or financial resources were given to the person as payment for bona fide goods or services provided by such person and the payment was at a rate customary for similar goods or services in the community that the dependent adult or elder person resided in at the time of the transaction.

(2) "Dependent adult" means an individual 18 years of age or older who is unable to protect the individual's own interest. Such term shall include, but is not limited to, any:

(A) Resident of an adult care home including, but not limited to, those facilities defined by K.S.A. 39-923, and amendments thereto;

(B) adult cared for in a private residence;

(C) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a medical care facility;

(D) individual with intellectual disability or a developmental disability receiving services through a community facility for people with intellectual disability or

residential facility licensed under K.S.A. 75-3307b, and amendments thereto;

(E) individual with a developmental disability receiving services provided by a community service provider as provided in the developmental disability reform act; or

(F) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a state psychiatric hospital or state institution for people with intellectual disability.

(3) "Elder person" means a person 70 years of age or older.

(h) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in article 54, 55, 56 or 58 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6418, and amendments thereto.

Sec. 2. K.S.A. 2013 Supp. 21-6329, as amended by section 8 of 2014 Senate Bill No. 256, is hereby amended to read as follows: 21-6329. (a) Except as provided in subsection (b), it is unlawful for any covered person:

(1) Who has recklessly received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use ~~recklessly~~ or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise;

(2) through a pattern of racketeering activity or through the collection of an unlawful debt, to recklessly acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property; or

(3) employed by, or associated with, any enterprise to recklessly conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.

(b) It is not unlawful for a covered person to violate subsection (a) through the collection of an unlawful debt if such person was not a participant in a violation described in subsection (i) of K.S.A. 2013 Supp. 21-6328, and amendments thereto, which created such unlawful debt.

(c) Violation of this section or conspiracy to commit a violation of this section is a severity level 2, person felony.

(d) The provisions of subsection (d) of K.S.A. 2013 Supp. 21-5302, and amendments thereto, shall not apply to conspiracy to commit a violation of this section.

(e) (1) Notwithstanding the provisions of K.S.A. 2013 Supp. 21-6611, and amendments thereto, any person convicted of engaging in conduct in violation of this section, through which the person derived pecuniary value, or by which the person caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three times the gross value gained or three times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.

(2) The court shall hold a hearing to determine the amount of the fine authorized by this subsection.

(3) For the purposes of this subsection, "pecuniary value" means:

(A) Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; and

(B) any other property or service that has a value in excess of \$100.

(f) For persons arrested and charged under this section, bail shall be at least \$50,000 cash or surety, and such person shall not be released upon the person's own recognizance pursuant to K.S.A. 22-2802, and amendments thereto, unless the court determines on the record that the defendant is not likely to re-offend, an appropriate intensive pretrial supervision program is available and the defendant agrees to comply with the mandate of such pretrial supervision.

Sec. 3. K.S.A. 22-2302 is hereby amended to read as follows: 22-2302. ~~(+) (a)~~ (a) If the magistrate finds from the complaint, or from an affidavit or affidavits filed with the complaint or from ~~other evidence~~ sworn testimony, that there is probable cause to believe both that a crime has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue, except that a summons instead of a warrant may be issued if: ~~(+) (1)~~ (1) The prosecuting attorney so requests; or ~~(+) (2)~~ (2) in the case of a complaint alleging commission of a misdemeanor, the magistrate determines that a summons should be issued. More than one warrant or summons may issue on the same complaint. If a defendant fails to appear in response to the summons, a warrant shall issue.

(b) For a warrant or summons executed prior to July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire.

(2) (c) (1) For a warrant or summons executed on or after July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire open to the public until the warrant or summons has been executed. After the warrant or summons has been executed, such affidavits or sworn testimony shall be made available to:

(A) The defendant or the defendant's counsel, when requested, for such disposition as either may desire; and

(B) any person, when requested, in accordance with the requirements of this subsection.

(2) Any person may request that affidavits or sworn testimony be disclosed by filing such request with the clerk of the court. The clerk of the court shall promptly notify the defendant or the defendant's counsel, the prosecutor and the magistrate that such request was filed.

(3) Within five business days after receiving notice of a request for disclosure from the clerk of the court, the defendant or the defendant's counsel and the prosecutor may submit to the magistrate, under seal, either:

(A) Proposed redactions, if any, to the affidavits or sworn testimony and the reasons supporting such proposed redactions; or

(B) a motion to seal the affidavits or sworn testimony and the reasons supporting such proposed seal.

(4) The magistrate shall review the requested affidavits or sworn testimony and any proposed redactions or motion to seal submitted by the defendant, the defendant's counsel or the prosecutor. The magistrate shall make appropriate redactions, or seal the

affidavits or sworn testimony, as necessary to prevent public disclosure of information that would:

(A) Jeopardize the safety or well being of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;

(B) reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired;

(C) interfere with any prospective law enforcement action, criminal investigation or prosecution;

(D) reveal the identity of any confidential source or undercover agent;

(E) reveal confidential investigative techniques or procedures not known to the general public;

(F) endanger the life or physical safety of any person;

(G) reveal the name, address, telephone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2013 Supp. 21-6419 through 21-6422, and amendments thereto;

(H) reveal the name of any minor; or

(I) reveal any date of birth, personal or business telephone number, driver's license number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information.

(5) Within five business days after receiving proposed redactions or a motion to seal from the defendant, the defendant's counsel or the prosecutor, or within 10 business days after receiving notice of a request for disclosure, whichever is earlier, the magistrate shall either:

(A) Order disclosure of the affidavits or sworn testimony with appropriate redactions, if any; or

(B) order the affidavits or sworn testimony sealed and not subject to public disclosure.

Sec. 4. K.S.A. 2013 Supp. 22-2502 is hereby amended to read as follows: 22-2502. (a) A search warrant shall be issued only upon the oral or written statement, including those conveyed or received by electronic communication, of any person under oath or affirmation which states facts sufficient to show probable cause that a crime has been, is being or is about to be committed and which particularly describes a person, place or means of conveyance to be searched and things to be seized. Any statement which is made orally shall be either taken down by a certified shorthand reporter, sworn to under oath and made part of the application for a search warrant, or recorded before the magistrate from whom the search warrant is requested and sworn to under oath. Any statement orally made shall be reduced to writing as soon thereafter as possible. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate may issue a search warrant for:

(1) The search or seizure of the following:

(A) Any thing which has been used in the commission of a crime, or any contraband or any property which constitutes or may be considered a part of the evidence, fruits or instrumentalities of a crime under the laws of this state, any other state or of the United States. The term "fruits" as used in this act shall be interpreted to

include any property into which the thing or things unlawfully taken or possessed may have been converted;

(B) any person who has been kidnapped in violation of the laws of this state or who has been kidnapped in another jurisdiction and is now concealed within this state;

(C) any human fetus or human corpse;

(D) any person for whom a valid felony arrest warrant has been issued in this state or in another jurisdiction; or

(E) (i) any information concerning the user of an electronic communication service; any information concerning the location of electronic communications systems, including, but not limited to, towers transmitting cellular signals involved in any wire communication; and any other information made through an electronic communications system; or

(ii) the jurisdiction granted in this paragraph shall extend to information held by entities registered to do business in the state of Kansas, submitting to the jurisdiction thereof, and entities primarily located outside the state of Kansas if the jurisdiction in which the entity is primarily located recognizes the authority of the magistrate to issue the search warrant; or

(2) the installation, maintenance and use of a tracking device.

(b) (1) The search warrant under subsection (a)(2) shall authorize the installation and use of the tracking device to track and collect tracking data relating to a person or property for a specified period of time, not to exceed 30 days from the date of the installation of the device.

(2) The search warrant under subsection (a)(2) may authorize the retrieval of the tracking data recorded by the tracking device during the specified period of time for authorized use of such tracking device within a reasonable time after the expiration of such warrant, for good cause shown.

(3) The magistrate may, for good cause shown, grant one or more extensions of a search warrant under subsection (a)(2) for the use of a tracking device, not to exceed 30 days each.

(c) Before ruling on a request for a search warrant, the magistrate may require the affiant to appear personally and may examine under oath the affiant and any witnesses that the affiant may produce. Such proceeding shall be taken down by a certified shorthand reporter or recording equipment and made part of the application for a search warrant.

(d) For a warrant executed prior to July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section or search warrants for tracking devices shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire.

~~(d)(e) (1) For a warrant executed on or after July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section or search warrants for tracking devices shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire open to the public until the warrant has been executed. After the warrant has been executed, such affidavits or sworn testimony shall be made available to:~~

(A) The defendant or the defendant's counsel, when requested, for such disposition as either may desire; and

(B) any person, when requested, in accordance with the requirements of this subsection.

(2) Any person may request that affidavits or sworn testimony be disclosed by filing such request with the clerk of the court. The clerk of the court shall promptly notify the defendant or the defendant's counsel, the prosecutor and the magistrate that such request was filed.

(3) Within five business days after receiving notice of a request for disclosure from the clerk of the court, the defendant or the defendant's counsel and the prosecutor may submit to the magistrate, under seal, either:

(A) Proposed redactions, if any, to the affidavits or sworn testimony and the reasons supporting such proposed redactions; or

(B) a motion to seal the affidavits or sworn testimony and the reasons supporting such proposed seal.

(4) The magistrate shall review the requested affidavits or sworn testimony and any proposed redactions or motion to seal submitted by the defendant, the defendant's counsel or the prosecutor. The magistrate shall make appropriate redactions, or seal the affidavits or sworn testimony, as necessary to prevent public disclosure of information that would:

(A) Jeopardize the safety or well being of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;

(B) reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired;

(C) interfere with any prospective law enforcement action, criminal investigation or prosecution;

(D) reveal the identity of any confidential source or undercover agent;

(E) reveal confidential investigative techniques or procedures not known to the general public;

(F) endanger the life or physical safety of any person;

(G) reveal the name, address, telephone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2013 Supp. 21-6419 through 21-6422, and amendments thereto;

(H) reveal the name of any minor; or

(I) reveal any date of birth, personal or business telephone number, driver's license number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information.

(5) Within five business days after receiving proposed redactions or a motion to seal from the defendant, the defendant's counsel or the prosecutor, or within 10 business days after receiving notice of a request for disclosure, whichever is earlier, the magistrate shall either:

(A) Order disclosure of the affidavits or sworn testimony with appropriate redactions, if any; or

(B) order the affidavits or sworn testimony sealed and not subject to public

disclosure.

~~(e)~~(f) As used in this section:

(1) "Electronic communication" means the use of electronic equipment to send or transfer a copy of an original document;

(2) "electronic communication service" and "electronic communication system" have the meaning as defined in K.S.A. 22-2514, and amendments thereto;

(3) "tracking data" means information gathered or recorded by a tracking device; and

(4) "tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of a person or object. "Tracking device" includes, but is not limited to, a device that stores geographic data for subsequent access or analysis and a device that allows for the real-time monitoring of movement.

~~(f)~~(g) Nothing in this section shall be construed as requiring a search warrant for cellular location information in an emergency situation pursuant to K.S.A. 22-4615, and amendments thereto.

Sec. 5. K.S.A. 2013 Supp. 22-3402 is hereby amended to read as follows: 22-3402.

(a) If any person charged with a crime and held in jail solely by reason thereof shall not be brought to trial within ~~90~~ 150 days after such person's arraignment on the charge, such person shall be entitled to be discharged from further liability to be tried for the crime charged, unless the delay shall happen as a result of the application or fault of the defendant or a continuance shall be ordered by the court under subsection (e).

(b) If any person charged with a crime and held to answer on an appearance bond shall not be brought to trial within 180 days after arraignment on the charge, such person shall be entitled to be discharged from further liability to be tried for the crime charged, unless the delay shall happen as a result of the application or fault of the defendant, or a continuance shall be ordered by the court under subsection (e).

(c) If any trial scheduled within the time limitation prescribed by subsection (a) or (b) is delayed by the application of or at the request of the defendant, the trial shall be rescheduled within 90 days of the original trial deadline.

(d) After any trial date has been set within the time limitation prescribed by subsection (a), (b) or (c), if the defendant fails to appear for the trial or any pretrial hearing, and a bench warrant is ordered, the trial shall be rescheduled within 90 days after the defendant has appeared in court after apprehension or surrender on such warrant. However, if the defendant was subject to the 180-day deadline prescribed by subsection (b) and more than 90 days of the original time limitation remain, then the original time limitation remains in effect.

(e) For those situations not otherwise covered by subsection (a), (b) or (c), the time for trial may be extended for any of the following reasons:

(1) The defendant is incompetent to stand trial. If the defendant is subsequently found to be competent to stand trial, the trial shall be scheduled as soon as practicable and in any event within 90 days of such finding;

(2) a proceeding to determine the defendant's competency to stand trial is pending. If the defendant is subsequently found to be competent to stand trial, the trial shall be scheduled as soon as practicable and in any event within 90 days of such finding. However, if the defendant was subject to the 180-day deadline prescribed by subsection (b) and more than 90 days of the original time limitation remain, then the original time

limitation remains in effect. The time that a decision is pending on competency shall never be counted against the state;

(3) there is material evidence which is unavailable; that reasonable efforts have been made to procure such evidence; and that there are reasonable grounds to believe that such evidence can be obtained and trial commenced within the next succeeding 90 days. Not more than one continuance may be granted the state on this ground, unless for good cause shown, where the original continuance was for less than 90 days, and the trial is commenced within 120 days from the original trial date; or

(4) because of other cases pending for trial, the court does not have sufficient time to commence the trial of the case within the time fixed for trial by this section. Not more than one continuance of not more than 30 days may be ordered upon this ground.

(f) In the event a mistrial is declared, a motion for new trial is granted or a conviction is reversed on appeal to the supreme court or court of appeals, the time limitations provided for herein shall commence to run from the date the mistrial is declared, the date a new trial is ordered or the date the mandate of the supreme court or court of appeals is filed in the district court.

(g) If a defendant, or defendant's attorney in consultation with the defendant, requests a delay and such delay is granted, the delay shall be charged to the defendant regardless of the reasons for making the request, unless there is prosecutorial misconduct related to such delay. If a delay is initially attributed to the defendant, but is subsequently charged to the state for any reason, such delay shall not be considered against the state under subsections (a), (b) or (c) and shall not be used as a ground for dismissing a case or for reversing a conviction unless not considering such delay would result in a violation of the constitutional right to a speedy trial or there is prosecutorial misconduct related to such delay.

(h) When a scheduled trial is scheduled within the period allowed by subsections (a), (b) or (c) and is delayed because a party has made or filed a motion, or because the court raises a concern on its own, the time elapsing from the date of the making or filing of the motion, or the court's raising a concern, until the matter is resolved by court order shall not be considered when determining if a violation under subsections (a), (b) or (c) has occurred. If the resolution of such motion or concern by court order occurs at a time when less than 30 days remains under the provisions of subsections (a), (b) or (c), the time in which the defendant shall be brought to trial is extended 30 days from the date of the court order.

(i) If the state requests and is granted a delay for any reason provided in this statute, the time elapsing because of the order granting the delay shall not be subsequently counted against the state if an appellate court later determines that the district court erred by granting the state's request unless not considering such delay would result in a violation of the constitutional right to a speedy trial or there is prosecutorial misconduct related to such delay.

Sec. 6. K.S.A. 22-3605 is hereby amended to read as follows: 22-3605. (a) Any appellate court may reverse, affirm or modify the judgment or order appealed from, or may order a new trial in the district court. In either case the cause must be remanded to the district court with proper instructions, together with the decision of the appellate court, within the time and in the manner to be prescribed by rule of the supreme court.

(b) (1) In appeals from criminal actions and in other post-conviction actions arising from criminal prosecutions, the issuance of the mandate from the appellate court shall

be automatically stayed when:

(A) A party files a notice with the appellate court that it intends to file a petition for writ of certiorari to the United States supreme court; and

(B) the time has not expired for filing such a petition under applicable United States supreme court rules.

(2) If the mandate from the appellate court has already been issued when a party files its notice, the mandate from the appellate court shall be withdrawn and stayed.

(3) The stay shall be lifted when:

(A) If a petition for writ of certiorari to the United States supreme court is filed, the court denies such petition or issues such court's final order following granting such petition; or

(B) if no petition for writ of certiorari to the United States supreme court is filed, the time expires for filing such petition under applicable United States supreme court rules.

Sec. 7. K.S.A. 22-2302 and 22-3605 and K.S.A. 2013 Supp. 21-5417, as amended by section 1 of 2014 Senate Bill No. 256, 21-6329, as amended by section 8 of 2014 Senate Bill No. 256, 22-2502 and 22-3402 are hereby repealed.";

Also on page 6, in line 30, by striking "Kansas register" and inserting "statute book";

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 2 through 4; in line 5, by striking all before the period and inserting "to mistreatment of a dependent adult or an elder person; Kansas racketeer influenced and corrupt organization act; arrest warrants; search warrants; discharge of persons not brought promptly to trial; decision and disposition of case on appeal; amending K.S.A. 22-2302 and 22-3605 and K.S.A. 2013 Supp. 21-5417, as amended by section 1 of 2014 Senate Bill No. 256, 21-6329, as amended by section 8 of 2014 Senate Bill No. 256, 22-2502 and 22-3402 and repealing the existing sections";

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

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

JOHN RUBIN

RAMON GONZALEZ

JANICE PAULS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **S Sub for HB 2389**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator O'Donnell moved the Senate concur in House amendments to **SB 274**.

SB 274, AN ACT concerning campaign finance; amending K.S.A. 25-4153b and repealing the existing section.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Bowers, Haley, Hawk.

Present and Passing: Francisco.

The Senate concurred.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Lynn as a member of the Conference Committee on **SB 63** to replace Senator Tyson.

The President announced the appointment of Senator Wagle as a member of the Conference Committee on **SB 63** to replace Senator Bruce.

On motion of Senator Bruce, the Senate recessed until 4:45 p.m.

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

On motion of Senator Bruce, the Senate recessed until 5:30 p.m.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 266**.

The House adopts the Conference Committee report on **H Sub SB 273**.

The House adopts the Conference Committee report on **SB 286**.

The House announced the appointment of Rep. Suellentrop to replace Rep. Schwartz as a conferee on **H Sub SB 147**.

The House announced the appointment of Rep. Kleeb to replace Rep. Hoffman as a conferee on **H Sub SB 147**.

The House announced the appointment of Rep. Henry to replace Rep. Victors as a conferee on **H Sub SB 147**.

The House adopts the Conference Committee report on **S Sub HB 2154**.

The House adopts the Conference Committee report on **HB 2568**.

The House adopts the Conference Committee report on **HB 2515**.

The House adopts the Conference Committee report on **HB 2673**.

The House adopts the Conference Committee report on **HB 2551**.

The House adopts the Conference Committee report on **HB 2580**.

The House adopts the Conference Committee report to agree to disagree on **S Sub Sub HB 2051**, and has appointed Representatives Schwartz, Hoffman and Victors as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2643**, and has appointed Representatives Carlson, Edmonds and Sawyer as second conferees on the part of the House.

The House concurs in Senate amendments to **Sub Sub HB 2721**, and requests return of the bill.

The House not adopts the Conference Committee report on **Sub Bill HB 2140**, requests a conference and appoints Representatives Brunk, Couture-Lovelady and Ruiz a second conferees on the part of the House.

The House announced the appointment of Rep. Kleeb as a conferee on **SB 63**.

The House announced the appointment of Rep. Suellentrop as a conferee on **SB 63**.

The House announced the appointment of Rep. Frownfelter as a conferee on **SB 63**.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 266; H Sub SB 273; SB 286; S Sub HB 2140; Sub HB 2430**.

ORIGINAL MOTION

On motion of Senator Ostmeyer the Senate acceded to the House for a conference on **S Sub HB 2140**. The Vice President appointed Senators Ostmeyer, Shultz and Faust-Goudeau on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 266** submits the following report:

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

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 2013 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of

one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is

hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of subsection (a) by any city located in such county

shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% in the case of Crawford, Russell and Woodson county and at a rate of up to 0.25%, in the case of Cowley county and pledging the revenue received therefrom

for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected. The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% 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.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging

the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new

industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The

tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 2. K.S.A. 2013 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of 0.05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special

purposes which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of 0.25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the

purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%;

(j) the board of county commissioners of Jackson county, for the purposes of subsection (b)(13) of K.S.A. 12-187 and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of paragraph (14) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of paragraph (15) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of paragraph (16) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of paragraph (17) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus 0.25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of paragraph (18) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;

(q) the board of county commissioners of Jefferson county, for the purpose of paragraphs (19) and (25) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of paragraph (20) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county for the purposes of paragraph (21) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;

(t) the board of county commissioners of Wilson county for the purposes of paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county for the purposes of

paragraph (23) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of paragraph (24) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of paragraph (3)(D) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;

(x) the board of county commissioners of Rawlins county, for the purposes of paragraph (3)(E) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of paragraph (3)(F) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;

(aa) the board of county commissioners of Kingman county, for the purposes of paragraph (27) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%; ~~and~~

(bb) the board of county commissioners of Edwards county, for the purposes of paragraph (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.375%; ~~and~~

(cc) the board of county commissioners of Rooks county, for the purposes of paragraph (29) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected

by the director of taxation pursuant to the authority granted in paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 3. On July 1, 2014, K.S.A. 2013 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; and (2) one-half of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county.

All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of 0.75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first 0.5% rate of tax shall be apportioned in the manner prescribed by subsection (a); and (B) the revenue received from the rate of tax exceeding 0.5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year ~~and~~; (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county; and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (3)(C), (3)(F), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27)~~and~~, (28)~~and~~ (29) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(3) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 4. K.S.A. 2013 Supp. 79-213 is hereby amended to read as follows: 79-213. (a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the state court of tax appeals and provided by the county appraiser.

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

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

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

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the state court of tax appeals. With regard to a request for exemption from property tax pursuant to the provisions of K.S.A. 79-201g and 82a-409, and amendments thereto, not filed with the court of tax appeals by the county appraiser on or before the effective date of this act, if the county appraiser recommends the exemption request be granted, the exemption shall be provided in the amount recommended by the county appraiser and the county appraiser shall not file the request for exemption and recommendations of the county appraiser with the state court of tax appeals. The county clerk or county assessor shall annually make such adjustment in the taxes levied against the real property as the owner may be entitled to receive under the provisions of K.S.A. 79-201g, and amendments thereto, as recommended by the county appraiser, beginning with the first period, following the date of issue of the certificate of completion on which taxes are regularly levied, and during the years which the landowner is entitled to such adjustment.

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

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

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

exemption with the court.

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

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

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

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) all property exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants' and manufacturers' inventories exempted from ad valorem taxation by K.S.A. 79-201m, and amendments thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a *Seventeenth*, and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the

property acquired; (10) aquaculture machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, "aquaculture" has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (12) property used exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x from the property tax levied pursuant to K.S.A. 72-6431, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 *Ninth*; (17) from and after July 1, 1998, motor vehicles exempted from taxation by subsection (e) of K.S.A. 79-5107, and amendments thereto; (18) commercial and industrial machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2013 Supp. 79-223, and amendments thereto; (19) telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2013 Supp. 79-224, and amendments thereto; and (20) property exempted from property or ad valorem taxation by K.S.A. 2013 Supp. 79-234, and amendments thereto.

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

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

Sec. 5. K.S.A. 79-220 is hereby amended to read as follows: 79-220. The following described property, to the extent herein specified, is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

Any antique aircraft and amateur-built aircraft used exclusively for recreational or display purposes, or any combination thereof. The term "antique aircraft" means all aircraft 30 years or older as determined by the date of manufacture. The term "amateur-built aircraft" means an aircraft, manned or unmanned, the major portion of which has been fabricated and assembled by a person or persons who undertook the construction project solely for their own education or recreation.

The provisions of this section shall apply to all taxable years commencing after December 31, ~~1986~~ 2013.

Sec. 6. K.S.A. 2013 Supp. 79-3606, as amended by section 8 of 2014 Senate Bill No. 265, is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as

defined by K.S.A. 79-3301, and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection,

K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or

instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under

the provisions of subsection (o) of K.S.A. 79-3603, and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(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. 2013 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 prior to January 1, 2012, except as otherwise provided, 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, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business which meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such 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 thereof, 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. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(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 facility for people with intellectual disability 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 facility for people with intellectual disability 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 off-site, 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); and (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(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 purposes 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, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(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, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(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 Ill, Inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas Mental Illness Awareness Council for the purposes of advocacy for persons who are mentally ill and for 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 parent-teacher 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, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. 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;

(lll) 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 psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the West Sedgwick County-Sunrise Rotary Club and Sunrise Charitable Fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) 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;

(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;

(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 intellectual disability, 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;

(gggg) all sales of game birds for which the primary purpose is use in hunting; ~~and~~

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such 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 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 of the contractor, 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;

(iiii) 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 Wichita children's home for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. 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 Wichita children's home. When Wichita children's home 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 Wichita children's home 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. Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, 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, shall be subject to the penalties provided for in subsection (h) of K.S.A. 79-3615, and amendments thereto:

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, 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 those desiring help with food, shelter, clothing and other necessities of life during times of special need; and

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community.";

And by renumbering sections accordingly;

Also on page 1, in line 9, by striking "25th" and inserting "20th";

On page 2, in line 30, by striking "25th" and inserting "20th";

On page 4, in line 1, before "79-4220" by inserting "79-220," also in line 1, following "79-4221" by inserting "and K.S.A. 2013 Supp. 12-187, 12-189, 12-192, 79-213, 79-3606, as amended by section 8 of 2014 Senate Bill No. 265 and 79-3606, as amended by section 1 of 2014 Senate Substitute for House Bill No. 2378";

On page 1, in the title, in line 1, by striking "severance tax" and inserting "taxation"; also in line 1, following "to" by inserting "severance"; in line 2, following "date;", by inserting "sales tax, countywide authority for Rooks county and certain exemptions; property tax, exemptions for certain donations of property to the state and amateur-built aircraft;"; also in line 2, following "K.S.A." by inserting "79-220,"; also in line 2, following "79-4221" by inserting "and K.S.A. 2013 Supp. 12-187, 12-189, 12-192, 79-213 and 79-3606, as amended by section 8 of 2014 Senate Bill No. 265"; in line 3, before the period by inserting, "; also repealing K.S.A. 2013 Supp. 79-3606, as amended by section 1 of 2014 Senate Substitute for House Bill No. 2378";

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

RICHARD CARLSON

JOHN EDMONDS

TOM SAWYER

Conferees on part of House

LES DONOVAN
 CARYN TYSON
 TOM HOLLAND

Conferees on part of Senate

Senator Donovan moved the Senate adopt the Conference Committee Report on **SB 266**.

On roll call, the vote was: Yeas 36; Nays 1; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hensley, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Kelly.

Present and Passing: Francisco, Hawk, Pettey.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 273** 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 9, by striking "a motor vehicle with a"; in line 10, by striking "gross vehicle weight rating of 26,000 pounds or less"; in line 11, by striking "125" and inserting "25";

On page 5, in line 6, after "milo" by inserting "; and

(x) commercial motor vehicles operating in intrastate commerce which do not equal or exceed a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW) or gross combination weight rating (GCWR) of 26,001 pounds, except commercial motor vehicles, regardless of weight, which are designed or used to transport 16 or more passengers, including the driver, or which are used in the transportation of hazardous materials and required to be placarded pursuant to 49 C.F.R. part 172, subpart F. The provisions of this subsection shall expire and have no effect on and after July 1, 2015";

On page 6, in line 12, by striking all after "(3)"; by striking all in lines 13 through 26; in line 27, by striking all before the period and inserting "Commercial motor vehicles operating in intrastate commerce which do not equal or exceed a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW) or gross combination weight rating (GCWR) of 26,001 pounds, except commercial motor vehicles, regardless of weight, which are designed or used to transport 16 or more passengers, including the driver, or which are used in the transportation of hazardous materials and required to be placarded pursuant to 49 C.F.R. part 172, subpart F. Notwithstanding the exemption granted under this paragraph, all commercial motor vehicles shall comply with 49 C.F.R. part 393, subpart I, as adopted by K.A.R. 82-4-3i, and 49 C.F.R. § 396.17, as adopted by K.A.R. 82-4-3j. Vehicles found to be in violation of 49 C.F.R. part 393, subpart I, as adopted by K.A.R. 82-4-3i, prior to October 1, 2014,

shall be issued a warning citation. Vehicles found to be in violation of 49 C.F.R. § 396.17, as adopted by K.A.R. 82-4-3j, prior to July 1, 2015, shall be issued a warning citation. The provisions of this paragraph shall expire and have no effect on and after July 1, 2015";

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

RICHARD PROEHL
RON RYCKMAN, SR.
EMILY PERRY

Conferees on part of House

MIKE PETERSEN
KAY WOLF
PAT PETTEY

Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **H Sub for SB 273**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 286** 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 17, following line 32, by inserting:

"New Sec. 14. (a) The last Saturday in July of each year is hereby designated as national day of the cowboy in the state of Kansas.

(b) The governor of this state is hereby authorized and directed to issue annually a proclamation calling upon our state officials to display the United States flag on all state buildings on the last Friday of July of each year, declaring the last Saturday in July to be the national day of the cowboy and inviting people of the state to observe the day with appropriate ceremonies.

(c) The governor of this state is hereby authorized and directed to display the national day of the cowboy flag on the grounds of the state capitol building on the last Friday of July of each year.

(d) The Kansas department of agriculture shall provide education and outreach concerning the national day of the cowboy to the public.

New Sec. 15. (a) There is hereby established the local food and farm task force. The local food and farm task force shall be comprised of seven members, as follows:

(1) Three members appointed by the governor, including the chairperson of the task

force;

(2) one member representing the Kansas department of agriculture appointed by the secretary of agriculture;

(3) one member representing the Kansas state university extension systems and agriculture research programs appointed by the dean of the college of agriculture of Kansas state university; and

(4) one member of the house committee on agriculture and natural resources appointed by the chairperson of the house committee on agriculture and natural resources and one member of the senate committee on agriculture appointed by the chairperson of the senate committee on agriculture. The legislative members shall be from different political parties.

(b) Members shall be appointed to the task force on or before August 1, 2014. The first meeting of the task force shall be called by the chairperson on or before September 1, 2014. Any vacancy in the membership of the task force shall be filled by appointment in the same manner prescribed by this section for the original appointment.

(c) (1) The task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be four members. All actions of the task force shall be by motion adopted by a majority of those members present when there is a quorum.

(2) The staff of the Kansas department of agriculture and the legislative research department shall provide such assistance as may be requested by the task force. To facilitate the organization and start-up of such plan and structure, the Kansas department of agriculture shall provide administrative assistance.

(d) The local food and farm task force shall prepare a local food and farm plan containing policy and funding recommendations for expanding and supporting local food systems and for assessing and overcoming obstacles necessary to increase locally grown food production. The task force chairperson shall submit such plan to the senate committee on agriculture and the house committee on agriculture and natural resources at the beginning of the 2016 regular session of the legislature. The plan shall include:

(1) Identification of financial opportunities, technical support and training necessary for local and specialty crop production;

(2) identification of strategies and funding needs to make fresh and affordable locally grown foods more accessible;

(3) identification of existing local food infrastructures for processing, storing and distributing food and recommendations for potential expansion; and

(4) strategies for encouragement of farmers' markets, roadside markets and local grocery stores in unserved and underserved areas.

(e) The task force shall cease to exist on December 31, 2015.;

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 1, by striking "the Kansas department of"; also in line 1, by striking "fees;" and inserting "the Kansas department of agriculture,;" in line 2, after "fees" by inserting "; national day of the cowboy; establishing the local food and farm task force";

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

SHARON SCHWARTZ

KYLE HOFFMAN

PONKA-WE VICTORS

Conferees on part of House

GARRETT LOVE
 DAN KERSCHEN
 MARCI FRANCISCO

Conferees on part of Senate

Senator Love moved the Senate adopt the Conference Committee Report on **SB 286**.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Fitzgerald, Olson, Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2430** submits the following report:

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

On page 2, in line 40, by striking "December 31, 2014" and inserting "June 30, 2018";

On page 3, in line 5, by striking "December 31, 2014" and inserting "June 30, 2018"; in line 23, by striking "December 31, 2014" and inserting "June 30, 2018";

On page 4, in line 6, by striking "(1) Subject to the provisions of paragraph (2),"; in line 13, by striking "(A)" and inserting "(1)"; in line 15, by striking "(B)" and inserting "(2)"; in line 16, by striking "(C)" and inserting "(3)"; by striking all in lines 17 through 19;

On page 5, in line 39, by striking "authorized or granted to" and inserting "received by"; in line 42, by striking "and"; in line 43, after "2014" by inserting ", \$1,200,000 in the fiscal year commencing on July 1, 2015, \$1,200,000 in the fiscal year commencing on July 1, 2016, and \$1,200,000 in the fiscal year commencing on July 1, 2017";

On page 6, in line 4, by striking all after the period; by striking all in lines 5 and 6; in line 7, by striking all before the period and inserting "On and after July 1, 2014, no member of the legislature, either elected or appointed, shall while in office and within three years after the expiration of such legislator's term of office avail such person of the benefits available under the provisions of K.S.A. 2013 Supp. 74-50,212 through 74-50,216, and amendments thereto";

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

JULIA LYNN
 SUSAN WAGLE
 TOM HOLLAND

Conferees on part of Senate

MARVIN KLEEB
 GENE SUELLENTROP
 STAN FROWNFEITER

Conferees on part of House

Senator Lynn moved the Senate adopt the Conference Committee Report on **Sub HB 2430**.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Arpke, Francisco, Haley, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2051** 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 Substitute for House Bill No. 2051, as follows:

On page 1, by striking all in lines 5 through 35;

On page 2, by striking all in lines 1 through 25; following line 25 by inserting:

"Section 1. Sections 1 through 8, and amendments thereto, may be cited as the state sovereignty over non-migratory wildlife act.

Sec. 2. The legislature declares that the authority for the state sovereignty over non-migratory wildlife act is the following:

(a) The tenth amendment to the constitution of the United States guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and people of Kansas certain powers as they were understood at the time that Kansas was admitted to statehood in 1861. The guaranty of those powers is a matter of contract between the state and people of Kansas and the United States as of the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

(b) Article II, section 1 of the constitution of the state of Kansas authorizes the legislature of the state of Kansas to exercise the legislative power of the state, including the general police powers inherent in a sovereign state.

Sec. 3. As used in the state sovereignty over non-migratory wildlife act:

(a) "Borders of Kansas" means the boundaries of Kansas described in the act for admission of Kansas into the union, 12 stat. 126, ch. 20, § 1.

(b) "Lesser prairie chicken" means the species *tympanuchus pallidicinctus*.

(c) "Greater prairie chicken" means the species *tympanuchus cupido*.

Sec. 4. (a) The lesser prairie chicken and the greater prairie chicken are non-migratory species that are native to the grasslands of Kansas.

(b) The lesser prairie chicken and the greater prairie chicken do not inhabit or swim in any static bodies of water, navigable waterways or non-navigable waterways.

(c) The existence and management of the lesser prairie chicken and the greater prairie chicken do not have a substantial effect on commerce among the states.

(d) The Kansas department of wildlife, parks and tourism, and its predecessor agencies, have successfully managed lesser prairie chickens and greater prairie chickens in the state and have provided for the adequate preservation of the habitats of such

species.

Sec. 5. (a) The state of Kansas, acting through the Kansas legislature and through the Kansas department of wildlife, parks and tourism, possesses the sole regulatory authority to govern the management, habitats, hunting and possession of lesser prairie chickens and greater prairie chickens that exist within the state of Kansas.

(b) The lesser prairie chickens and the greater prairie chickens that exist within the state and the habitats of such species, are not subject to the endangered species act of 1973, as in effect on the effective date of this act, or any federal regulation or executive action pertaining thereto, under the authority of congress to regulate interstate commerce.

(c) Any federal regulation or executive action pertaining to the endangered species act of 1973, as in effect on the effective date of this act, that purports to regulate the following has no effect within the state:

- (1) The lesser prairie chicken;
- (2) the greater prairie chicken;
- (3) the habitats of such species;
- (4) farming practices that affect such species; or
- (5) other human activity that affects such species or the habitats of such species.

Sec. 6. A county or district attorney, or the attorney general may seek injunctive relief in any court of competent jurisdiction to enjoin any official, agent or employee of the government of the United States or employee of a corporation providing services to the government of the United States from enforcing any federal regulation or executive action pertaining to the endangered species act of 1973, as in effect on the effective date of this act, that purports to regulate the following within the state:

- (a) The lesser prairie chicken;
- (b) the greater prairie chicken;
- (c) the habitats of such species;
- (d) farming practices that affect such species; or
- (e) other human activity that affects such species or the habitats of such species.

Sec. 7. (a) This act shall not be construed to infringe on the authority of the United States department of agriculture to administer conservation programs that apply to:

- (1) The lesser prairie chicken;
- (2) the greater prairie chicken;
- (3) the habitats of such species;
- (4) farming practices that affect such species; or
- (5) other human activity that affects such species or habitats of such species.

(b) This act shall not be construed to infringe on the authority of the United States environmental protection agency, or the state of Kansas under delegated authority, to administer the federal water pollution prevention and control act, as in effect on the effective date of this act, or the clean air act, as in effect on the effective date of this act, to the extent it may apply to:

- (1) The lesser prairie chicken;
 - (2) the greater prairie chicken;
 - (3) the habitats of such species;
 - (4) farming practices that affect such species; or
 - (5) other human activity that affects such species or habitats of such species.
- (c) This act shall not be construed to infringe on the authority of the Kansas

department of wildlife, parks and tourism or any private citizen of this state to operate or participate in the range wide lesser prairie chicken management plan, the stakeholder conservation strategy for the lesser prairie chicken, or any other management or conservation plan pertaining to the lesser prairie chicken that may be developed with the assistance and participation of the United States fish and wildlife service and apply to:

- (1) The lesser prairie chicken;
- (2) the greater prairie chicken;
- (3) the habitats of such species;
- (4) farming practices that affect such species; or
- (5) other human activity that affects such species or habitats of such species.

Sec. 8. If any provision of the state sovereignty over non-migratory wildlife act or the application to any person or circumstance is held to be invalid in any court of competent jurisdiction, such invalidity shall not affect the other provisions or application of such act. To this end, the provisions of such act are declared to be severable.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2 by striking all before the period and inserting "wildlife; enacting the state sovereignty over non-migratory wildlife act";

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

LARRY POWELL

DAN KERSCHEN

MARCI FRANCISCO

Conferees on part of Senate

SHARON SCHWARTZ

KYLE HOFFMAN

PONKA-WE VICTORS

Conferees on part of House

Senator Powell moved the Senate adopt the Conference Committee Report on **S Sub for Sub HB 2051**.

On roll call, the vote was: Yeas 30; Nays 7; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Hawk, Hensley, Kelly, McGinn, V. Schmidt.

Present and Passing: Haley, Holland, Pettey.

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 63**.

The House adopts the Conference Committee report on **H Sub SB 231**.

The House adopts the Conference Committee report on **SB 357**.

The House adopts the Conference Committee report on **S Sub for Sub HB 2051**.
 The House adopts the Conference Committee report on **HB 2172**.
 The House adopts the Conference Committee report on **S Sub for HB 2389**.
 The House adopts the Conference Committee report on **Sub HB 2430**.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 63; H Sub SB 231; SB 357; HB 2086; S Sub HB 2140; S Sub HB 2143**.

Vice President King assumed the chair.

CONFERENCE COMMITTEE REPORT

MADAM 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 with House Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 24 through 30;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 13 and inserting:

"Section 1. K.S.A. 2013 Supp. 75-3317 is hereby amended to read as follows: 75-3317. As used in K.S.A. 75-3317 through 75-3322, and amendments thereto, unless the context requires otherwise:

(a) "Director of purchases" means the director of purchases of the department of administration;

(b) "qualified vendor" means a not-for-profit entity incorporated in the state of Kansas that:

(1) Primarily employs the blind or disabled;

(2) is operated in the interest of and for the benefit of the blind or persons with other severe disabilities, or both;

(3) the net income of such entity shall not, in whole or any part, financially benefit any shareholder or other individual; and

(4) such qualified vendor's primary purpose shall be to provide employment for persons who are blind or have other severe disabilities;

(c) "state agency" means any state office or officer, department, board, commission, institution, bureau or any agency, division or any unit within an office, department, board, commission or other state authority;

(d) "unified school district" means any unified school district, board of education or any purchasing cooperative formed by one or more unified school districts;

(e) "committee" means the state use law committee authorized pursuant to K.S.A. 2013 Supp. 75-3322c, and amendments thereto; and

(f) "municipality" has the meaning ascribed thereto in K.S.A. 75-6102, and amendments thereto.

Sec. 2. K.S.A. 2013 Supp. 75-3321 is hereby amended to read as follows: 75-3321. The director of purchases and any person or officer authorized to purchase materials, supplies and services for any state agency or unified school district shall purchase,

except as otherwise provided in this section, the products and services on the list certified by the director of purchases from qualified vendors, when those products are to be procured by or for the state or unified school district or when those services are to be procured by or for the state. Services offered for purchase are not required to be purchased by a unified school district. The person or officer authorized to purchase materials, supplies and services for any municipality may purchase the products and services on the list certified by the director of purchases for qualified vendors.

Sec. 3. K.S.A. 2013 Supp. 75-3322c is hereby amended to read as follows: 75-3322c. (a) There is hereby established within the department of administration, the state use law committee, hereafter referred to as the committee, to advise the director of purchases on issues surrounding the purchase of products and services provided by blind or disabled persons, which shall consist of nine members.

(b) The state use law committee shall be composed of the following members:

(1) Two members shall be appointed by the united school administrators of Kansas, one of whom shall represent small unified school districts and one of whom shall represent large unified school districts.

(2) One member shall be appointed by the state board of regents.

(3) One member shall be appointed by the state director of purchases.

(4) One member, who is an advocate for the blind and disabled in Kansas, shall be appointed by the governor.

(5) Two members who are qualified vendors shall be appointed by the governor.

(6) Two members of the Kansas legislature, one legislator shall be a member of the majority party and one legislator shall be a member of the minority party, and shall be appointed by the governor.

(c) Such members shall serve for terms of two years and may be reappointed. On July 1, of each year, or as soon thereafter as possible, the governor shall designate one of the private sector business members committee shall elect a member to serve as a chairperson of the committee. Subsequent appointments shall be made as provided for original appointments for the unexpired terms.

(d) Members of the committee who are members of the Kansas legislature shall be paid amounts as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto. Otherwise, members of the committee shall serve without reimbursement.

(e) The committee shall be responsible for advising the director of purchases on issues surrounding the provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto, including, but not limited to, the following functions:

(1) The development of waiver guidelines to be followed by qualifying agencies and unified school districts for participation under the provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto.

(2) Product and service eligibility process used by the director of purchases for state use law products and services.

(3) Review the threshold dollar amount of purchases by state agencies or unified school districts for state use law to apply.

(4) Review provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto, on any purchase from a qualified vendor that is determined by the director of purchases to be a substantially higher cost than the purchase would have cost had it been competitively bid.

(5) Adopt rules, regulations and policies to assure fair and effective implementation

of this act, including appropriate rules and regulations relating to violations of K.S.A. 75-3317 through 75-3322, and amendments thereto.

(6) Establish procedures for setting fair market prices for items included on the procurement list and revision of products and prices in accordance with the changing market conditions to assure that the prices established are reflective of the market.

(7) Assist qualified vendors in identifying and improving marketing efforts of the products manufactured or processed and offered for sale and services offered under K.S.A. 75-3317 through 75-3322, and amendments thereto, to state agencies and unified school districts.

(8) Encourage and assist the director of purchases, state agencies and unified school districts to identify additional commodities and services that may be purchased from qualified nonprofit agencies not participating in the state use law catalog.

(9) Any other issue identified by any interested party.

(f) The committee shall maintain a registry of entities which meet the definition of qualified vendor, as defined by K.S.A. 75-3317, and amendments thereto.

(g) The director of purchases shall convene quarterly meetings with qualified vendors, the state use law committee and agencies to discuss activity occurring under the state use law.

(h) On July 1, ~~2014~~ 2019, the state use law committee is hereby abolished.

Sec. 4. K.S.A. 2013 Supp. 75-3317, 75-3321 and 75-3322c are hereby repealed.";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 1, by striking all following "concerning"; by striking all in lines 2 through 5 and inserting "purchasing products and services of nonprofit entities for blind and disabled persons; relating to the state use law committee; amending K.S.A. 2013 Supp. 75-3317, 75-3321 and 75-3322c and repealing the existing sections.";

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

MARVIN KLEEB

GENE SULLENTROP

STAN FROWNFEILER

Conferees on part of House

JULIA LYNN

SUSAN WAGLE

TOM HOLLAND

Conferees on part of Senate

Senator Lynn moved the Senate adopt the Conference Committee Report on **SB 63**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 231** 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 31, by striking all following "after" and inserting "June 30, 2014,"; in line 32, by striking all before "by"; in line 33, by striking all following the comma; in line 34, by striking all before the period;

On page 15, in line 14, by striking all following "means"; in line 15, by striking "property through"; in line 16, by striking all following the first "or"; in line 17, by striking "footage" and inserting "the renovation"; in line 20, by striking ", renovation"; in line 21, by striking all following "property"; by striking all in line 22; in line 23 by striking all before the semicolon;

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

RICHARD CARLSON

JOHN EDMONDS

TOM SAWYER

Conferees on part of House

LES DONOVAN

CARYN TYSON

TOM HOLLAND

Conferees on part of Senate

Senator Donovan moved the Senate adopt the Conference Committee Report on **H Sub SB 231**.

Senator Bruce offered a substitute motion to not adopt the conference committee report on **H Sub SB 231** and that a new conference committee be appointed. The motion failed.

On roll call, the vote was: Yeas 26; Nays 13; Present and Passing 1; Absent or Not Voting 0.

Yeas: Arpke, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Holmes, Kerschen, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Shultz, Tyson, Wagle, Wolf.

Nays: Abrams, Baumgardner, Bowers, Bruce, Hawk, Hensley, Holland, Kelly, King, Knox, McGinn, V. Schmidt, Smith.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 357** submits the following report:

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

On page 1, following line 5, by inserting:

"New Section 1. (a) Subject to the provisions of K.S.A. 2013 Supp. 32-833, and amendments thereto, the secretary of wildlife, parks and tourism is hereby authorized to acquire by purchase the following tract of land located in Cherokee county, Kansas, more particularly described as:

The Southeast Quarter (SE $\frac{1}{4}$), the Northwest Quarter (NW $\frac{1}{4}$), and the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), Section 29, Township 34 South, Range 22 East, in Cherokee County, Kansas, containing 397 acres more or less.

(b) Prior to payment for the purchase authorized by this section, the secretary of wildlife, parks and tourism shall determine that the requirements prescribed by K.S.A. 2013 Supp. 32-833, and amendments thereto, have been met.

(c) The provisions of K.S.A. 75-3043a and 75-3739, and amendments thereto, shall not apply to the acquisition authorized by this section or any contracts required therefor.

(d) In the event that the secretary of wildlife, parks and tourism determines that the legal description of the parcel described by this section is incorrect, the secretary of wildlife, parks and tourism may purchase the property utilizing the correct legal description.

New Sec. 2. (a) Subject to the provisions of K.S.A. 2013 Supp. 32-833, and amendments thereto, the secretary of wildlife, parks and tourism is hereby authorized to acquire by purchase the following tract of land located in Pottawatomie county, Kansas, more particularly described as:

The Southeast Quarter (SE $\frac{1}{4}$) of Section 12, Township 6 South, Range 7 East, and the Northeast Quarter (NE $\frac{1}{4}$) and the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 13, Township 6 South, Range 7 East, and part of the Northeast Quarter (NE $\frac{1}{4}$) and Southeast Quarter (SE $\frac{1}{4}$) of Section 17, Township 6 South, Range 7 East, and part of the Northwest Quarter (NW $\frac{1}{4}$) and the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 18, Township 6 South, Range 8 East in Pottawatomie County, Kansas, containing 484 acres more or less.

(b) Prior to payment for the purchase authorized by this section, the secretary of wildlife, parks and tourism shall determine that the requirements prescribed by K.S.A. 2013 Supp. 32-833, and amendments thereto, have been met.

(c) The provisions of K.S.A. 75-3043a and 75-3739, and amendments thereto, shall not apply to the acquisition authorized by this section or any contracts required therefor.

(d) In the event that the secretary of wildlife, parks and tourism determines that the legal description of the parcel described by this section is incorrect, the secretary of wildlife, parks and tourism may purchase the property utilizing the correct legal description.

Sec. 3. K.S.A. 2013 Supp. 32-1047, as amended by section 14 of 2014 House Bill No. 2578, is hereby amended to read as follows: 32-1047. (a) Subject to the provisions in subsection (b), the department is hereby empowered and directed to seize and possess any wildlife which is taken, possessed, sold or transported unlawfully, and any steel trap, snare or other device or equipment used in taking or transporting wildlife unlawfully or during closed season. The department is hereby authorized ~~and directed~~ to:

(1) Offer the seized item, if the item is unlawfully taken wildlife parts, to the landowner or tenant on whose property the wildlife parts were unlawfully taken, provided:

(A) The wildlife parts are no longer needed as evidence;

(B) the location of the violation can be positively ascertained;
(C) there is no dispute between landowners or tenants as to who may receive the wildlife parts;
(D) the landowner or tenant did not commit the violation for which the wildlife parts were seized; and
(E) the wildlife parts are transferred within two years of adjudication of the violation;

~~(a)~~(2) Sell the seized item, including wildlife parts with a dollar value, and remit the proceeds to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. If the seized item is a firearm that has been forfeited pursuant to K.S.A. 22-2512, and amendments thereto, then it may be sold unless: (1) The firearm is significantly altered in any manner; or (2) the sale and public possession of such firearm is otherwise prohibited by law. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wildlife fee fund; ~~or~~

~~(b)~~(3) retain the seized item for educational, scientific or department operational purposes; or

(4) destroy the seized item.

(b) The department shall give priority to disposing of unlawfully taken wildlife items in accordance with the process provided for in subsection (a)(1).";

On page 2, in line 2, by striking "is" and inserting "and 32-1047, as amended by section 14 of 2014 House Bill No. 2578 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1 by striking "hunter" and inserting "hunting; purchase of land"; in line 2 by striking "education"; also in line 2, after "32-920" by inserting "and 32-1047, as amended by section 14 of 2014 House Bill No. 2578"; in line 3, by striking "section" and inserting "sections";

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

SHARON SCHWARTZ

KYLE HOFFMAN

PONKA-WE VICTORS

Conferees on part of House

LARRY POWELL

DAN KERSCHEN

MARCI FRANCISCO

Conferees on part of Senate

Senator Kerschen moved the Senate adopt the Conference Committee Report on **SB 357**.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Abrams, Knox, Melcher, Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2086** 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 14, following line 31, by inserting:

"Sec. 4. K.S.A. 2013 Supp. 79-201a, as amended by section 1 of 2014 House Bill No. 2455, is hereby amended to read as follows: 79-201a. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All property belonging exclusively to the United States, except property which congress has expressly declared to be subject to state and local taxation.

Second. All property used exclusively by the state or any municipality or political subdivision of the state. All property owned, being acquired pursuant to a lease-purchase agreement or operated by the state or any municipality or political subdivision of the state, including property which is vacant or lying dormant, which is used or is to be used for any governmental or proprietary function and for which bonds may be issued or taxes levied to finance the same, shall be considered to be used exclusively by the state, municipality or political subdivision for the purposes of this section. The lease by a municipality or political subdivision of the state of any real property owned or being acquired pursuant to a lease-purchase agreement for the purpose of providing office space necessary for the performance of medical services by a person licensed to practice medicine and surgery or osteopathic medicine by the board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto, dentistry services by a person licensed by the Kansas dental board pursuant to K.S.A. 65-1401 et seq., and amendments thereto, optometry services by a person licensed by the board of examiners in optometry pursuant to K.S.A. 65-1501 et seq., and amendments thereto, or K.S.A. 74-1501 et seq., and amendments thereto, podiatry services by a person licensed by the board of healing arts pursuant to K.S.A. 65-2001 et seq., and amendments thereto, or the practice of psychology by a person licensed by the behavioral sciences regulatory board pursuant to K.S.A. 74-5301 et seq., and amendments thereto, shall be construed to be a governmental function, and such property actually and regularly used for such purpose shall be deemed to be used exclusively for the purposes of this paragraph. The lease by a municipality or political subdivision of the state of any real property, or portion thereof, owned or being acquired pursuant to a lease-purchase agreement to any entity for the exclusive use by it for an exempt purpose, including the purpose of displaying or exhibiting personal property by a museum or historical society, if no portion of the lease payments include compensation for return on the investment in such leased property shall be deemed to be used exclusively for the purposes of this paragraph. All property leased, other than motor vehicles leased for a period of at least one year and property being acquired pursuant to a lease-purchase agreement, to the state or any municipality or political subdivision of the state by any private entity shall not be considered to be used exclusively by the state or any municipality or political subdivision of the state for the purposes of this section except that the provisions of this sentence shall not apply to any such property subject to lease on the effective date of this act until the term of such lease expires but property taxes levied upon any such

property prior to tax year 1989, shall not be abated or refunded. Any property constructed or purchased with the proceeds of industrial revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 12-1740 through 12-1749, and amendments thereto, or purchased with proceeds of improvement district bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, and amendments thereto, or with proceeds of bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-3815a and 19-3815b, and amendments thereto, or any property improved, purchased, constructed, reconstructed or repaired with the proceeds of revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 13-1238 to 13-1245, inclusive, and amendments thereto, or any property improved, reimproved, reconstructed or repaired with the proceeds of revenue bonds issued after July 1, 1963, under the authority of K.S.A. 13-1238 to 13-1245, inclusive, and amendments thereto, which had previously been improved, reconstructed or repaired with the proceeds of revenue bonds issued under such act on or before July 1, 1963, shall be exempt from taxation for so long as any of the revenue bonds issued to finance such construction, reconstruction, improvement, repair or purchase shall be outstanding and unpaid. Any property constructed or purchased with the proceeds of any revenue bonds authorized by K.S.A. 13-1238 to 13-1245, inclusive, and amendments thereto, 19-2776, 19-3815a and 19-3815b, and amendments thereto, issued on or after July 1, 1963, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Any property, all or any portion of which is constructed or purchased with the proceeds of revenue bonds authorized by K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, issued on or after July 1, 1963 and prior to July 1, 1981, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased wholly with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "NAICS" means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative

services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Third. All works, machinery and fixtures used exclusively by any rural water district or township water district for conveying or production of potable water in such rural water district or township water district, and all works, machinery and fixtures used exclusively by any entity which performed the functions of a rural water district on and after January 1, 1990, and the works, machinery and equipment of which were exempted hereunder on March 13, 1995.

Fourth. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safekeeping thereof, and for the meeting of fire companies, whether belonging to any rural fire district, township fire district, town, city or village, or to any fire company organized therein or therefor.

Fifth. All property, real and personal, owned by county fair associations organized and operating under the provisions of K.S.A. 2-125 et seq., and amendments thereto.

Sixth. Property acquired and held by any municipality under the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto, except that such exemption shall not apply to any portion of the project used by a nondwelling facility for profit making enterprise.

Seventh. All property of a municipality, acquired or held under and for the purposes of the urban renewal law, K.S.A. 17-4742 et seq., and amendments thereto, except that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

Eighth. All property acquired and held by the Kansas armory board for armory purposes under the provisions of K.S.A. 48-317, and amendments thereto.

Ninth. All property acquired and used by the Kansas turnpike authority under the authority of K.S.A. 68-2001 et seq., and amendments thereto, K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq., and amendments thereto, and K.S.A. 68-2070 et seq., and amendments thereto.

Tenth. All property acquired and used for state park purposes by the Kansas department of wildlife, parks and tourism.

Eleventh. The state office building constructed under authority of K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which such building is located.

Twelfth. All buildings erected under the authority of K.S.A. 76-6a01 et seq., and amendments thereto, and all other student union buildings and student dormitories erected upon the campus of any institution mentioned in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit corporation.

Thirteenth. All buildings, as the same is defined in subsection (c) of K.S.A. 76-6a13, and amendments thereto, which are erected, constructed or acquired under the authority of K.S.A. 76-6a13 et seq., and amendments thereto, and building sites acquired therefor.

Fourteenth. All that portion of the waterworks plant and system of the city of Kansas City, Missouri, now or hereafter located within the territory of the state of Kansas pursuant to the compact and agreement adopted by K.S.A. 79-205, and amendments thereto.

Fifteenth. All property, real and personal, owned by a groundwater management district organized and operating pursuant to K.S.A. 82a-1020, and amendments thereto.

Sixteenth. All property, real and personal, owned by the joint water district organized and operating pursuant to K.S.A. 80-1616 et seq., and amendments thereto.

Seventeenth. All property, including interests less than fee ownership, acquired for the state of Kansas by the secretary of transportation or a predecessor in interest which is used in the administration, construction, maintenance or operation of the state system of highways, regardless of how or when acquired.

Eighteenth. Any building used primarily as an industrial training center for academic or vocational education programs designed for and operated under contract with private industry, and located upon a site owned, leased or being acquired by or for an area vocational school, an area vocational-technical school, a technical college, or a community college, as defined by K.S.A. 72-4412, and amendments thereto, and the site upon which any such building is located.

Nineteenth. For all taxable years commencing after December 31, 1997, all buildings of an area vocational school, an area vocational-technical school, a technical college or a community college, as defined by K.S.A. 72-4412, and amendments thereto, which are owned and operated by any such school or college as a student union or dormitory and the site upon which any such building is located.

Twentieth. For all taxable years commencing after December 31, 1997, all personal property which is contained within a dormitory that is exempt from property taxation and which is necessary for the accommodation of the students residing therein.

Twenty-First. All real property from and after the date of its transfer by the city of Olathe, Kansas, to the Kansas state university foundation, all buildings and improvements thereafter erected and located on such property, and all tangible personal property, which is held, used or operated for educational and research purposes at the Kansas state university Olathe innovation campus located in the city of Olathe, Kansas.

Twenty-Second. All real property, and all tangible personal property, owned by postsecondary educational institutions, as that term is defined in K.S.A. 74-3201b, and amendments thereto, or by the board of regents on behalf of the postsecondary educational institutions, which is leased by a for profit company and is actually and regularly used exclusively for research and development purposes so long as any rental income received by such postsecondary educational institution or the board of regents from such a company is used exclusively for educational or scientific purposes. Any

such lease or occupancy described in this section shall be for a term of no more than five years.

Twenty-Third. For all taxable years commencing after December 31, 2005, any and all housing developments and related improvements located on United States department of defense military installations in the state of Kansas, which are developed pursuant to the military housing privatization initiative, 10 U.S.C. § 2871 et seq., or any successor thereto, and which are provided exclusively or primarily for use by military personnel of the United States and their families.

Twenty-Fourth. For all taxable years commencing after December 31, 2012, except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 2013, under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "NAICS" means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Twenty-Fifth. For all taxable years commencing after December 31, 2013, any and

all utility systems and appurtenances located on United States department of defense military installations in the state of Kansas, which have been acquired after December 31, 2013, pursuant to the military utilities privatization initiative, 10 U.S.C. § 2688 et seq., or any successor thereto, or which have been installed after December 31, 2013, and which are provided exclusively or primarily for use by the military of the United States.

Twenty-Sixth. All land owned by a municipality that is a part of a public levee that is leased pursuant to K.S.A. 13-1243, and amendments thereto.

Except as otherwise specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 2010.

New Sec. 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the 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 severable.";

Also on page 14, in line 32, by striking "and 12-1774" and inserting ", 12-1774 and 79-201a, as amended by section 1 of 2014 House Bill No. 2455";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the second semicolon by inserting "clarifying the tax status of certain property to allow creation of a tax increment financing district;"; in line 4, by striking "and 12-1774" and inserting ", 12-1774 and 79-201a, as amended by section 1 of 2014 House Bill No. 2455";

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

JULIA LYNN

SUSAN WAGLE

TOM HOLLAND

Conferees on part of Senate

MARVIN KLEEB

GENE SUELLENTROP

STAN FROWNFELTER

Conferees on part of House

Senator Lynn moved the Senate adopt the Conference Committee Report on **HB 2086**.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Shultz, Wagle, Wolf.

Nays: Abrams, Baumgardner, Holmes, Love, Melcher, Pilcher-Cook, Pyle, Smith, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2140** 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 5 through 36;

By striking all on pages 2 through 6 and inserting the following:

"New Section 1. (a) An off-duty law enforcement officer may carry a concealed handgun in any building where an on-duty law enforcement officer would be authorized to carry a concealed handgun regardless of whether the requirements of K.S.A. 2013 Supp. 75-7c10 or 75-7c20, and amendments thereto, for prohibiting the carrying of a concealed handgun in such building have been satisfied, provided:

(1) Such officer is in compliance with the firearms policies of such officer's law enforcement agency; and

(2) such officer possesses identification required by such officer's law enforcement agency and presents such identification when requested by another law enforcement officer or by a person of authority for the building where the carrying of concealed handguns is otherwise prohibited.

(b) A law enforcement officer from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C, may carry a concealed handgun in any building where an on-duty law enforcement officer would be authorized to carry a concealed handgun regardless of whether the requirements of K.S.A. 2013 Supp. 75-7c10 or 75-7c20, and amendments thereto, for prohibiting the carrying of a concealed handgun in such building have been satisfied, provided, such officer possesses identification required by the federal law enforcement officers safety act and presents such identification when requested by another law enforcement officer or by a person of authority for the building where the carrying of concealed handguns is otherwise prohibited.

(c) Any law enforcement officer or retired law enforcement officer who is issued a license to carry a concealed handgun under the personal and family protection act shall be subject to the provisions of that act, except that for any such law enforcement officer or retired law enforcement officer who satisfies the requirements of either subsection (a) or (b) the provisions of this section shall control with respect to where a concealed handgun may be carried.

(d) The provisions of this section shall not apply to any building where the possession of firearms is prohibited or restricted by an order of the chief judge of a judicial district, or by federal law or regulation.

(e) The provisions of this section shall not apply to any law enforcement officer or retired law enforcement officer who has been denied a license to carry a concealed handgun pursuant to K.S.A. 2013 Supp. 75-7c04, and amendments thereto, or whose license to carry a concealed handgun has been suspended or revoked in accordance with the provisions of the personal and family protection act.

(f) As used in this section:

(1) "Law enforcement officer" means:

(A) Any person employed by a law enforcement agency, who is in good standing and is certified under the Kansas law enforcement training act;

(B) a law enforcement officer who has obtained a similar designation in a jurisdiction outside the state of Kansas but within the United States; or

(C) a federal law enforcement officer who as part of such officer's duties is permitted to make arrests and to be armed.

(2) "Person of authority" means any person who is tasked with screening persons entering the building, or who otherwise has the authority to determine whether a person may enter or remain in the building.

(g) This section shall be a part of and supplemental to the personal and family protection act.

Sec. 2. K.S.A. 2013 Supp. 21-6302 is hereby amended to read as follows: 21-6302.

(a) Criminal carrying of a weapon is knowingly carrying:

- (1) Any bludgeon, sandclub, metal knuckles or throwing star;
- (2) concealed on one's person, a billy, blackjack, slungshot or any other dangerous or deadly weapon or instrument of like character;
- (3) on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;
- (4) any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business; or
- (5) a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically.

(b) Criminal carrying of a weapon as defined in:

(1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson misdemeanor; and

(2) subsection (a)(5) is a severity level 9, nonperson felony.

(c) Subsection (a) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsection (a)(4) shall not apply to:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) licensed hunters or fishermen, while engaged in hunting or fishing;

(3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or

member is authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto;

(6) special deputy sheriffs described in K.S.A. 19-827, and amendments thereto, who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a, and amendments thereto;

(7) the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2013 Supp. 75-7c19, and amendments thereto;

(8) ~~law enforcement officers from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C any law enforcement officer, as that term is defined in section 1, and amendments thereto, who satisfies the requirements of either subsection (a) or (b) of section 1, and amendments thereto;~~ or

(9) any person carrying a concealed handgun as authorized by K.S.A. 2013 Supp. 75-7c01 ~~through 75-7e17 et seq.~~, and amendments thereto.

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

(1) Any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor;

(2) any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsection (a)(5) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory; or

(3) any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(f) It shall not be a violation of this section if a person violates the provisions of K.S.A. 2013 Supp. 75-7c03, and amendments thereto, but has an otherwise valid license to carry a concealed handgun which is issued or recognized by this state.

(g) As used in this section, "throwing star" means the same as prescribed by K.S.A. 2013 Supp. 21-6301, and amendments thereto.

Sec. 3. K.S.A. 2013 Supp. 21-6309 is hereby amended to read as follows: 21-6309.

(a) It shall be unlawful to possess, with no requirement of a culpable mental state, a firearm:

- (1) Within any building located within the capitol complex;
- (2) within the governor's residence;
- (3) on the grounds of or in any building on the grounds of the governor's residence;
- (4) within any other state-owned or leased building if the secretary of administration has so designated by rules and regulations and conspicuously placed

signs clearly stating that firearms are prohibited within such building; or

(5) within any county courthouse, unless, by county resolution, the board of county commissioners authorize the possession of a firearm within such courthouse.

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

(c) This section shall not apply to:

(1) A commissioned law enforcement officer;

(2) a full-time salaried law enforcement officer of another state or the federal government who is carrying out official duties while in this state;

(3) any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer; or

(4) a member of the military of this state or the United States engaged in the performance of duties.

(d) It is not a violation of this section for the:

(1) Governor, the governor's immediate family, or specifically authorized guest of the governor to possess a firearm within the governor's residence or on the grounds of or in any building on the grounds of the governor's residence;

(2) United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a firearm within any county courthouse and court-related facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2013 Supp. 75-7c19, and amendments thereto; or

(3) ~~law enforcement officers from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C, as that term is defined in section 1, and amendments thereto, who satisfy the requirements of either subsection (a) or (b) of section 1, and amendments thereto,~~ to possess a firearm.

(e) It is not a violation of this section for a person to possess a handgun as authorized under the personal and family protection act.

(f) Notwithstanding the provisions of this section, any county may elect by passage of a resolution that the provisions of subsection (d)(2) shall not apply to such county's courthouse or court-related facilities if such:

(1) Buildings have adequate security measures to ensure that no weapons are permitted to be carried into such buildings;

(2) county also has a policy or regulation requiring all law enforcement officers to secure and store such officer's firearm upon entering the courthouse or court-related facility. Such policy or regulation may provide that it does not apply to court security or sheriff's office personnel for such county; and

(3) buildings have a sign conspicuously posted at each entryway into such building stating that the provisions of subsection (d)(2) do not apply to such building.

(g) As used in this section:

(1) "Adequate security measures" shall have the same meaning as the term is defined in K.S.A. 2013 Supp. 75-7c20, and amendments thereto;

(2) "possession" means having joint or exclusive control over a firearm or having a firearm in a place where the person has some measure of access and right of control; and

(3) "capitol complex" means the same as in K.S.A. 75-4514, and amendments thereto.

(h) For the purposes of subsections (a)(1), (a)(4) and (a)(5), "building" and "courthouse" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles.

Sec. 4. K.S.A. 2013 Supp. 75-7c10 is hereby amended to read as follows: 75-7c10. Subject to the provisions of K.S.A. 2013 Supp. 75-7c20, and amendments thereto:

(a) Provided that the building is conspicuously posted in accordance with rules and regulations adopted by the attorney general as a building where carrying a concealed handgun is prohibited, no license issued pursuant to or recognized by this act shall authorize the licensee to carry a concealed handgun into any building.

(b) Nothing in this act shall be construed to prevent:

(1) Any public or private employer from restricting or prohibiting by personnel policies persons licensed under this act from carrying a concealed handgun while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises; or

(2) any private business or city, county or political subdivision from restricting or prohibiting persons licensed or recognized under this act from carrying a concealed handgun within a building or buildings of such entity, provided that the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (h), as a building where carrying a concealed handgun is prohibited.

(c) (1) Any private entity which provides adequate security measures in a private building and which conspicuously posts signage in accordance with this section prohibiting the carrying of a concealed handgun in such building as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(2) Any private entity which does not provide adequate security measures in a private building and which allows the carrying of a concealed handgun as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(3) Nothing in this act shall be deemed to increase the liability of any private entity where liability would have existed under the personal and family protection act prior to the effective date of this act.

(d) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may permit any employee, who is licensed to carry a concealed handgun as authorized by the provisions of K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto, to carry a concealed handgun in any building of such institution, if the employee meets such institution's own policy requirements regardless of whether such building is conspicuously posted in accordance with the

provisions of this section:

- (1) A unified school district;
- (2) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto;
- (3) a state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;
- (4) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;
- (5) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or
- (6) an indigent health care clinic, as defined by K.S.A. 2013 Supp. 65-7402, and amendments thereto.

(e) (1) It shall be a violation of this section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) or (b) if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (h). Any person who violates this section shall not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises.

(2) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person who is not in compliance with K.S.A. 2013 Supp. 75-7c19, and amendments thereto.

(3) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for a law enforcement officer ~~from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C~~, as that term is defined in section 1, and amendments thereto, who satisfies the requirements of either subsection (a) or (b) of section 1, and amendments thereto, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(f) On and after July 1, 2014, provided that the provisions of K.S.A. 2013 Supp. 75-7c21, and amendments thereto, are in full force and effect, the provisions of this section shall not apply to the carrying of a concealed handgun in the state capitol.

(g) For the purposes of this section:

- (1) "Adequate security measures" shall have the same meaning as the term is defined in K.S.A. 2013 Supp. 75-7c20, and amendments thereto;
- (2) "building" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles.

(h) Nothing in this act shall be construed to authorize the carrying or possession of a handgun where prohibited by federal law.

(i) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on a building where carrying a concealed handgun is prohibited pursuant to subsections (a) and (b). Such regulations shall prescribe, at a minimum, that:

- (1) The signs be posted at all exterior entrances to the prohibited buildings;
- (2) the signs be posted at eye level of adults using the entrance and not more than 12 inches to the right or left of such entrance;
- (3) the signs not be obstructed or altered in any way; and
- (4) signs which become illegible for any reason be immediately replaced.

Sec. 5. K.S.A. 2013 Supp. 75-7c20, as amended by section 16 of 2014 House Bill No. 2578, is hereby amended to read as follows: 75-7c20. (a) The carrying of a concealed handgun as authorized by the personal and family protection act shall not be prohibited in any state or municipal building unless such building has adequate security measures to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(b) Any state or municipal building which contains both public access entrances and restricted access entrances shall provide adequate security measures at the public access entrances in order to prohibit the carrying of any weapons into such building.

(c) No state agency or municipality shall prohibit an employee who is licensed to carry a concealed handgun under the provisions of the personal and family protection act from carrying such concealed handgun at the employee's work place unless the building has adequate security measures and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(d) It shall not be a violation of the personal and family protection act for a person to carry a concealed handgun into a state or municipal building so long as that person is licensed to carry a concealed handgun under the provisions of the personal and family protection act and has authority to enter through a restricted access entrance into such building which provides adequate security measures and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(e) A state agency or municipality which provides adequate security measures in a state or municipal building and which conspicuously posts signage in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto, prohibiting the carrying of a concealed handgun in such building, as authorized by the personal and family protection act, such state agency or municipality shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(f) A state agency or municipality which does not provide adequate security measures in a state or municipal building and which allows the carrying of a concealed handgun as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(g) Nothing in this act shall limit the ability of a corrections facility, a jail facility or a law enforcement agency to prohibit the carrying of a handgun or other firearm concealed or unconcealed by any person into any secure area of a building located on such premises, except those areas of such building outside of a secure area and readily accessible to the public shall be subject to the provisions of subsection (b).

(h) Nothing in this section shall limit the ability of the chief judge of each judicial district to prohibit the carrying of a concealed handgun by any person into courtrooms or ancillary courtrooms within the district provided that other means of security are employed such as armed law enforcement or armed security officers.

(i) The governing body or the chief administrative officer, if no governing body exists, of a state or municipal building, may exempt the building from this section until January 1, 2014, by notifying the Kansas attorney general and the law enforcement agency of the local jurisdiction by letter of such exemption. Thereafter, such governing body or chief administrative officer may exempt a state or municipal building for a period of only four years by adopting a resolution, or drafting a letter, listing the legal description of such building, listing the reasons for such exemption, and including the following statement: "A security plan has been developed for the building being exempted which supplies adequate security to the occupants of the building and merits the prohibition of the carrying of a concealed handgun as authorized by the personal and family protection act." A copy of the security plan for the building shall be maintained on file and shall be made available, upon request, to the Kansas attorney general and the law enforcement agency of local jurisdiction. Notice of this exemption, together with the resolution adopted or the letter drafted, shall be sent to the Kansas attorney general and to the law enforcement agency of local jurisdiction. The security plan shall not be subject to disclosure under the Kansas open records act.

(j) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may exempt any building of such institution from this section for a period of four years only by stating the reasons for such exemption and sending notice of such exemption to the Kansas attorney general:

(1) A state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;

(2) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(3) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto;

(4) an indigent health care clinic, as defined by K.S.A. 2013 Supp. 65-7402, and amendments thereto; or

(5) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, including any buildings located on the grounds of such institution and any buildings leased by such institution.

(k) The provisions of this section shall not apply to any building located on the grounds of the Kansas state school for the deaf or the Kansas state school for the blind.

(l) Nothing in this section shall be construed to prohibit any law enforcement officer, as defined in section 1, and amendments thereto, who satisfies the requirements of either subsection (a) or (b) of section 1, and amendments thereto, from carrying a concealed handgun into any state or municipal building in accordance with the provisions of section 1, and amendments thereto, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

~~(h)~~ (m) For purposes of this section:

(1) "Adequate security measures" means the use of electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, including, but not limited to, metal detectors, metal detector

wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building by members of the public. Adequate security measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options may be provided at public entrances.

(2) The terms "municipality" and "municipal" are interchangeable and have the same meaning as the term "municipality" is defined in K.S.A. 75-6102, and amendments thereto, but does not include school districts.

(3) "Restricted access entrance" means an entrance that is restricted to the public and requires a key, keycard, code, or similar device to allow entry to authorized personnel.

(4) "State" means the same as the term is defined in K.S.A. 75-6102, and amendments thereto.

(5) (A) "State or municipal building" means a building owned or leased by such public entity. It does not include a building owned by the state or a municipality which is leased by a private entity whether for profit or not-for-profit or a building held in title by the state or a municipality solely for reasons of revenue bond financing.

(B) On and after July 1, 2014, provided that the provisions of K.S.A. 2013 Supp. 75-7c21, and amendments thereto, are in full force and effect, the term "state and municipal building" shall not include the state capitol.

(6) "Weapon" means a weapon described in K.S.A. 2013 Supp. 21-6301, and amendments thereto, except the term "weapon" shall not include any cutting instrument that has a sharpened or pointed blade.

~~(m)~~ (n) This section shall be a part of and supplemental to the personal and family protection act.

Sec. 6. Section 4 of 2014 House Bill No. 2578 is hereby amended to read as follows: (a) No municipality shall be liable for any wrongful act or omission relating to the actions of any person carrying a firearm, including employees of such municipality, concerning acts or omissions regarding such firearm.

(b) For purposes of this section, the term "municipality" has the same meaning as that term is defined in K.S.A. 75-6102, and amendments thereto.

(c) The provisions of this section shall not apply to municipal employees who are required to carry a firearm as a condition of their employment.

Sec. 7. K.S.A. 2013 Supp. 21-6302, 21-6309, 75-7c10, 75-7c20, as amended by section 16 of 2014 House Bill No. 2578, and section 4 of 2014 House Bill No. 2578 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.":

On page 1, in the title, by striking all in lines 1 and 2 and inserting the following: "AN ACT concerning firearms; relating to the carrying of concealed handguns by law enforcement officers; amending K.S.A. 2013 Supp. 21-6302, 21-6309, 75-7c10, 75-7c20, as amended by section 16 of 2014 House Bill No. 2578, and section 4 of 2014 House Bill No. 2578 and repealing the existing sections.";

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

RALPH OSTMEYER
CLARK SHULTZ
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

STEVE BRUNK
 TRAVIS COUTURE-LOVELADY
 LOUIS RUIZ

Conferees on part of House

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **S Sub HB 2140**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2143** submits the following report:

The Senate recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Bill No. 2143, as follows:

On page 1, by striking all in lines 6 and 7 and inserting:

"Section 1. K.S.A. 2013 Supp. 8-1911, as amended by section 1 of 2014 Senate Bill No. 344, is hereby amended to read as follows: 8-1911. (a) The secretary of transportation with respect to highways under the secretary's jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion, upon application, may issue a special permit, which term shall include an authorization number, to the owner or operator of an oversize or overweight vehicle. The special permit shall authorize the special permit holder to operate or move a vehicle or combination of vehicles which exceed the limitations of this act, on a route, or routes, designated in the special permit and in accordance with the terms and conditions of the special permit.

(b) The application for the permit shall describe the vehicle, or combination of vehicles and all loads or cargo for which the special permit is requested, the route or routes on which operation is sought and whether a single trip or annual operation is requested. One special permit may be issued for a vehicle or combination of vehicles, that are both oversize and overweight. A special permit under this section may be for a single trip or for annual operation. The special permit shall designate the route or routes that may be used and any other terms, conditions or restrictions deemed necessary. The secretary of transportation shall charge a fee for each permit or authorization number issued as provided for in subsection (f). No permit shall be required to authorize the moving or operating upon any highway, by an implement dealer, as defined in section 1 of 2014 House Bill No. 2715, and amendments thereto, or employee thereof who possesses an annual permit and following all conditions set forth in section 1 of 2014 House Bill No. 2715, and amendments thereto, of farm tractors, combines, fertilizer dispensing equipment or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work upon farms, ~~or~~. No permit shall be

required to authorize the moving or operating upon any highway of farm tractors, combines, fertilizer dispensing equipment or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work upon farms, or vehicles owned by counties, cities and other political subdivisions of the state, except that this sentence shall not: (1) Exempt trucks owned by counties, cities and other political subdivisions specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations from the maximum gross weight limitations contained in the table in K.S.A. 8-1909, and amendments thereto; or (2) authorize travel on interstate highways.

(c) A permit shall be valid only when the registration on the power unit is equal to or exceeds the total gross weight of the vehicle. When the gross weight of the vehicle exceeds the upper limit of the available registration, the maximum amount of registration must be purchased. The provisions of this subsection shall not apply to a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto, and registered in accordance with the provisions of K.S.A. 8-143, and amendments thereto.

(d) The secretary or local authority may issue or withhold the permit at the secretary's or local authority's discretion or may limit the number of trips, or establish seasonal or other time limitations within which the vehicles described may be operated on the highways, or may otherwise limit or prescribe conditions of operations of such vehicle or combination of vehicles, when necessary to assure against undue damage to the road. The secretary or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(e) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. It shall be unlawful for any person to violate any of the terms or conditions of the special permit.

(f) The secretary of transportation shall charge and collect fees as follows:

- (1) Twenty dollars for each single-trip permit;
- (2) thirty dollars for each single-trip permit for a large structure, as defined by rules and regulations;
- (3) fifty dollars for each single-trip permit for a superload, as defined by rules and regulations;
- (4) twenty-five dollars for a five-year permit for vehicles authorized to move bales of hay under subsection (j) on noninterstate highways;
- (5) one hundred and fifty dollars for each annual permit; or
- (6) two thousand dollars per year for each qualified carrier company for special vehicle combination permits authorized under K.S.A. 8-1915, and amendments thereto, plus \$50 per year for each power unit operating under such annual permit.

No fees shall be charged for permits issued for vehicles owned by counties, cities and other political subdivisions of the state. All permit fees received under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state highway fund. The secretary may adopt rules and regulations for payment and collection of all fees. The secretary may adopt rules and regulations implementing the provisions of this section to prescribe standards for any permit program to enhance highway safety.

(g) If any local authority does not desire to exercise the powers conferred on it by this section to issue or deny permits then such a permit from the local authority shall not be required to operate any such vehicle or combination of vehicles on highways under the jurisdiction of such local authority, but in no event shall the jurisdiction of the local authority be construed as extending to any portion of any state highway, any city street designated by the secretary as a connecting link in the state highway system or any highway within the national system of interstate and defense highways, which highways and streets, for the purpose of this section, shall be under the jurisdiction of the secretary.

(h) A house trailer, manufactured home or mobile home which exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and amendments thereto, may be moved on the highways of this state by obtaining a permit as provided in this section, if:

(1) The width of such house trailer, manufactured home or mobile home does not exceed $16\frac{1}{2}$ feet;

(2) the driver of the vehicle pulling the house trailer, manufactured home or mobile home has a valid driver's license; and

(3) the driver carries evidence that the house trailer, manufactured home or mobile home, and the vehicle pulling it, are covered by motor vehicle liability insurance with limits of not less than \$100,000 for injury to any one person, and \$300,000 for injury to persons in any one accident, and \$25,000 for injury to property.

For the purposes of this subsection, the terms "manufactured home" and "mobile home" shall have the meanings ascribed to them by K.S.A. 58-4202, and amendments thereto.

(i) Upon proper application stating the description and registration of each power unit, the secretary of transportation shall issue permits for a period, from May 1 to November 15, for custom combine operators to tow custom-combine equipment on a trailer within legal dimensions or a trailer especially designed for the transportation of combines or combine equipment at the rate of \$10 per power unit. Each application shall be accompanied by information as required by the secretary. The permit shall allow custom combine operators to haul two combine headers on designated interstate highways provided:

(1) The vehicle plus the load do not exceed 14 feet in width;

(2) the move is completed during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset; and

(3) the vehicle plus the load are not overweight.

(j) Except as provided in paragraph (2) of subsection (d) of K.S.A. 8-1902, and amendments thereto, a vehicle loaded with bales of hay which exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and amendments thereto, may be moved on any highway designated as a part of the national network of highways by obtaining a permit as provided by this section, if:

(1) The vehicle plus the bales of hay do not exceed 12 feet in width;

(2) the vehicle plus the bales of hay do not exceed the height authorized under K.S.A. 8-1904, and amendments thereto;

(3) the move is completed during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset;

(4) the vehicle plus the load are not overweight; and

(5) the vehicle plus the load comply with the signing and marking requirements of

paragraph (3) of subsection (d) of K.S.A. 8-1902, and amendments thereto.

(k) If it is determined by the secretary of transportation that a person has been granted a permit and has not complied with the applicable provisions of this section and the rules and regulations of the secretary of transportation relating thereto, the secretary may cancel the permit and may refuse to grant future permits to the individual.

(l) (1) Vehicles operating under the provisions of a permit issued under subsection (a), which exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall have a sign attached which states "OVERSIZE LOAD" and the dimensions of the sign shall be a minimum of seven feet long and 18 inches high. Letters shall be a minimum of 10 inches high with a brush stroke of not less than $1\frac{2}{5}$ inches. The sign shall be readily visible from a distance of 500 feet and shall be removed when the vehicle or load no longer exceeds the legal width dimensions prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto. Each such vehicle shall be equipped with red flags on all four corners of the oversize load.

(2) Vehicles operating under the provision of a permit issued under subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-1909, and amendments thereto, but do not exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall not have a sign attached which states "OVERSIZE LOAD."

(m) (1) Vehicles operating under the provisions of a permit issued under subsection (a), which exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall not operate: (i) During the time period between 30 minutes after sunset to 30 minutes before sunrise, unless specifically authorized under another statute or regulation; (ii) under conditions where visibility is less than $\frac{1}{2}$ mile; or (iii) when highway surfaces have ice or snow pack or drifting snow.

(2) Vehicles operating under the provisions of a permit issued under subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-1909, and amendments thereto, but do not exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, may operate 24-hour days, except that such vehicles shall not operate when highway surfaces have ice or snow pack or drifting snow.

Sec. 2. K.S.A. 2013 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in the Kansas offender registration act, unless the context otherwise requires:

- (a) "Offender" means:
- (1) A sex offender;
 - (2) a violent offender;
 - (3) a drug offender;
 - (4) any person who has been required to register under out of state law or is otherwise required to be registered; and
 - (5) any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act.
- (b) "Sex offender" includes any person who:
- (1) On or after April 14, 1994, is convicted of any sexually violent crime;
 - (2) on or after July 1, 2002, is adjudicated as a juvenile offender for an act which if

committed by an adult would constitute the commission of a sexually violent crime, 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;

(3) has been determined to be a sexually violent predator;

(4) on or after July 1, 1997, is convicted of any of the following crimes when one of the parties involved is less than 18 years of age:

(A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2013 Supp. 21-5511, and amendments thereto;

(B) 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 K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2013 Supp. 21-6420, ~~and amendments thereto~~ prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013;

(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2013 Supp. 21-6421, ~~and amendments thereto~~ prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013; or

(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2013 Supp. 21-5513, and amendments thereto;

(5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5505, and amendments thereto;

(6) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense defined in this subsection; or

(7) has been convicted of an offense that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection.

(c) "Sexually violent crime" means:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5506, 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 K.S.A. 2013 Supp. 21-5506, 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 K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5505, and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5604, and amendments thereto;

(11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, and K.S.A. 2013 Supp. 21-5509, and amendments thereto;

(12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2013 Supp. 21-5512, and amendments thereto;

(13) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5426, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(14) commercial sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-6422, and amendments thereto;

(15) any conviction or adjudication for an offense that is comparable to a sexually violent crime as defined in this subsection, or any out of state conviction or adjudication for an offense that under the laws of this state would be a sexually violent crime as defined in this subsection;

~~(14)~~(16) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent crime, as defined in this subsection; or

~~(15)~~(17) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved nonforcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim. As used in this paragraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

(e) "Violent offender" includes any person who:

(1) On or after July 1, 1997, is convicted of any of the following crimes:

(A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2013 Supp. 21-5401, and amendments thereto;

(B) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2013 Supp. 21-5402, and amendments thereto;

(C) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2013 Supp. 21-5403, and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2013 Supp. 21-5404, and amendments thereto;

(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or subsections (a)(1), (a)(2) or (a)(4) of K.S.A. 2013 Supp. 21-5405, and amendments thereto. The provisions of this paragraph shall not apply to violations of subsection (a) (3) of K.S.A. 2013 Supp. 21-5405, and amendments thereto, which occurred on or after July 1, 2011, through July 1, 2013;

(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or subsection (a)

of K.S.A. 2013 Supp. 21-5408, and amendments thereto;

(G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5408, and amendments thereto;

(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2013 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age; or

(I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5426, and amendments thereto, if not committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(2) on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

(3) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(4) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(f) "Drug offender" includes any person who, on or after July 1, 2007:

(1) Is convicted of any of the following crimes:

(A) 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, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2013 Supp. 21-5703, and amendments thereto;

(B) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance, as defined in subsection (a) of K.S.A. 65-7006, prior to its repeal, subsection (a) of K.S.A. 2010 Supp. 21-36a09, prior to its transfer, or subsection (a) of K.S.A. 2013 Supp. 21-5709, and amendments thereto;

(C) K.S.A. 65-4161, prior to its repeal, subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or subsection (a)(1) of K.S.A. 2013 Supp. 21-5705, and amendments thereto. The provisions of this paragraph shall not apply to violations of subsections (a)(2) through (a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05 which occurred on or after July 1, 2009, through April 15, 2010;

(2) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(3) is or has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(g) Convictions or adjudications which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction or adjudication. Any conviction or adjudication set

aside pursuant to law is not a conviction or adjudication for purposes of this section. A conviction or adjudication from any out of state court shall constitute a conviction or adjudication for purposes of this section.

(h) "School" means any public or private educational institution, including, but not limited to, postsecondary school, college, university, community college, secondary school, high school, junior high school, middle school, elementary school, trade school, vocational school or professional school providing training or education to an offender for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(i) "Employment" means any full-time, part-time, transient, day-labor employment or volunteer work, with or without compensation, for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(j) "Reside" means to stay, sleep or maintain with regularity or temporarily one's person and property in a particular place other than a location where the offender is incarcerated. It shall be presumed that an offender resides at any and all locations where the offender stays, sleeps or maintains the offender's person for three or more consecutive days or parts of days, or for ten or more nonconsecutive days in a period of 30 consecutive days.

(k) "Residence" means a particular and definable place where an individual resides. Nothing in the Kansas offender registration act shall be construed to state that an offender may only have one residence for the purpose of such act.

(l) "Transient" means having no fixed or identifiable residence.

(m) "Law enforcement agency having initial jurisdiction" means the registering law enforcement agency of the county or location of jurisdiction where the offender expects to most often reside upon the offender's discharge, parole or release.

(n) "Registering law enforcement agency" means the sheriff's office or tribal police department responsible for registering an offender.

(o) "Registering entity" means any person, agency or other governmental unit, correctional facility or registering law enforcement agency responsible for obtaining the required information from, and explaining the required registration procedures to, any person required to register pursuant to the Kansas offender registration act. "Registering entity" shall include, but not be limited to, sheriff's offices, tribal police departments and correctional facilities.

(p) "Treatment facility" means any public or private facility or institution providing inpatient mental health, drug or alcohol treatment or counseling, but does not include a hospital, as defined in K.S.A. 65-425, and amendments thereto.

(q) "Correctional facility" means any public or private correctional facility, juvenile detention facility, prison or jail.

(r) "Out of state" means: the District of Columbia; any federal, military or tribal jurisdiction, including those within this state; any foreign jurisdiction; or any state or territory within the United States, other than this state.

(s) "Duration of registration" means the length of time during which an offender is required to register for a specified offense or violation.

Sec. 3. K.S.A. 2013 Supp. 22-4906 is hereby amended to read as follows: 22-4906. (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 K.S.A. 2013 Supp. 21-5505, and amendments thereto;

(B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2013 Supp. 21-5511, 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 K.S.A. 2013 Supp. 21-6421, ~~and amendments thereto~~ prior to its amendment by section 18 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, 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 K.S.A. 2013 Supp. 21-5513, 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 K.S.A. 2013 Supp. 21-5401, and amendments thereto;

(F) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2013 Supp. 21-5402, and amendments thereto;

(G) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2013 Supp. 21-5403, and amendments thereto;

(H) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2013 Supp. 21-5404, and amendments thereto;

(I) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or subsections (a)(1), (a)(2) or (a)(4) of K.S.A. 2013 Supp. 21-5405, and amendments thereto;

(J) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2013 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age;

(K) any act which 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 required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act;

(M) 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;

(N) 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, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2013 Supp. 21-5703, and amendments thereto;

(O) 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, subsection (a) of K.S.A. 2010 Supp. 21-36a09, prior to its transfer, or subsection (a) of K.S.A. 2013 Supp. 21-5709, and amendments thereto;

(P) K.S.A. 65-4161, prior to its repeal, subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or subsection (a)(1) of K.S.A. 2013 Supp. 21-5705, and

amendments thereto; or

(Q) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 and 21-5303, 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 15 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.

(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 K.S.A. 2013 Supp. 21-5504, 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 K.S.A. 2013 Supp. 21-5508, and amendments thereto;

(C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, or K.S.A. 2013 Supp. 21-5509, and amendments thereto;

(D) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5604, 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 K.S.A. 2013 Supp. 21-5506, and amendments thereto;

(F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2013 Supp. 21-5512, and amendments thereto;

(G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, 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 K.S.A. 2013 Supp. 21-5505, and amendments thereto;

(I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2013 Supp. 21-6420, ~~and amendments thereto~~ prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013, if the prostitute person selling sexual relations 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 K.S.A. 2013 Supp. 21-5301, 21-5302 and 21-5303, 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 K.S.A. 2013 Supp. 21-5503, 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 K.S.A. 2013 Supp. 21-5508, 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 K.S.A. 2013 Supp. 21-5506, 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 K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto;

(6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5426, and amendments thereto;

(7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, 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 K.S.A. 2013 Supp. 21-6420, ~~and amendments thereto prior to its amendment by section 17 of chapter 120 of the 2013 Session Laws of Kansas on July 1, 2013,~~ if the ~~prostitute~~ person selling sexual relations 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 K.S.A. 2013 Supp. 21-5408, and amendments thereto;

(10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5408, and amendments thereto; ~~or~~

(11) commercial sexual exploitation of a child, as defined in K.S.A. 2013 Supp. 21-6422, and amendments thereto; or

(12) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(e) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall register for such person's lifetime.

(f) Notwithstanding any other provisions of this section, for an offender less than 14 years of age who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, 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).

(g) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2013 Supp. 21-6804, and amendments thereto, 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).

(h) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2013 Supp. 21-6804, and amendments thereto, shall be required to register for such offender's lifetime.

(i) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act for an offense that would not otherwise require registration as provided in subsection (a)(5) of K.S.A. 22-4902, and amendments thereto, then all provisions of the Kansas offender registration act shall apply, except that the duration of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.

(j) The duration of registration does not terminate if the convicted or adjudicated

offender again becomes liable to register as provided by the Kansas offender registration act during the required period of registration.

(k) For any person moving to Kansas who has been convicted or adjudicated in an out of state court, or who was required to register under an out of state law, the duration of registration shall be the length of time required by the out of state jurisdiction or by the Kansas offender registration act, whichever length of time is longer. The provisions of this subsection shall apply to convictions or adjudications prior to June 1, 2006, and to persons who moved to Kansas prior to June 1, 2006, and to convictions or adjudications on or after June 1, 2006, and to persons who moved to Kansas on or after June 1, 2006.

(l) For any person residing, maintaining employment or attending school in this state who has been convicted or adjudicated by an out of state court of an offense that is comparable to any crime requiring registration pursuant to the Kansas offender registration act, but who was not required to register in the jurisdiction of conviction or adjudication, the duration of registration shall be the duration required for the comparable offense pursuant to the Kansas offender registration act.

Sec. 4. K.S.A. 2013 Supp. 28-176, as amended by section 3 of 2013 House Bill No. 2303, 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. 2013 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 or forensic audio and video 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; or
- (6) the Garden City police department computer, audio and video forensics laboratory.

(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 which is hereby created;

(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; and

(6) the Garden City police department computer, audio and video forensics laboratory shall be deposited in the Garden City general fund.

(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) forensic audio and video examination services;

~~(4)~~ purchase and maintenance of laboratory equipment and supplies;

~~(4)(5)~~ education, training and scientific development of personnel; and

~~(5)(6)~~ 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.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas bureau of investigation forensic laboratory and materials fee fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas bureau of investigation forensic laboratory and materials fee fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(g) All expenditures from the Kansas bureau of investigation forensic laboratory and materials 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 attorney general or by a person or persons designated by the attorney general.

Sec. 5. K.S.A. 2013 Supp. 39-709, as amended by section 2 of 2014 Senate Bill No. 254, is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended.* Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility

for aid for families with dependent children, for food stamp assistance and for any other assistance provided through the Kansas department for children and families under which federal moneys are expended, the secretary for children and families shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas.

(b) *Assistance to families with dependent children.* Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as aid to families with dependent children. Where husband and wife are living together both shall register for work under the program requirements for aid to families with dependent children in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

(c) *Aid to families with dependent children; assignment of support rights and limited power of attorney.* By applying for or receiving aid to families with dependent children such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving aid to families with dependent children, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

(d) *Eligibility requirements for general assistance, the cost of which is not shared by the federal government.* (1) General assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d).

(A) To qualify for general assistance in any form a needy person must have insufficient income or resources to provide a reasonable subsistence compatible with decency and health and, except as provided for transitional assistance, be a member of a family in which a minor child or a pregnant woman resides or be unable to engage in employment. The secretary shall adopt rules and regulations prescribing criteria for establishing when a minor child may be considered to be living with a family and whether a person is able to engage in employment, including such factors as age or physical or mental condition. Eligibility for general assistance, other than transitional assistance, is limited to families in which a minor child or a pregnant woman resides or to an adult or family in which all legally responsible family members are unable to engage in employment. Where a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary in determining need of any applicant for or recipient of general assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of general assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or a minor stepchild if the stepchild is living with such individual. In determining the need of an individual, the secretary may provide for income and resource exemptions.

(B) To qualify for general assistance in any form a needy person must be a citizen of the United States or an alien lawfully admitted to the United States and must be residing in the state of Kansas.

(2) General assistance in the form of transitional assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d), but who do not meet the criteria prescribed by rules and regulations of the secretary relating to inability to engage in employment or are not a member of a family in which a minor or a pregnant woman resides.

(3) In addition to the other requirements prescribed under this subsection (d), the secretary shall adopt rules and regulations which establish community work experience program requirements for eligibility for the receipt of general assistance in any form and which establish penalties to be imposed when a work assignment under a community work experience program requirement is not completed without good cause. The secretary may adopt rules and regulations establishing exemptions from any such community work experience program requirements. A first time failure to complete such a work assignment requirement shall result in ineligibility to receive general assistance for a period fixed by such rules and regulations of not more than three calendar months. A subsequent failure to complete such a work assignment requirement shall result in a period fixed by such rules and regulations of ineligibility of not more than six calendar months.

(4) If any person is found guilty of the crime of theft under the provisions of K.S.A. 39-720, and amendments thereto, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the provisions of K.S.A. 39-720, and amendments thereto, or the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 12 calendar

months from the date of conviction. First time offenders convicted of a felony under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction. If any person is found guilty by a court of competent jurisdiction of any state other than the state of Kansas of a crime involving welfare fraud, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction.

(e) *Requirements for medical assistance for which federal moneys or state moneys or both are expended.* (1) When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. Resources from inheritance shall be counted. A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall constitute a transfer of resources. The secretary shall exempt principal and interest held in irrevocable trust pursuant to subsection (c) of K.S.A. 16-303, and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient. Medical assistance eligibility for receipt of benefits under the title XIX of the social security act, commonly known as medicaid, shall not be expanded, as provided for in the patient protection and affordable care act, public law 111-148, 124 stat. 119, and the health care and education reconciliation act of 2010, public law 111-152, 124 stat. 1029, unless the legislature expressly consents to, and approves of, the expansion of medicaid services by an act of the legislature.

(3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.

(B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such discretionary trust shall be considered an available resource unless: (i) At the time of creation or amendment of the trust, the trust states a clear

intent that the trust is supplemental to public assistance; and (ii) the trust: (a) Is funded from resources of a person who, at the time of such funding, owed no duty of support to the applicant or recipient of medical assistance; or (b) is funded not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, "public assistance" includes, but is not limited to, medicaid, medical assistance or title XIX of the social security act.

(4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met: (i) The contract, agreement or accord must be in writing and executed prior to any services being provided; (ii) the moneys paid are in direct relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals; (iii) if no similarly situated nonlicensed individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards; (iv) such individual providing the services will report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies; (v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered; (vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and (vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.

(B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.

(5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.

(f) *Eligibility for medical assistance of resident receiving medical care outside state.* A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

(g) *Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to subsection (d) of K.S.A. 39-756, and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(B) Notwithstanding the provisions of subparagraph (A), the secretary of health and environment, or the secretary's designee, is hereby authorized to and shall exercise any of the powers specified in subparagraph (A) in relation to performance of such secretary's duties pertaining to medical subrogation, estate recovery or any other duties assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection (e) is (A) a claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both, and (B) a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829, and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection (e) except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a

surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection (e) is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227, and amendments thereto, shall be a credit against the amount of the claim provided for such medical assistance under this subsection (g). The secretary of health and environment is authorized to enforce each claim provided for under this subsection (g). The secretary of health and environment shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary of health and environment from claims under this subsection (g) shall be deposited in the social welfare fund. The secretary of health and environment may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection (g).

(3) By applying for or receiving medical assistance under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, such individual or such individual's agent, fiduciary, guardian, conservator, representative payee or other person acting on behalf of the individual consents to the following definitions of estate and the results therefrom:

(A) If an individual receives any medical assistance before July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under subsection (g)(2), such claim is limited to the individual's probatable estate as defined by applicable law; and

(B) if an individual receives any medical assistance on or after July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under subsection (g)(2), such claim shall apply to the individual's medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes, without limitation assets conveyed to a survivor, heir or assign of the deceased recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

(4) The secretary of health and environment or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record and transfers for value to a bona fide purchaser of record. The lien must be filed in the office of the register of deeds of the county where the real property is located within one year from the date of death of the recipient and must contain the legal description of all real property in the county subject to the lien.

(A) After the death of a recipient of medical assistance, the secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by such recipient.

(B) The secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by a recipient of medical assistance during the lifetime of such recipient. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon

competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home or other medical institution shall constitute a determination by the department of health and environment that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of health and environment until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient. After the lien is filed against any real property owned by the recipient, such lien will be dissolved if the recipient is discharged, returns home and resides upon the real property to which the lien is attached for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. If the recipient is readmitted as an inpatient to a nursing or medical facility for a continuous period of less than 90 days, another continuous period of at least 90 days shall be completed prior to dissolution of the lien.

(5) The lien filed by the secretary of health and environment or the secretary's designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:

- (A) After the death of the surviving spouse of the recipient;
- (B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;
- (C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or
- (D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis since that time.

(6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:

- (A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary of health and environment or the secretary's designee;
- (B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure; or
- (C) the value of the real property is consumed by the lien, at which time the secretary of health and environment or the secretary's designee may force the sale for the real property to satisfy the lien.

(7) If the secretary for aging and disability services or the secretary of health and environment, or both, or such secretary's designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease to operate as a lien on the real estate of the recipient. Such dormant lien may be revived in the same manner as a dormant judgment lien is revived

under K.S.A. 60-2403 et seq., and amendments thereto.

(8) Within seven days of receipt of notice by the secretary for children and families or the secretary's designee of the death of a recipient of medical assistance under this subsection, the secretary for children and families or the secretary's designee shall give notice of such recipient's death to the secretary of health and environment or the secretary's designee.

(9) All rules and regulations adopted on and after July 1, 2013, and prior to July 1, 2014, to implement this subsection shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

(h) *Placement under the revised Kansas code for care of children or revised Kansas juvenile justice code; assignment of support rights and limited power of attorney.* In any case in which the secretary for children and families pays for the expenses of care and custody of a child pursuant to K.S.A. 2013 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.

(i) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.

(j) If the applicant or recipient of aid to families with dependent children is a mother of the dependent child, as a condition of the mother's eligibility for aid to families with dependent children the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of aid to families with dependent children who fails to cooperate with requirements relating to child support enforcement under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations which penalty shall progress to ineligibility for the family after three months of noncooperation.

(k) By applying for or receiving child care benefits or food stamps, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the state only accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care benefits or food stamps, the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing support obligations to the same extent required of applicants for or recipients of aid to families with dependent children.

(l) (1) A program of drug screening for applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall be established, subject to applicable federal law, by the secretary for children and families on and before January 1, 2014. Under such program of drug screening, the secretary for children and families shall order a drug screening of an applicant for or a recipient of cash assistance at any time when reasonable suspicion exists that such applicant for or recipient of cash assistance is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, an applicant's or recipient's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.

(2) Any applicant for or recipient of cash assistance whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any applicant for or recipient of cash assistance who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such applicant or recipient who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(3) Any applicant for or recipient of cash assistance who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary for children and families, secretary of labor or secretary of commerce, and a job skills program

approved by the secretary for children and families, secretary of labor or secretary of commerce. Subject to applicable federal laws, any applicant for or recipient of cash assistance who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive cash assistance until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of cash assistance may be subject to periodic drug screening, as determined by the secretary for children and families. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from cash assistance for a period of 12 months, or until such recipient of cash assistance completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be terminated from cash assistance, subject to applicable federal law.

(4) If an applicant for or recipient of cash assistance is ineligible for or terminated from cash assistance as a result of a positive test for unlawful use of a controlled substance or controlled substance analog, and such applicant for or recipient of cash assistance is the parent or legal guardian of a minor child, an appropriate protective payee shall be designated to receive cash assistance on behalf of such child. Such parent or legal guardian of the minor child may choose to designate an individual to receive cash assistance for such parent's or legal guardian's minor child, as approved by the secretary for children and families. Prior to the designated individual receiving any cash assistance, the secretary for children and families shall review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog.

(A) In addition, any individual designated to receive cash assistance on behalf of an eligible minor child shall be subject to drug screening at any time when reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, the designated individual's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the designated individual indicating unlawful use of a controlled substance or controlled substance analog.

(B) Any designated individual whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any designated individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such designated individual who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(C) Upon any positive test for unlawful use of a controlled substance or controlled

substance analog, the designated individual shall not receive cash assistance on behalf of the parent's or legal guardian's minor child, and another designated individual shall be selected by the secretary for children and families to receive cash assistance on behalf of such parent's or legal guardian's minor child.

(5) If a person has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall thereby become forever ineligible to receive any cash assistance under this subsection unless such conviction is the person's first conviction. First-time offenders convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall become ineligible to receive cash assistance for five years from the date of conviction.

(6) Except for hearings before the Kansas department for children and families or, the results of any drug screening administered as part of the drug screening program authorized by this subsection shall be confidential and shall not be disclosed publicly.

(7) The secretary for children and families may adopt such rules and regulations as are necessary to carry out the provisions of this subsection.

(8) Any authority granted to the secretary for children and families under this subsection shall be in addition to any other penalties prescribed by law.

(9) As used in this subsection:

(A) "Cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant to such statutes.

(B) "Controlled substance" means the same as in K.S.A. 2013 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802.

(C) "Controlled substance analog" means the same as in K.S.A. 2013 Supp. 21-5701, and amendments thereto.

Sec. 6. K.S.A. 2013 Supp. 39-923, as amended by section 1 of 2014 House Bill No. 2418, is hereby amended to read as follows: 39-923. (a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health

services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential health care facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential health care facility is not prohibited by this act. Generally, the skilled services provided in a residential health care facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third

degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions which require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties which hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary for aging and disability services.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) "Operator" means an individual registered pursuant to the operator registration act, section 2 of 2014 House Bill No. 2418 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential health care facility with fewer than 61 residents, a home plus or adult day care facility.

(22) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including but not limited to eating, nutrition,

dressing, personal hygiene, mobility and toileting.

(23) "Personal care" means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) "Functional impairment" means an individual has experienced a decline in physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term "intermediate personal care home" for purposes of those individuals applying for or receiving veterans' benefits means residential health care facility.

(27) "Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and paragraph (h) of 42 C.F.R. § 483.35, and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) "Medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(29) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(b) The term "adult care home" shall not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas commission on veterans affairs office, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices which are certified to participate in the medicare program under 42 code of federal regulations, chapter IV, section 418.1 et seq., and amendments thereto, and which provide services only to hospice patients.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential health care facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential health care shall have the option of licensing for residential health care for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services which shall fall within the respective categories of facilities so long as the

above categories for adult care homes are used as guidelines to define and identify the specific acts.

Sec. 7. K.S.A. 2013 Supp. 41-2601 is hereby amended to read as follows: 41-2601. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings provided by K.S.A. 41-102, and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3) "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

(b) "Beneficial interest" shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) "Caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(e) "Class A club" means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

(f) "Class B club" means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) "Club" means a class A or class B club.

(h) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold. Drinking establishment includes a railway car.

(i) "Food" means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(j) "Food service establishment" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(k) "Hotel" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(l) "Individual drink" means a beverage containing alcoholic liquor or cereal malt beverage served to an individual for consumption by such individual or another individual, but which is not intended to be consumed by two or more individuals. The term "individual drink" includes beverages containing not more than: (1) Eight ounces of wine; (2) thirty-two ounces of beer or cereal malt beverage; or (3) four ounces of a single spirit or a combination of spirits.

(m) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(n) "Minor" means a person under 21 years of age.

(o) "Morals charge" means a charge involving ~~prostitution~~ the sale of sexual relations; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or

barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(p) "Municipal corporation" means the governing body of any county or city.

(q) "Public venue" means an arena, stadium, hall or theater, used primarily for athletic or sporting events, live concerts, live theatrical productions or similar seasonal entertainment events, not operated on a daily basis, and containing:

(1) Not less than 4,000 permanent seats; and

(2) not less than two private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier.

(r) "Railway car" means a locomotive drawn conveyance used for the transportation and accommodation of human passengers that is confined to a fixed rail route and which derives from sales of food for consumption on the railway car not less than 30% of its gross receipts from all sales of food and beverages in a 12-month period.

(s) "Restaurant" means:

(1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

(3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment.

(t) "RV resort" means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered for pay, primarily to transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

(u) "Sample" means a serving of alcoholic liquor which contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A sample of a mixed alcoholic beverage shall contain not more than one-half ounce of distilled spirits.

(v) "Secretary" means the secretary of revenue.

(w) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto.

Sec. 8. K.S.A. 2013 Supp. 73-1209, as amended by section 5 of 2014 Senate Substitute for House Bill No. 2655, is hereby amended to read as follows: 73-1209. The ~~executive~~ director of the Kansas ~~veterans'~~ commission on veterans affairs office, in accordance with general policies ~~established by the commission directed by the governor~~, shall:

(a) Collect data and information as to the facilities, benefits and services now or hereafter available to veterans, and relatives and dependents of such veterans, and furnish such information to veterans, and relatives and dependents of such veterans, and local service officers of veterans' organizations.

- (b) Prepare plans for a comprehensive statewide veterans' service program.
- (c) Coordinate the program of state agencies which may properly be utilized in the administration of various aspects of the problems of veterans, and relatives and dependents of veterans, such as the Kansas department for children and families, the department of labor, the state board of education, the board of regents and any other state office, department, ~~or board or commission~~ furnishing service to veterans or relatives or dependents of such veterans.
- (d) Provide a central contact between federal and state agencies dealing with the problems of veterans and relatives and dependents of such veterans.
- (e) Maintain records of cases handled by the ~~executive~~ director which shall show at least the following information: (1) The name of the veteran; (2) the claim or case number of the veteran; and (3) the amount of monthly benefit received by the veteran, so as to facilitate the necessary interchange of case histories among state administrative agencies and provide a clearinghouse of information.
- (f) Provide such services to veterans and relatives and dependents of such veterans as are not otherwise offered by federal agencies.
- (g) Provide a central agency to which veterans, and relatives and dependents of such veterans, may turn for information and assistance.
- (h) Provide and maintain such field services as shall be necessary to properly care for the needs of veterans, and relatives and dependents of such veterans, which shall not be operated in connection with the Kansas department for children and families.
- (i) Provide certification of service of a veteran of the armed forces of the United States of America in a combat zone to any sentencing judge requesting such certification pursuant to section 1 of 2014 Senate Substitute for House Bill No. 2655, and amendments thereto.
- (j) Adopt, amend or revoke any rules and regulations necessary to carry out the provisions of article 12 of chapter 73 and article 19 of chapter 76 of the Kansas Statutes Annotated, and amendments thereto.
- (k) Appoint and oversee the superintendents of the Kansas soldiers' home and Kansas veterans' home.
- (l) Designate persons who shall be in charge of the member funds at the Kansas soldiers' home under K.S.A. 76-1935, and amendments thereto, and the Kansas veterans' home under K.S.A. 76-1956, and amendments thereto.
- (m) Appoint and oversee the deputy director of veterans services pursuant to K.S.A. 73-1234, and amendments thereto.
- (n) (1) Annually prepare and submit a written report to the house committee on veterans, military and homeland security and to the governor, providing the following:
- (A) Any progress made by the Kansas commission on veterans affairs office and its director in response to any recommendations provided to such office in the preceding fiscal year by the legislative division of post audit;
- (B) information on the current financial control practices implemented by the Kansas commission on veterans affairs office for the Kansas soldiers' home and the Kansas veterans' home, including, but not limited to, the current policies and procedures at both facilities;
- (C) information on the current residential care services provided for veterans in the Kansas soldiers' home and the Kansas veterans' home;
- (D) recommendations for legislation necessary to ensure that the needs of the

veterans in Kansas are met; and

(E) any other information deemed necessary.

(2) The director of the Kansas commission on veterans affairs office shall submit the report on or before the first day of the legislative session in 2015, and each year thereafter.

Sec. 9. K.S.A. 2013 Supp. 79-32,117, as amended by section 3 of 2014 Senate Bill No. 265, 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 thereto.

(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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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. 2013 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 all taxable years beginning after December 31, 2012, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For all taxable years beginning after December 31, 2012, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For all taxable years beginning after December 31, 2012, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For all taxable years beginning after December 31, 2012, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For all taxable years beginning after December 31, 2012, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013

Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the

provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2013 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. For all taxable years beginning after December 31, 2012, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(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. 2013 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) 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.

(xvii) 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.

(xviii) 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.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For all taxable years beginning after December 31, 2012, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For all taxable years beginning after December 31, 2012, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for

12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of paragraph (xix) of subsection (b) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 10. K.S.A. 2013 Supp. 8-1911, as amended by section 1 of 2014 Senate Bill No. 344, 8-1911, as amended by section 2 of 2014 House Bill No. 2715, 22-4902, 22-4902b, 22-4906, 22-4906b, 28-176, as amended by section 3 of 2013 House Bill No. 2303, 28-176, as amended by section 1 of 2014 House Bill No. 2566, 39-709, as amended by section 2 of 2014 Senate Bill No. 254, 39-709, as amended by section 2 of 2014 House Bill No. 2552, 39-923, as amended by section 1 of 2014 House Bill No. 2418, 39-923, as amended by section 4 of 2014 Substitute for House Bill No. 2681, 41-2601, 41-2601a, 73-1209, as amended by section 5 of 2014 Senate Substitute for House Bill No. 2655, 73-1209, as amended by section 9 of 2014 Substitute for House Bill No. 2681, 79-32,117, as amended by section 3 of 2014 Senate Bill No. 265 and 79-32,117, as amended by section 6 of 2014 House Bill No. 2057 are hereby repealed."

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 the period and inserting: "reconciling amendments to certain statutes; amending K.S.A. 2013 Supp. 8-1911, as amended by section 1 of 2014 Senate Bill No. 344, 22-4902, 22-4906, 28-176, as amended by section 3 of 2013 House Bill No. 2303, 39-709, as amended by section 2 of 2014 Senate Bill No. 254, 39-923, as amended by section 1 of 2014 House Bill No. 2418, 41-2601, 73-1209, as amended by section 5 of 2014 Senate Substitute for House Bill No. 2655 and 79-32,117, as amended by section 3 of 2014 Senate Bill No. 265 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 8-1911, as amended by section 2 of 2014 House Bill No. 2715, 22-4902b, 22-4906b, 28-176, as amended by section 1 of 2014 House Bill No. 2566, 39-709, as amended by section 2 of 2014 House Bill No. 2552, 39-923, as amended by section 4 of 2014 Substitute for House Bill No. 2681, 41-2601a, 73-1209, as amended by section 9 of 2014 Substitute for House Bill No. 2681 and 79-32,117, as amended by section 6 of 2014 House Bill No. 2057";

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

TY MASTERSON

JIM DENNING

LAURA KELLY

Conferees on part of Senate

MARC RHOADES
GENE SUELLENTROP
JERRY HENRY

Conferees on part of House

Senator Masterson moved the Senate adopt the Conference Committee Report on **S Sub HB 2143**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2643** 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 10, by striking all in lines 22 through 43;

By striking all on pages 11 through 14;

On page 15, by striking all in lines 1 through 12 and inserting:

"Sec. 14. K.S.A. 2013 Supp. 28-115 is hereby amended to read as follows: 28-115.

(a) The register of deeds of each county shall charge and collect the following fees:

For recording deeds, mortgages or other instruments	
of writing, for first page, not to exceed legal size page—8 ½" x 14".....	6.00
For second page and each additional page or fraction thereof.....	2.00
Recording town plats, for each page.....	20.00
Recording release or assignment of real estate mortgage.....	5.00
Certificate, certifying any instrument on record.....	1.00
Acknowledgment of a signature.....	50
For filing notices of tax liens under the internal revenue	
laws of the United States.....	5.00
For filing releases of tax liens, certificates of discharge, under the internal	
revenue laws of the United States	
or the revenue laws of the state of Kansas.....	5.00
For filing liens for materials and services under	
K.S.A. 58-201, and amendments thereto.....	5.00

(1) For the following documents received and filed prior to January 1, 2015, the fees shall be:

(A) For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8 ½" x 14", a fee of \$6;

(B) for second page and each additional page or fraction thereof of deeds, mortgages or other instruments of writing, a fee of \$2;

(C) recording town plats, for each page, a fee of \$20;

- (D) recording release or assignment of real estate mortgages, a fee of \$5;
 - (E) certificate, certifying any instrument on record, a fee of \$1;
 - (F) acknowledgment of a signature, a fee of \$.50;
 - (G) for filing notices of tax liens under the internal revenue laws of the United States, a fee of \$5;
 - (H) for filing releases of tax liens and certificates of discharge under the internal revenue laws of the United States or the revenue laws of the state of Kansas, a fee of \$5; and
 - (I) for filing liens for materials and services under K.S.A. 58-201, and amendments thereto, a fee of \$5.
- (2) For the following documents received and filed on and after January 1, 2015, but prior to January 1, 2016, the fees shall be:
- (A) For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8 ½" x 14", a fee of \$8;
 - (B) for second page and each additional page or fraction thereof of deeds, mortgages or other instruments of writing, a fee of \$4;
 - (C) recording town plats, for each page, a fee of \$23;
 - (D) recording release or assignment of real estate mortgages, a fee of \$7;
 - (E) certificate, certifying any instrument on record, a fee of \$4;
 - (F) acknowledgment of a signature, a fee of \$3.50;
 - (G) for filing notices of tax liens under the internal revenue laws of the United States, a fee of \$8;
 - (H) for filing releases of tax liens and certificates of discharge under the internal revenue laws of the United States or the revenue laws of the state of Kansas, a fee of \$8; and
 - (I) for filing liens for materials and services under K.S.A. 58-201, and amendments thereto, a fee of \$8.
- (3) For the following documents received and filed on and after January 1, 2016, but prior to January 1, 2017, the fees shall be:
- (A) For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8 ½" x 14", a fee of \$11;
 - (B) for second page and each additional page or fraction thereof of deeds, mortgages or other instruments of writing, a fee of \$7;
 - (C) recording town plats, for each page, a fee of \$26;
 - (D) recording release or assignment of real estate mortgages, a fee of \$10;
 - (E) certificate, certifying any instrument on record, a fee of \$7;
 - (F) acknowledgment of a signature, a fee of \$6.50;
 - (G) for filing notices of tax liens under the internal revenue laws of the United States, a fee of \$11;
 - (H) for filing releases of tax liens and certificates of discharge under the internal revenue laws of the United States or the revenue laws of the state of Kansas, a fee of \$11; and
 - (I) for filing liens for materials and services under K.S.A. 58-201, and amendments thereto, a fee of \$11.
- (4) For the following documents received and filed on and after January 1, 2017, but prior to January 1, 2018, the fees shall be:
- (A) For recording deeds, mortgages or other instruments of writing, for first page,

not to exceed legal size page—8 ½" x 14", a fee of \$14;

(B) for second page and each additional page or fraction thereof of deeds, mortgages or other instruments of writing, a fee of \$10;

(C) recording town plats, for each page, a fee of \$29;

(D) recording release or assignment of real estate mortgages, a fee of \$13;

(E) certificate, certifying any instrument on record, a fee of \$10;

(F) acknowledgment of a signature, a fee of \$9.50;

(G) for filing notices of tax liens under the internal revenue laws of the United States, a fee of \$14;

(H) for filing releases of tax liens and certificates of discharge under the internal revenue laws of the United States or the revenue laws of the state of Kansas, a fee of \$14; and

(I) for filing liens for materials and services under K.S.A. 58-201, and amendments thereto, a fee of \$14.

(5) For the following documents received and filed on and after January 1, 2018, the fees shall be:

(A) For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8 ½" x 14", a fee of \$17;

(B) for second page and each additional page or fraction thereof of deeds, mortgages or other instruments of writing, a fee of \$13;

(C) recording town plats, for each page, a fee of \$32;

(D) recording release or assignment of real estate mortgages, a fee of \$16;

(E) certificate, certifying any instrument on record, a fee of \$13;

(F) acknowledgment of a signature, a fee of \$12.50;

(G) for filing notices of tax liens under the internal revenue laws of the United States, a fee of \$17;

(H) for filing releases of tax liens and certificates of discharge under the internal revenue laws of the United States or the revenue laws of the state of Kansas, a fee of \$17; and

(I) for filing liens for materials and services under K.S.A. 58-201, and amendments thereto, a fee of \$17.

(b) In addition to the fees required to be charged and collected pursuant to subsection (a), the register of deeds shall charge and collect an additional fee of \$2 per page prior to January 1, 2015, and \$3 per page on and after January 1, 2015, for recording:

(1) The first page of any deeds, mortgages or other instruments of writing, not to exceed legal size—8½" x 14";

(2) the second page and each additional page or fraction of any deeds, mortgages or instruments of writing; and

(3) a release or assignment of real estate mortgage.

Any fees collected pursuant to this subsection shall be paid by the register of deeds to the county treasurer. Prior to January 1, 2015, the county treasurer shall deposit such funds in the register of deeds technology fund as provided by K.S.A. 2013 Supp. 28-115a, and amendments thereto. On and after January 1, 2015, the county treasurer shall deposit \$2 of such funds in the register of deeds technology fund as provided by K.S.A. 2013 Supp. 28-115a, and amendments thereto, \$.50 of such funds in the county clerk technology fund as provided by section 16, and amendments thereto, and \$.50 of such

funds in the county treasurer technology fund as provided by section 17, and amendments thereto.

(c) For any filing or service provided for in the uniform commercial code, the amount therein provided, shall be charged and collected. No fee shall be charged or collected for any filing made by the secretary of health and environment or the secretary's designee pursuant to K.S.A. 39-709, and amendments thereto.

(d) If the name or names of the signer or signers or any notary public to any instrument to be recorded are not plainly typed or printed under the signatures affixed to the instrument, the register of deeds shall charge and collect a fee of \$1 in addition to all other fees provided in this section.

(e) If sufficient space is not provided for the necessary recording information and certification on a document, such recording information shall be placed on an added sheet and such sheet shall be counted as a page. The document shall be of sufficient legibility so as to produce a clear and legible reproduction ~~thereof~~. If a document is judged not to be of sufficient legibility so as to produce a clear and legible reproduction, such document shall be accompanied by an exact copy ~~thereof~~ which shall be of sufficient legibility so as to produce a clear and legible reproduction ~~thereof~~ and which shall be recorded contemporaneously with the document and shall be counted as additional pages. The register of deeds may reject any document which is not of sufficient legibility so as to produce a clear and legible reproduction ~~thereof~~.

(f) Any document which was filed on or after January 1, 1989, which was of a size print or type smaller than 8-point type but which otherwise was properly filed shall be deemed to be validly filed.

(g) All fees required to be collected pursuant to this section, except those charged for the filing of liens and releases of tax liens under the internal revenue laws of the United States, shall be due and payable before the register of deeds shall be required to do the work. If the register of deeds fails to collect any of the fees provided in this section, the amount of the fees at the end of each quarter shall be deducted from the register's salary.

(h) Except as otherwise provided by subsection (b), all fees required to be collected pursuant to this section shall be paid by the register of deeds to the county treasurer and deposited into the general fund of the county.

(i) On and after January 1, 2015, in addition to the fees required to be charged and collected pursuant to subsection (a), the register of deeds shall charge and collect an additional fee of \$1 per page for recording:

(1) The first page of any deeds, mortgages or other instruments of writing, not to exceed legal size—8¹/₂" x 14";

(2) the second page and each additional page or fraction of any deeds, mortgages or instruments of writing; and

(3) a release or assignment of real estate mortgage.

Any fees collected pursuant to this subsection shall be paid by the register of deeds to the county treasurer. The county treasurer shall pay quarterly to the state treasurer all funds accruing under this subsection. All such moneys paid to the state treasurer shall be deposited in the state treasury and credited to the heritage trust fund. No payments under this subsection shall be made by the county treasurer to the state treasurer during any calendar year in excess of a total of \$30,000. All moneys collected in excess of this amount which under this subsection would be paid to the state treasurer shall be

credited to the county general fund.

(j) On and after January 1, 2015, the fee shall not exceed \$125 for recording single family mortgages on principal residences imposed pursuant to this section where the principal debt or obligation secured by the mortgage is \$75,000 or less.

Sec. 15. K.S.A. 79-3102 is hereby amended to read as follows: 79-3102. (a) Before any mortgage of real property, or renewal or extension of such a mortgage, is received and filed for record, there shall be paid to the register of deeds of the county in which such property or any part thereof is situated a registration ~~fee of .26% tax~~ of the principal debt or obligation which is secured by such mortgage, which tax shall be computed in accordance with the following schedules. In the event the mortgage states that an amount less than the entire principal debt or obligation will be secured thereby, the registration fee shall be paid on such lesser amount.

(1) For all mortgages of real property, or renewal or extension of such a mortgage, received and filed for record prior to January 1, 2015, the tax shall be 0.26% of the principal debt or obligation which is secured by such mortgage.

(2) For all mortgages of real property, or renewal or extension of such a mortgage, received and filed for record on and after January 1, 2015, but prior to January 1, 2016, the tax shall be 0.2% of the principal debt or obligation which is secured by such mortgage.

(3) For all mortgages of real property, or renewal or extension of such a mortgage, received and filed for record on and after January 1, 2016, but prior to January 1, 2017, the tax shall be 0.15% of the principal debt or obligation which is secured by such mortgage.

(4) For all mortgages of real property, or renewal or extension of such a mortgage, received and filed for record on and after January 1, 2017, but prior to January 1, 2018, the tax shall be 0.1% of the principal debt or obligation which is secured by such mortgage.

(5) For all mortgages of real property, or renewal or extension of such a mortgage, received and filed for record on and after January 1, 2018, but prior to January 1, 2019, the tax shall be 0.05% of the principal debt or obligation which is secured by such mortgage.

(6) For all mortgages of real property, or renewal or extension of such a mortgage, received and filed for record on and after January 1, 2019, the tax shall be 0.0% of the principal debt or obligation which is secured by such mortgage.

(b) As used herein, "principal debt or obligation" shall not include any finance charges or interest.

(c) In any case where interest has been precomputed, the register of deeds may require the person filing the mortgage to state the amount of the debt or obligation owed before computation of interest.

(d) No registration fee whatsoever shall be paid, collected or required for or on: (1) Any mortgage or other instrument given solely for the purpose of correcting or perfecting a previously recorded mortgage or other instrument; (2) any mortgage or other instrument given for the purpose of providing additional security for the same indebtedness, where the registration fee herein provided for has been paid on the original mortgage or instrument; (3) any mortgage or other instrument upon that portion of the consideration stated in the mortgage tendered for filing which is verified by affidavit to be principal indebtedness covered or included in a previously recorded

mortgage or other instrument with the same lender or their assigns upon which the registration fee herein provided for has been paid; (4) any lien, indenture, mortgage, bond or other instrument or encumbrance nor for the note or other promise to pay thereby secured, all as may be assigned, continued, transferred, reissued or otherwise changed by reason of, incident to or having to do with the migration to this state of any corporation, by merger or consolidation with a domestic corporation as survivor, or by other means, where the original secured transaction, for which the registration fee has once been paid, is thereby continued or otherwise acknowledged or validated; (5) any mortgage or other instrument given in the form of an affidavit of equitable interest solely for the purpose of providing notification by the purchaser of real property of the purchaser's interest therein; (6) any mortgage in which a certified development corporation certified by the United States small business administration participates pursuant to its community economic development program; (7) any mortgage or other instrument given for the sole purpose of changing the trustee; or (8) any mortgage for which the registration fee is otherwise not required by law.

(e) The register of deeds shall receive no additional fees or salary by reason of the receipt of fees as herein provided. After the payment of the registration fees as aforesaid the mortgage and the note thereby secured shall not otherwise be taxable.

New Sec. 16. (a) On January 1, 2015, there is hereby created in each county a county clerk technology fund.

(b) Upon receipt thereof, the county treasurer shall credit to the county clerk technology fund of the county all moneys attributable to the fees collected pursuant to subsection (b) of K.S.A. 28-115, and amendments thereto.

(c) Moneys in the county clerk technology fund shall be used by the county clerk to acquire equipment and technological services for the storing, recording, archiving, retrieving, maintaining and handling of data recorded, stored or generated in the office of the county clerk.

(d) Moneys in such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In making the budget of the county, the amounts credited to, and the amount on hand in, such special fund and the amount expended from such fund shall be shown on the budget for the information of the taxpayers of the county. Any action taken by the county clerk under this subsection shall be in accordance with K.S.A. 19-302, and amendments thereto.

(e) Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

(f) The fund shall be administered by the county treasurer who shall pay out moneys from the fund upon orders signed by the county clerk.

(g) At the end of any calendar year, if the balance in such fund exceeds \$50,000 and the county clerk indicates that such amount in excess of \$50,000 shall not be needed and is not designated for technology, the county commission may authorize the transfer and use of such excess moneys by other county offices for equipment or technological services relating to the land or property records filed or maintained by the county.

(h) If a charter form of government is adopted and implemented pursuant to K.S.A. 19-2680 et seq., and amendments thereto, the provisions of this section shall apply to the official, department or office which performs the duties and functions prescribed for the office of the county clerk.

New Sec. 17. (a) On January 1, 2015, there is hereby created in each county a county treasurer technology fund.

(b) Upon receipt thereof, the county treasurer shall credit to the county treasurer technology fund of the county all moneys attributable to the fees collected pursuant to subsection (b) of K.S.A. 28-115, and amendments thereto.

(c) Moneys in the county treasurer technology fund shall be used by the county treasurer to acquire equipment and technological services for the storing, recording, archiving, retrieving, maintaining and handling of data recorded, stored or generated in the office of the county treasurer.

(d) Moneys in such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In making the budget of the county, the amounts credited to, and the amount on hand in, such special fund and the amount expended from such fund shall be shown on the budget for the information of the taxpayers of the county. Any action taken by the county treasurer under this subsection shall be in accordance with K.S.A. 19-503, and amendments thereto.

(e) Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

(f) The fund shall be administered by the county treasurer who shall pay out moneys from the fund upon orders signed by the county treasurer.

(g) At the end of any calendar year, if the balance in such fund exceeds \$50,000 and the county treasurer indicates that such amount in excess of \$50,000 shall not be needed and is not designated for technology, the county commission may authorize the transfer and use of such excess moneys by other county offices for equipment or technological services relating to the land or property records filed or maintained by the county.

(h) If a charter form of government is adopted and implemented pursuant to K.S.A. 19-2680 et seq., and amendments thereto, the provisions of this section shall apply to the official, department or office which performs the duties and functions prescribed for the office of the county treasurer.

Sec. 18. K.S.A. 2013 Supp. 79-3228 is hereby amended to read as follows: 79-3228. (a) For all taxable years ending prior to January 1, 2002, if any taxpayer, without intent to evade the tax imposed by this act, shall fail to file a return or pay the tax, if one is due, at the time required by or under the provisions of this act, but shall voluntarily file a correct return of income or pay the tax due within six months thereafter, there shall be added to the tax an additional amount equal to 10% of the unpaid balance of tax due plus interest at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was due until paid.

(b) For all taxable years ending prior to January 1, 2002, if any taxpayer fails voluntarily to file a return or pay the tax, if one is due, within six months after the time required by or under the provisions of this act, there shall be added to the tax an additional amount equal to 25% of the unpaid balance of tax due plus interest at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was due until paid. Notwithstanding the foregoing, in the event an assessment is issued following a field audit for any period for which a return was filed by the taxpayer and all of the tax was paid pursuant to such return, a penalty shall be imposed for the period included in the assessment in the amount of 10% of the unpaid balance of tax due shown in the notice of assessment. If after review of a return for any period

included in the assessment, the secretary or secretary's designee determines that the underpayment of tax was due to the failure of the taxpayer to make a reasonable attempt to comply with the provisions of this act, such penalty shall be imposed for the period included in the assessment in the amount of 25% of the unpaid balance of tax due.

(c) For all taxable years ending after December 31, 2001, if any taxpayer fails to file a return or pay the tax if one is due, at the time required by or under the provisions of this act, there shall be added to the tax an additional amount equal to 1% of the unpaid balance of the tax due for each month or fraction thereof during which such failure continues, not exceeding 24% in the aggregate, plus interest at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was due until paid. Notwithstanding the foregoing, in the event an assessment is issued following a field audit for any period for which a return was filed by the taxpayer and all of the tax was paid pursuant to such return, a penalty shall be imposed for the period included in the assessment in an amount of 1% per month not exceeding 10% of the unpaid balance of tax due shown in the notice of assessment. If after review of a return for any period included in the assessment, the secretary or secretary's designee determines that the underpayment of tax was due to the failure of the taxpayer to make a reasonable attempt to comply with the provisions of this act, such penalty shall be imposed for the period included in the assessment in the amount of 25% of the unpaid balance of tax due.

(d) For all taxable years ending after December 31, 2013, if any taxpayer who has failed to file a return or has filed an incorrect or insufficient return, and after notice from the director refuses or neglects within 20 days to file a proper return, the director shall determine the income of such taxpayer according to the best available information and assess the tax together with a penalty of 50% of the unpaid balance of tax due plus interest at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was originally due to the date of payment. If, at any time, a taxpayer filed a return and paid in full the tax due as stated on the return, at the time required by or under the provisions of this act and subsequently is adjusted by the director, and a notice of liability is sent to the taxpayer, no penalty shall be assessed under the provisions of this subsection with respect to any underpayment of income tax liability due to the adjustment if any such tax is paid within 30 days of such notice of liability. If any such tax is not paid within 30 days of original notice, the penalty provided under the provisions of this subsection shall apply.

(e) Any person, who with fraudulent intent, fails to pay any tax or to make, render or sign any return, or to supply any information, within the time required by or under the provisions of this act, shall be assessed a penalty equal to the amount of the unpaid balance of tax due plus interest at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was originally due to the date of payment. Such person shall also be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$1,000 or be imprisoned in the county jail not less than 30 days nor more than one year, or both such fine and imprisonment.

(f) Any person who willfully signs a fraudulent return shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a term not exceeding five years. The term "person" as used in this section includes any agent of the taxpayer, and officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform the act

in respect of which the violation occurs.

(g) (1) Whenever the secretary or the secretary's designee determines that the failure of the taxpayer to comply with the provisions of subsections (a), (b), (c) and (d) of this section was due to reasonable causes, the secretary or the secretary's designee may waive or reduce any of the penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.

(2) No penalty shall be assessed hereunder with respect to any underpayment of income tax liability reported on any amended return filed by any taxpayer who at the time of filing pays such underpayment and whose return is not being examined at the time of filing.

(3) No penalty assessed hereunder shall be collected if the taxpayer has had the tax abated on appeal, and any penalty collected upon such tax shall be refunded.

(h) In case of a nonresident or any officer or employee of a corporation, the failure to do any act required by or under the provisions of this act shall be deemed an act committed in part at the office of the director.

(i) In the case of a nonresident individual, partnership or corporation, the failure to do any act required by or under the provision of this act shall prohibit such nonresident from being awarded any contract for construction, reconstruction or maintenance or for the sale of materials and supplies to the state of Kansas or any political subdivision thereof until such time as such nonresident has fully complied with this act.

Sec. 19. K.S.A. 2013 Supp. 74-50,222 is hereby amended to read as follows: 74-50,222. As used in K.S.A. 74-50,222, 74-50,223 and 79-32,267, and amendments thereto:

(a) "Institution of higher education" means a public or private nonprofit educational institution that meets the requirements of participation in programs under the higher education act of 1965, as amended, 34 C.F.R. § 600;

(b) "rural opportunity zone" means Allen, Anderson, Barber, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Decatur, Doniphan, Edwards, Elk, Ellsworth, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jackson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn, Logan, Marion, Marshall, Meade, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Republic, Rice, Rooks, Rush, Russell, Scott, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Trego, Thomas, Wabaunsee, Wallace, Washington, Wichita, Wilson or Woodson counties;

(c) "secretary" means the secretary of commerce; and

(d) "student loan" means a federal student loan program supported by the federal government and a nonfederal loan issued by a lender such as a bank, savings and loan or credit union to help students and parents pay school expenses for attendance at an institution of higher education.";

And by renumbering sections accordingly;

Also on page 15, in line 13, before "K.S.A." by inserting "K.S.A. 79-3102 and"; also in line 13, by striking "79-201" and inserting "28-115, 74-50,222"; in line 14, following "79-1609" by inserting ", 79-3228";

Also on page 15, following line 14, by inserting:

"Sec. 21. On January 1, 2015, K.S.A. 79-3107b is hereby repealed.

Sec. 22. On January 1, 2019, K.S.A. 79-3101, 79-3102, as amended by section 15 of 2014 House Bill No. 2643, 79-3103, 79-3104, 79-3105, 79-3106, 79-3107, 79-3107a and K.S.A. 2013 Supp. 79-3107c are hereby repealed.";

On page 1, in the title, in line 1, by striking "property"; in line 5, by striking "property tax exemptions, health"; in line 6, by striking "clubs" and inserting "phase out of mortgage registration tax and replacement with fees for the recording of certain documents and instruments; county clerk technology fund; county treasurer technology fund; penalties for certain taxpayers who file incorrect returns; rural opportunity zones"; also in line 6, following "amending" by inserting "K.S.A. 79-3102 and"; also in line 6, by striking "79-201" and inserting "28-115, 74-50,222"; in line 7, following "79-1609" by inserting ", 79-3228"; also in line 7, before the period by inserting "; also repealing K.S.A. 79-3101, 79-3102, as amended by section 15 of 2014 House Bill No. 2643, 79-3103, 79-3104, 79-3105, 79-3106, 79-3107, 79-3107a and 79-3107b and K.S.A. 2013 Supp. 79-3107c";

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

LES DONOVAN

CARYN TYSON

Conferees on part of Senate

RICHARD CARLSON

JOHN EDMONDS

Conferees on part of House

Senator Donovan moved the Senate adopt the Conference Committee Report on **HB 2643**.

Senator King offered a substitute motion to not adopt the conference committee report on **HB 2643** and that a new conference committee be appointed. The motion failed.

On roll call, the vote was: Yeas 24; Nays 13; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Donovan, Fitzgerald, Holmes, Kerschen, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Shultz, Smith, Tyson, Wagle.

Nays: Baumgardner, Denning, Haley, Hawk, Hensley, Holland, Kelly, King, Knox, Olson, Pettey, V. Schmidt, Wolf.

Present and Passing: Faust-Goudeau, Francisco, McGinn.

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **Sub HB 2246**.

The House concurs in Senate amendments to **S Sub for HB 2616**.

The House concurs in Senate amendments to **HB 2668**.

The House adopts the Conference Committee report on **S Sub for HB 2231**.

The House adopts the Conference Committee report on **HB 2086**.

The House adopts the Conference Committee report on **Sub Bill for HB 2140**.

The House adopts the Conference Committee report on **S Sub for HB 2143**.

The House adopts the Conference Committee report on **HB 2643**.
Announcing adoption of **HCR 5033**.

HCR 5033 was introduced and read in by title.

On motion of Senator Bruce, an emergency was declared, the rules suspended and **HCR 5033**, relating to adjournment of the legislature for a time during the 2014 session, was adopted by voice vote.

REPORT ON ENROLLED BILLS

SR 1811, SR 1828, SR 1829, SR 1830, SR 1831, SR 1832, SR 1833 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 2, 2014.

On motion of Senator Bruce, and in compliance with **HCR 5033**, the Senate adjourned until Sine Die at 10:00 a.m., Friday, May 30, 2014.

Journal of the Senate

FIFTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 30, 2014, 10:00 a.m.

As provided by **HCR 5033**, the Sine Die Session of the regular 2014 Kansas Senate was called to order by President Susan Wagle.

The roll was called with thirty-five senators present.

Senators Abrams, Bowers, Denning, King and Lynn were excused.

Invocation by Father Don Davidson:

Good and gracious Lord God who has given us this good land for our heritage: We humbly ask that we may always prove ourselves a people mindful of your favor and glad to do your will. Bless our beloved Kansas with honorable industry, sound learning, and pure manners. Save us from violence, discord and confusion; from pride and arrogance and from every evil way. Defend our liberties, and fashion into one united people the multitudes, those who have been here for centuries and those brought hither out of many kindreds and tongues. Endure with the spirit of wisdom those whom in your name we entrust the authority of government, that there may be justice and peace at home, and that through obedience to the law we may show forth your praise in all our works. Grant safety, temperate weather and hope to all those who call Kansas home and give us health and happiness until we gather again. In your holy and life giving name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

MESSAGES FROM THE GOVERNOR

SB 63; H Sub SB 231; H Sub SB 245; SB 258, SB 263, SB 266; H Sub SB 273; SB 274, SB 286, SB 329, SB 357, SB 367 approved on May 14, 2014.

May 21, 2014

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 14-04 for your information.

SAM BROWNBACK
Governor

The President announced Executive Order No. 14-04, concerning drought conditions within the State of Kansas, is on file in the office of the Secretary of the Senate and is available for review at any time.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS SENATE

May 22, 2014

Pursuant to K.S.A. 74-99b04, President Susan Wagle appointed David Murfin to the Kansas Bioscience Authority.

SUSAN WAGLE

*President***INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Wagle and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1840—

A RESOLUTION congratulating and commending
Senior Assistant Revisor Kenneth Wilke on his retirement.

WHEREAS, Ken Wilke will retire from the Office of Revisor of Statutes next week after 16 years of service with the Legislature, and over 40 years with the state; and

WHEREAS, Ken was born on November 17, 1943, in Topeka; and

WHEREAS, Ken is married to Janet Wilke and has six children: Heather, Lance, Susan, Matt, Andy and Fred; and

WHEREAS, Ken attended the University of Kansas and majored in mathematics and graduated with his Bachelor of Arts degree in 1965; and

WHEREAS, Ken earned his Juris Doctor degree from the Washburn University School of Law in 1968; and

WHEREAS, Ken began his legal career in a family private practice for five years; and

WHEREAS, In 1973, Ken began his career in public service working for the Kansas Department of Agriculture as a staff attorney; and

WHEREAS, Ken worked for the Department of Agriculture until 1998, including 20 years serving as the agency's chief counsel; and

WHEREAS, Ken started working for the Office of Revisor of Statutes in 1998; and

WHEREAS, During his time in the office, his legal expertise has been put to use in a number of committees and subject areas, but most notably for the Joint Committee on Rules and Regulations, the review of numerous contractual issues for the Office of Revisor of Statutes and in his work for the Senate and the House of Representatives on issues related to insurance and financial institutions. For all of the groups Ken has done work for, his rigorous preparation and wealth of knowledge has been invaluable; and

WHEREAS, Ken also excels at recreational mathematics and chess, having served since 1973 as the Problem Editor for the Kappa Mu Epsilon Mathematics Honor Society Journal, *The Pentagon*; and

WHEREAS, Ken is known for his good-natured humor, quick puns, hearty laugh and distinctive whistle, all of which have left a lasting mark on his friends and colleagues; and

WHEREAS, Ken's unique combination of thoughtfulness and quick wit has made him an irreplaceable asset to the Legislature and all his coworkers: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend, congratulate and thank Kenneth Wilke for his long and successful career serving the Office of Revisor of Statutes, the Legislature and the State of Kansas and that we wish him success and happiness in his retirement; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Ken Wilke and to the Office of Revisor of Statutes.

On emergency motion of Senator Olson **SR 1840** was adopted by voice vote.

Guests introduced were Mr. Wilke's wife, Janet, Heather Wilke, Lance Wilke, Matthew and Julie Schwinn.

Senators honored Mr. Wilke with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing the House herewith transmits the veto message from the Governor, together with the enrolled copy of **HB 2296**, An Act concerning candidates and lobbyists; relating to uses of campaign funds; concerning campaign finance disclosures; relating to certain lobbyist filings; amending K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and K.S.A. 2013 Supp. 25-4157a and 25-4148a and repealing the existing sections., which was received on May 14, 2014 and read on May 30, 2014:

“I appreciate the work of the Legislature and the Kansas Governmental Ethics Commission in reviewing and updating the laws applicable to the electoral and governmental processes. Nevertheless, I believe that retaining the lobbyist and candidate reporting and disclosure requirements in current law serves to promote transparency and openness.

I am supportive of the provisions of this bill that would permit unused campaign funds to be donated to charitable organizations. Therefore, I would invite the Legislature to send me a new piece of legislation that contains these provisions.

Accordingly, pursuant to Article 2, Section 14 (a) of the Constitution of the State of Kansas, I hereby veto House Bill 2296.”

A motion was made that **HB 2296** be passed notwithstanding the Governor's veto. By a vote of 95 Yeas and 5 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill passed.

VETO SUSTAINED

President Wagle announced the time had arrived for reconsideration of the veto on **HB 2296**, An Act concerning candidates and lobbyists; relating to uses of campaign funds; concerning campaign finance disclosures; relating to certain lobbyist filings.

No motion having been offered to reconsider, President Wagle announced the Governor's veto of **HB 2296** was declared sustained.

SPECIAL REMARKS

Thank you Madam President, today this is my personal legislative Sine Die. This is likely to be the final comments that I will make from this Chamber. Later today I will announce and file as a candidate for the office of Commissioner of Insurance. It is my

hope to serve across the street in a role that is vitally important as an advocate on behalf of the citizens of Kansas.

A dozen years ago I had the bittersweet opportunity to spend a lot of time with my mother during her final days on earth. We talked about the farm in McPherson County where our family had settled in 1887, the county where I have had the honor of representing as a member of the school board, the Kansas House of Representatives, and the Kansas Senate.

My mother talked about growing up in the late 1930's where she remembered a wonderful childhood although they didn't have a lot of money. On Saturdays the family would drive into town to buy groceries and supplies. They would pass by a country club on the way, and she would think; "Only people with a lot of money get to go in there." She just knew she would never be invited inside.

But she reminded me during those final conversations that she did get to walk through those doors one time in her life. The occasion was a political event after I was elected to the legislature. She and her friends had driven up and I introduced them to Governor Bill Graves, and Congressman Jerry Moran. She was very proud that day.

I like to think that this is symbolic of what we do here in the legislature. We open doors for Kansans who want to receive an education, who want to start a business, who want to raise a family.

And so Madam President, I offer my deepest appreciation to all who serve in this chamber in any capacity, for opening the doors of the Senate for me. Although my time here has been much too brief, I leave many friends and have very fond memories.

Thank you Madam President. – CLARK SHULTZ

REPORT ON ENROLLED BILLS

SR 1834, SR 1835, SR 1836, SR 1837, SR 1838, SR 1839 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 5, 2014.

H Sub SB 245; SB 258, SB 263, SB 274, SB 329, SB 367 reported correctly enrolled, properly signed and presented to the Governor on May 9, 2014.

SB 63; H Sub SB 231, SB 266; H Sub SB 273, SB 286, SB 357 reported correctly enrolled, properly signed and presented to the Governor on May 12, 2014.

As provided by **HCR 5033**, Senator Bruce moved the Senate adjourn Sine Die. The motion prevailed.

President Wagle thereupon announced: "By virtue of the authority vested in me as president of the Senate, I now declare the 2014 Session of the Kansas Senate adjourned Sine Die."

MESSAGE FROM THE HOUSE

Announcing the House herewith transmits the veto message from the Governor on **Senate Substitute for Substitute HB 2231**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing and directing payment of certain claims against the state; 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. 2013 Supp. 2-223, 12-5256, 72-8814, as amended by section 47 of 2014 Senate Substitute for House Bill No. 2506, 74-99b34, 79-34,156 and 79-4804 and repealing the existing sections., received on May 16, 2014 and read on May 30, 2014:

“I want to thank every member of the Kansas Legislature for your hard work during the 2014 session. This two-year supplemental budget will continue to fund the core services of state government to July 1,2015. I am particularly pleased this bill includes a significantly improved budget for the Department of Corrections and demonstrates our commitment to these essential public safety programs.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **S Sub for Sub HB 2231** with my signature approving the bill, except for the items enumerated below.

**Kansas Board of Barbering
Salary Cap**

Sections 14(c) and 15(c) are vetoed in their entirety.

If it is the case that there are restrictions on how agencies compensate their employees, those restrictions should be done in a consistent manner. The language in these sections impacts three state employees inconsistently from other agencies, so I therefore find it necessary to veto the limitation. The agency's budget is otherwise left as the Legislature approved it.

**Kansas Public Employees Retirement System
Sweep of Tobacco Settlement Funds**

Section 50(b) has been vetoed in its entirety.

The Kansas Endowment for Youth Fund was specifically established to hold and draw interest upon excess tobacco settlement revenues so that such funds could later be used for early childhood programs. The \$5 million in question in this section should remain available for such purposes in the future, so I therefore veto the transfer.

**Department of Administration
Lapse of State General Fund Budget Authority**

Section 52(f) has been vetoed in its entirety.

The Division of the Budget had excess funding in FY 2013 because a permanent Budget Director was not drawing a normal salary. The Interim Budget Director was dual-purposed between the Office of the Governor and the Division of the Budget. As I soon plan to appoint a permanent Budget Director, I veto the lapse of funding in the Division of the Budget to finance this position.

**Kansas Department for Aging and Disability Services
Lapse of State Hospital Funds**

Sections 71(g) and 71(h) have been vetoed in their entirety.

In an effort to consolidate oversight of the food service contract, my budget recommendations for the Kansas Department for Aging and Disability Services (KDADS) and the State Hospitals transferred money from the hospitals to

KDADS. The 2014 Legislature concurred with this recommendation; however, the appropriations bill as written did not technically achieve this goal. Therefore, it is necessary for me to veto this section.

State Fair Board

State Funds for Capital Improvements

Section 100(c) has been vetoed in its entirety.

As part of your deliberations on the budget, it was determined that \$400,000 from the State General Fund would be provided to the State Fair to make a variety of repairs and improvements to their facilities. When preparing the appropriations bill, two separate sections of the bill inadvertently each provided this funding. To eliminate this duplication, I veto the State General Fund appropriation contained in this particular section. A \$400,000 transfer will remain in the bill to implement the Legislature's recommendations.

There being no motion to reconsider the line item vetoes on **Senate Substitute for Substitute HB 2231**, the Speaker ruled the line item vetoes sustained.

MESSAGE FROM THE HOUSE

The House announces the following bills and concurrent resolutions are hereby transmitted to the Senate with final disposition:

Senate bills that died in Conference: **H Sub SB 84, H Sub SB 147.**

Senate bills that died on the House Calendar: **H Sub SB 45; SB 276, SB 346, SB 352, SB 360, SB 422.**

Senate bills that died in House Committee: **SB 2, SB 7, SB 8, SB 10, H Sub SB 18, SB 22, SB 34, SB 35; Sub SB 36; SB 42, SB 46, SB 72, SB 80, SB 91, SB 98, SB 104, SB 107, SB 117, SB 121, SB 125, SB 141, SB 152; Sub SB 165; Sub SB 167; SB 176, SB 181, SB 203, SB 210; Sub SB 214; SB 222; H Sub SB 226; SB 235, SB 264, SB 269, SB 287, SB 295; Sub SB 298; SB 299, SB 301, SB 312, SB 315, SB 316, SB 334, SB 335, SB 337, SB 339; Sub SB 343; SB 354, SB 355, SB 362, SB 366, SB 370, SB 375, SB 379, SB 380, SB 392; Sub SB 394; SB 396, SB 405, SB 410, SB 413, SB 447, SB 448, SB 453.**

Senate concurrent resolutions that died on the House Calendar: **SCR 1619.**

Senate concurrent resolutions that died in House Committee: **SCR 1601, SCR 1608, SCR 1616.**

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

VERLA VINES, *Administrative Assistant.*



SHORT TITLE AND HISTORY
OF
SENATE BILLS
AND
SENATE RESOLUTIONS

(SJ & HJ Nos. refer to 2013 and 2014 Senate and House Journals)
(2945)

TITLE AND HISTORY OF SENATE BILLS
INCLUDES SENATE BILLS CARRIED OVER FROM 2013 SESSION

- S 2** Bill by Legislative Post Audit Committee
Information technology audits.
 12/10/2012 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Ways and Means—SJ 50
 02/01/2013 Senate—Hearing: Wednesday, February 06, 2013, 10:30 AM Room 548-S
 02/13/2013 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 151
 02/19/2013 Senate—Committee of the Whole - Be passed—SJ 168
 02/20/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 172
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Appropriations—HJ 258
 03/15/2013 House—Hearing: Wednesday, March 20, 2013, 9:00 AM Room 112-N
 03/21/2013 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 467
 01/30/2014 House—Withdrawn from Calendar; Referred to Committee on Calendar and Printing—HJ 1633
 05/30/2014 House—Died in House Committee
- S 3** Bill by Senator Faust-Goudeau
Physician assistants; exempt license.
 01/04/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 50
 05/30/2014 Senate—Died in Committee
- S 4** Bill by Senator Faust-Goudeau
Amending the statute of limitations for prosecution of sexually violent offenses where the victim is under 18 years of age.
 01/07/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Judiciary—SJ 50
 05/30/2014 Senate—Died in Committee
- S 5** Bill by Senator Faust-Goudeau
Business entities; restricting the use of an acquired entity's name by an acquiring entity.
 01/07/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Commerce—SJ 50
 01/18/2013 Senate—Hearing: Thursday, January 24, 2013, 8:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 6** Bill by Senator Faust-Goudeau
Relating to restricted driving privileges in lieu of suspension.
 01/07/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Judiciary—SJ 50

- 02/01/2013 Senate—Hearing: Wednesday, February 06, 2013, 10:30 AM Room 346-S
- S 7 05/30/2014 Senate—Died in Committee
 Bill by Joint Committee on Administrative Rules and Regulations
Alcohol Control Act: tastings, civil fines.
 01/08/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 50
 01/18/2013 Senate—Hearing: Tuesday, January 22, 2013, 10:30 AM Room 144-S
 01/23/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 79
 01/30/2013 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 94
 01/31/2013 House—Received and Introduced—HJ 126
 02/01/2013 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 135
 02/08/2013 House—Hearing: Monday, February 11, 2013, 1:30 PM Room 346-S
 03/14/2013 House—Hearing: Wednesday, March 20, 2013, 1:30 PM Room 346-S
 03/20/2013 House—Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development—HJ 455
 01/17/2014 House—Withdrawn from Calendar; Referred to Committee on Calendar and Printing—HJ 1599
- S 8 05/30/2014 House—Died in House Committee
 Bill by Senator King
Creating the Kansas commission on judicial appointments; specifying Senate confirmation procedure for judicial appointments.
 01/09/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Judiciary—SJ 50
 01/15/2013 Senate—Hearing: Wednesday, January 16, 2013, 10:30 AM Room 346-S
 01/16/2013 Senate—Hearing: Thursday, January 17, 2013, 10:30 AM Room 346-S
 01/25/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 83
 01/30/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 96
 01/30/2013 Senate—Committee of the Whole - Amendment by Senator Hensley was adopted—SJ 96
 01/30/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 96
 01/30/2013 Senate—Emergency Final Action - Passed as amended; Yea: 28 Nay: 11—SJ 98
 01/31/2013 Senate—Engrossed on Thursday, January 31, 2013—SJ 132
 01/31/2013 House—Received and Introduced—HJ 126
 02/01/2013 House—Referred to Committee on Judiciary—HJ 136
 02/13/2013 House—Hearing: Tuesday, February 19, 2013, 3:30 PM Room 112-N
 02/26/2013 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 282
 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Judiciary—HJ 587
 05/30/2014 House—Died in House Committee

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- S 9** Bill by Senator Haley
Enacting the cannabis compassion and care act.
 01/10/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 50
 05/30/2014 Senate—Died in Committee
- S 10** Bill by Senator LaTurner
Open meetings; minutes required; open records; charges limited.
 01/11/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 50
 03/06/2013 Senate—Hearing: Wednesday, March 13, 2013, 10:30 AM Room 144-S
 02/24/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—SJ 1631
 02/26/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ
 1654
 02/26/2014 Senate—Committee of the Whole - Amendment by Senator Hensley
 was rejected Yea: 8 Nay: 30—SJ 1655
 02/26/2014 Senate—Committee of the Whole - Amendment by Senator Hensley
 was withdrawn—SJ 1655
 02/26/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1654
 02/27/2014 Senate—Final Action - Passed as amended; Yea: 33 Nay: 7—SJ 1661
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Federal and State Affairs—HJ 1854
 03/12/2014 House—Hearing: Wednesday, March 19, 2014, 9:00 AM Room 346-S
 05/30/2014 House—Died in House Committee
- S 11** Bill by Senator LaTurner
Legislators; lobbying restrictions; nepotism restrictions.
 01/11/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Ethics and Elections—SJ 50
 05/30/2014 Senate—Died in Committee
- S 12** Bill by Senators Hensley, Hawk, Holland, Kelly, Pettey
**Governmental ethics; two year restriction on lobbying by former state officers
 or employees.**
 01/11/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Ethics and Elections—SJ 50
 05/30/2014 Senate—Died in Committee
- S 13** Bill by Senators Hensley, Faust-Goudeau, Francisco, Hawk, Holland, Kelly, Pettey
County elections commissioners; appointment by county commission.
 01/11/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Ethics and Elections—SJ 50
 05/30/2014 Senate—Died in Committee
- S 14** Bill by Senators Hensley, Hawk, Kelly, Pettey
Prohibiting outside employment of certain state officials.
 01/11/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Ethics and Elections—SJ 50

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 05/30/2014 Senate—Died in Committee
- S 15** Bill by Senators Hensley, Faust-Goudeau, Hawk, Holland, Kelly
Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions.
 01/11/2013 Senate—Prefiled for Introduction
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 50
 05/30/2014 Senate—Died in Committee
- S 17** Bill by Judiciary
Amending the crime of unlawful sexual relations.
 01/15/2013 Senate—Introduced—SJ 49
 01/16/2013 Senate—Referred to Committee on Judiciary—SJ 54
 01/18/2013 Senate—Hearing: Wednesday, January 23, 2013, 10:30 AM Room 346-S
 05/30/2014 Senate—Died in Committee
- S 18** Bill by Judiciary
House Substitute for SB 18 by Committee on Judiciary – Relating to disputes involving church congregations.
 01/15/2013 Senate—Introduced—SJ 49
 01/16/2013 Senate—Referred to Committee on Judiciary—SJ 54
 01/18/2013 Senate—Hearing: Wednesday, January 23, 2013, 10:30 AM Room 346-S
 01/25/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 84
 01/29/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 92
 01/29/2013 Senate—Committee of the Whole - Be passed as amended—SJ 92
 01/30/2013 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 94
 01/31/2013 House—Received and Introduced—HJ 126
 02/01/2013 House—Referred to Committee on Judiciary—HJ 136
 02/27/2013 House—Hearing: Wednesday, March 06, 2013, 3:30 PM Room 112-N
 03/22/2013 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 502
 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Judiciary—HJ 587
 01/22/2014 House—Hearing: Wednesday, January 29, 2014, 3:30 PM Room 112-N
 02/12/2014 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 1691
 02/18/2014 House—Withdrawn from Calendar, Rereferred to Committee on Judiciary—HJ 1726
 02/18/2014 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 1731
 02/26/2014 House—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—HJ 1798
 02/26/2014 House—Committee of the Whole - Motion by Representative Hill to rerefer to Committee on Judiciary failed—HJ 1798
 02/26/2014 House—Committee of the Whole - Motion to recommend favorably for passage failed Yea: 58 Nay: 64—HJ 1798
 02/27/2014 House—Withdrawn from Calendar, Rereferred to Committee on Taxation

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 03/11/2014 House—Withdrawn from Committee on Taxation; Rereferred to Committee on Judiciary—HJ 1871
- 05/30/2014 House—Died in House Committee
- S 19** Bill by Judiciary
House Substitute for SB 19 by Committee on Corrections and Juvenile Justice – Amending the crime of aggravated battery, concerning strangulation; conversion of out-of-state misdemeanors in determining an offender's criminal history classification.
- 01/15/2013 Senate—Introduced—SJ 49
- 01/16/2013 Senate—Referred to Committee on Judiciary—SJ 54
- 01/18/2013 Senate—Hearing: Wednesday, January 23, 2013, 10:30 AM Room 346-S
- 01/31/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 105
- 02/06/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 122
- 02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 122
- 02/07/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 129
- 02/08/2013 House—Received and Introduced—HJ 169
- 02/11/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 179
- 03/12/2014 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 1883
- 03/26/2014 House—Stricken from Calendar by Rule 1507—HJ 2081
- S 22** Bill by Legislative Educational Planning Committee
House Substitute for SB 22 by Committee on Education – Enacting the corporate education tax credit scholarship program act.
- 01/15/2013 Senate—Introduced—SJ 50
- 01/16/2013 Senate—Referred to Committee on Education—SJ 54
- 02/01/2013 Senate—Hearing: Wednesday, February 06, 2013, 1:30 PM Room 144-S
- 02/14/2013 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 155
- 02/19/2013 Senate—Committee of the Whole - Be passed—SJ 168
- 02/20/2013 Senate—Final Action - Passed; Yea: 34 Nay: 6—SJ 172
- 02/22/2013 House—Received and Introduced—HJ 256
- 02/25/2013 House—Referred to Committee on Education—HJ 258
- 03/08/2013 House—Hearing: Monday, March 11, 2013, 1:30 PM Room 112-N
- 03/21/2013 House—Committee Report recommending substitute bill be passed by Committee on Education—HJ 467
- 03/25/2013 House—Committee of the Whole – Passed over and retain a place on the calendar—HJ 514
- 03/25/2013 House—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—HJ 520
- 03/25/2013 House—Committee of the Whole - Amendment by Representative Kelley was adopted—HJ 520
- 03/25/2013 House—Committee of the Whole - Amendment by Representative Kelley was adopted Yea: 67 Nay: 54—HJ 520
- 03/25/2013 House—Committee of the Whole - Motion to refer to committee failed Committee on Taxation—HJ 521

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 03/25/2013 House—Committee of the Whole - Motion to recommend favorably for passage failed—HJ 521
- 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Education—HJ 587
- 02/19/2014 House—Hearing: Friday, February 21, 2014, 1:15 PM Room 112-N
- 05/30/2014 House—Died in House Committee
- S 29** Bill by Federal and State Affairs
Racial profiling data collection and reporting requirements.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Judiciary—SJ 58
 05/30/2014 Senate—Died in Committee
- S 30** Bill by Federal and State Affairs
Uniform consumer credit code and payday loans.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 58
 05/30/2014 Senate—Died in Committee
- S 31** Bill by Commerce
Certain deductions from wages authorized.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Commerce—SJ 58
 05/30/2014 Senate—Died in Committee
- S 32** Bill by Legislative Budget Committee
Department of health and environment; local environmental protection programs.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Ways and Means—SJ 58
 05/30/2014 Senate—Died in Committee
- S 33** Bill by Ethics and Elections
Elections; voter identification requirement.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Ethics and Elections—SJ 58
 05/30/2014 Senate—Died in Committee
- S 34** Bill by Federal and State Affairs
Commission on emergency planning and response, membership.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 58
 01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 10:30 AM Room 144-S
 01/30/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 96
 02/06/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 122
 02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 122
 02/07/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 130
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Federal and State Affairs—HJ 179
 02/19/2013 House—Hearing: Tuesday, February 26, 2013, 9:00 AM Room 346-S
 05/30/2014 House—Died in House Committee
- S 35** Bill by Federal and State Affairs

Alcoholic beverages; employment standards for persons serving alcoholic beverages.

01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 58
 01/18/2013 Senate—Hearing: Thursday, January 24, 2013, 10:30 AM Room 144-S
 01/30/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 96
 02/06/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 123
 02/06/2013 Senate—Committee of the Whole - Amendment by Senator Ostmeyer was adopted—SJ 123
 02/06/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 123
 02/07/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 130
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Federal and State Affairs—HJ 179
 02/19/2013 House—Hearing: Monday, February 25, 2013, 9:00 AM Room 346-S
 03/13/2013 House—Withdrawn from Committee on Federal and State Affairs; Referred to Committee on Energy and Environment—HJ 382
 05/30/2014 House—Died in House Committee

S 36

Substitute for SB 36 by Committee on Federal and State Affairs -- Alcoholic liquor; clubs and drinking establishments; samples; taxation; employment standards for servers; other.

01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 58
 01/18/2013 Senate—Hearing: Thursday, January 24, 2013, 10:30 AM Room 144-S
 02/06/2013 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 122
 02/12/2013 Senate—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—SJ 141
 02/12/2013 Senate—Committee of the Whole - Substitute bill be passed—SJ 141
 02/13/2013 Senate—Final Action - Substitute passed; Yea: 37 Nay: 2—SJ 145
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Federal and State Affairs—HJ 222
 02/19/2013 House—Hearing: Monday, February 25, 2013, 9:00 AM Room 346-S
 03/14/2013 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 396
 01/17/2014 House—Withdrawn from Calendar; Referred to Committee on Calendar and Printing—HJ 1599

S 38

05/30/2014 House—Died in House Committee
 Bill by Senator V. Schmidt

Elections; advance voting; deceased voter.

01/17/2013 Senate—Introduced—SJ 57
 01/18/2013 Senate—Referred to Committee on Ethics and Elections—SJ 60
 05/30/2014 Senate—Died in Committee

S 39

Bill by Judiciary

Unlawful possession of prescription-only drugs.

01/17/2013 Senate—Introduced—SJ 57
 01/18/2013 Senate—Referred to Committee on Judiciary—SJ 60

- 01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 10:30 AM Room 346-S
- 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 346-S
- 05/30/2014 Senate—Died in Committee
- S 40** Bill by Judiciary
House Substitute for SB 40 by Committee on Corrections and Juvenile Justice – Secretary of corrections; including juvenile offenders in the prison-made goods act; authorizing use of correctional industries funds for payment of workers compensation insurance.
- 01/17/2013 Senate—Introduced—SJ 57
- 01/18/2013 Senate—Referred to Committee on Judiciary—SJ 60
- 01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 10:30 AM Room 346-S
- 01/31/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 105
- 02/06/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 122
- 02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 122
- 02/07/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 131
- 02/08/2013 House—Received and Introduced—HJ 169
- 02/11/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 179
- 03/06/2013 House—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 152-S
- 03/12/2014 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 1883
- 03/14/2014 House—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—HJ 1905
- 03/14/2014 House—Committee of the Whole - Substitute bill be passed—HJ 1905
- 03/17/2014 House—Final Action - Substitute passed; Yea: 123 Nay: 0—HJ 1914
- 03/18/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 1740
- 03/19/2014 House—Motion to accede adopted; Representative Rubin, Representative Gonzalez and Representative Pauls appointed as conferees—HJ 1925
- 04/05/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2208
- 04/05/2014 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 2208
- 04/30/2014 Senate—Enrolled and presented to Governor on Friday, April 11, 2014—SJ 2304
- 04/30/2014 Senate—Approved by Governor on Thursday, April 17, 2014—SJ 2297
- S 42** Bill by Federal and State Affairs
Architects and engineers; immunity from liability in negligence under certain circumstances.
- 01/17/2013 Senate—Introduced—SJ 58
- 01/18/2013 Senate—Referred to Committee on Judiciary—SJ 60
- 02/27/2013 Senate—Hearing: Wednesday, March 06, 2013, 10:30 AM Room 346-S
- 03/07/2013 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 250

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 03/13/2013 Senate—Committee of the Whole - Be passed—SJ 272
 03/14/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 292
 03/15/2013 House—Received and Introduced—HJ 404
 03/18/2013 House—Referred to Committee on Judiciary—HJ 408
 05/30/2014 House—Died in House Committee
- S 43**
 Bill by Joint Committee on Energy and Environmental Policy
Requiring the Kansas water office to formulate a plan to address water-related issues.
 01/17/2013 Senate—Introduced—SJ 58
 01/18/2013 Senate—Referred to Committee on Natural Resources—SJ 60
 01/24/2013 Senate—Hearing: Thursday, January 31, 2013, 8:30 AM Room 159-S
 05/30/2014 Senate—Died in Committee
- S 44**
 Bill by Senator Abrams
School districts; requirements for identification of and provision of services to students with dyslexia.
 01/17/2013 Senate—Introduced—SJ 58
 01/18/2013 Senate—Referred to Committee on Education—SJ 60
 02/01/2013 Senate—Hearing: Thursday, February 07, 2013, 1:30 PM Room 144-S
 05/30/2014 Senate—Died in Committee
- S 45**
 Bill by Federal and State Affairs
House Substitute for SB 45 by Committee on Elections – Campaign finance; reporting requirements threshold raised; transfer of campaign funds; other.
 01/18/2013 Senate—Introduced—SJ 59
 01/22/2013 Senate—Referred to Committee on Ethics and Elections—SJ 66
 02/01/2013 Senate—Hearing: Wednesday, February 06, 2013, 9:30 AM Room 159-S
 03/07/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 250
 03/12/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 263
 03/12/2013 Senate—Committee of the Whole - Be passed as amended—SJ 263
 03/13/2013 Senate—Engrossed on Wednesday, March 13, 2013—SJ 269
 03/13/2013 Senate—Final Action - Passed as amended; Yea: 32 Nay: 8—SJ 268
 03/14/2013 House—Received and Introduced—HJ 391
 03/15/2013 House—Referred to Committee on Elections—HJ 404
 03/19/2013 House—Hearing: Wednesday, March 20, 2013, 1:30 PM Room 281-N
 03/25/2013 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 523
 01/14/2014 House—Withdrawn from Calendar, Rereferred to Committee on Elections—HJ 1580
 03/06/2014 House—Committee Report recommending substitute bill be passed by Committee on Elections—HJ 1856
 05/30/2014 House—Died on House Calendar
- S 46**
 Bill by Public Health and Welfare
Physical therapists; evaluation and treatment of patients.
 01/18/2013 Senate—Introduced—SJ 59
 01/22/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 66
 01/24/2013 Senate—Hearing: Monday, January 28, 2013, 1:30 PM Room 118-N

- 01/29/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 92
- 02/06/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 122
- 02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 122
- 02/07/2013 Senate—Final Action - Passed as amended; Yea: 37 Nay: 1—SJ 131
- 02/08/2013 House—Received and Introduced—HJ 169
- 02/11/2013 House—Referred to Committee on Health and Human Services—HJ 179
- 05/30/2014 House—Died in House Committee
- S 47** Bill by Federal and State Affairs
Amending the crime of identity theft.
 01/18/2013 Senate—Introduced—SJ 59
 01/22/2013 Senate—Referred to Committee on Judiciary—SJ 66
 02/27/2013 Senate—Hearing: Thursday, March 07, 2013, 10:30 AM Room 346-S
 05/30/2014 Senate—Died in Committee
- S 48** Bill by Federal and State Affairs
Kansas employer e-verify accountability act.
 01/18/2013 Senate—Introduced—SJ 59
 01/22/2013 Senate—Referred to Committee on Commerce—SJ 66
 02/27/2013 Senate—Motion to withdraw from Committee on Commerce pending—SJ 202
 02/28/2013 Senate—Motion to withdraw from Committee on Commerce, failed.
 Yea: 6 Nay: 34—SJ 233
 05/30/2014 Senate—Died in Committee
- S 50** Bill by Natural Resources
Requiring the completion of a boater safety education course.
 01/18/2013 Senate—Introduced—SJ 60
 01/22/2013 Senate—Hearing: Thursday, January 24, 2013, 8:30 AM Room 237-E
 01/22/2013 Senate—Referred to Committee on Natural Resources—SJ 66
 05/30/2014 Senate—Died in Committee
- S 53** Bill by Federal and State Affairs
Prohibiting employers from requiring employees to divulge social media content.
 01/18/2013 Senate—Introduced—SJ 60
 01/22/2013 Senate—Referred to Committee on Commerce—SJ 66
 05/30/2014 Senate—Died in Committee
- S 54** Bill by Federal and State Affairs
Amendments to statutes regulating abortions.
 01/22/2013 Senate—Introduced—SJ 62
 01/23/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 73
 01/24/2013 Senate—Hearing: Thursday, January 31, 2013, 10:30 AM Room 144-S
 02/07/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 132
 02/12/2013 Senate—Committee of the Whole - Passed over and retain a place on the calendar
 02/12/2013 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 140
 02/26/2013 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 198

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 03/26/2013 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 421
- 01/24/2014 Senate—Hearing: Wednesday, January 29, 2014, 10:30 AM Room 144-S
- 01/31/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 1554
- 02/11/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1575
- 02/11/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1575
- 02/12/2014 Senate—Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 1583
- 02/13/2014 Senate—Engrossed on Thursday, February 13, 2014—SJ 1599
- 02/13/2014 House—Received and Introduced—HJ 1700
- 02/14/2014 House—Referred to Committee on Federal and State Affairs—HJ 1711
- 03/05/2014 House—Hearing: Tuesday, March 11, 2014, 9:00 AM Room 346-S
- 03/13/2014 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 1899
- 03/26/2014 House—Committee of the Whole - Committee Report be adopted—HJ 2050
- 03/26/2014 House—Committee of the Whole - Be passed as amended—HJ 2050
- 03/26/2014 House—Emergency Final Action - Passed as amended; Yea: 95 Nay: 28—HJ 2052
- 03/31/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Ostmeyer, Senator Shultz and Senator Faust-Goudeau as conferees—SJ 1921
- 04/01/2014 House—Motion to accede adopted; Representative Brunk, Representative Couture-Lovelady and Representative Ruiz appointed as conferees—HJ 2075
- 04/04/2014 House—Conference Committee Report was adopted; Yea: 112 Nay: 11—HJ 2134
- 04/05/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted—SJ 2097
- 04/05/2014 Senate—Conference Committee Report was adopted; Yea: 34 Nay: 6—SJ 2242
- 04/30/2014 Senate—Enrolled and presented to Governor on Friday, April 11, 2014—SJ 2304
- 04/30/2014 Senate—Approved by Governor on Thursday, April 17, 2014—SJ 2297
- S 55** Bill by Assessment and Taxation
Specifying responsibility for payment of the mortgage registration fee.
- 01/22/2013 Senate—Introduced—SJ 62
- 01/23/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 73
- 05/30/2014 Senate—Died in Committee
- S 60** Bill by Judiciary
House Substitute for SB 60 by Committee on Judiciary – Certain sex crimes, where the offender is over 18 and the victim is under 14, which currently have a mandatory minimum sentence of 25 years could be increased to 35 if aggravating circumstances found.
- 01/22/2013 Senate—Introduced—SJ 63
- 01/23/2013 Senate—Referred to Committee on Judiciary—SJ 73
- 02/14/2013 Senate—Hearing: Monday, February 18, 2013, 10:30 AM Room 346-S

02/26/2013 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 199

02/27/2013 Senate—Committee of the Whole - Be passed—SJ 215

02/28/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 224

03/01/2013 House—Received and Introduced—HJ 320

03/06/2013 House—Referred to Committee on Judiciary—HJ 351

03/06/2013 House—Hearing: Monday, March 11, 2013, 3:30 PM Room 112-N

03/21/2014 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 2005

03/26/2014 House—Stricken from Calendar by Rule 1507—HJ 2081

S 63 Bill by Ethics and Elections

State use law; purchases by municipalities; committee sunset date and chairperson selection.

01/22/2013 Senate—Introduced—SJ 63

01/24/2013 Senate—Referred to Committee on Judiciary—SJ 81

02/06/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 346-S

02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 213

02/28/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 239

02/28/2013 Senate—Committee of the Whole - Amendment by Senator Holland was withdrawn—SJ 239

02/28/2013 Senate—Committee of the Whole - Amendment by Senator Holland was rejected—SJ 239

02/28/2013 Senate—Committee of the Whole - Amendment by Senator Haley was rejected—SJ 239

02/28/2013 Senate—Senator Tyson motioned to reconsider action on Holland's rejected amendment. Motion adopted. Yea: 25 Nay: 14—SJ 239

02/28/2013 Senate—Committee of the Whole - Amendment ruled Germane—SJ 240

02/28/2013 Senate—Committee of the Whole - Amendment by Senator Holland was adopted Yea: 23 Nay: 17—SJ 240

02/28/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 240

02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 31 Nay: 9—SJ 232

03/01/2013 House—Received and Introduced—HJ 349

03/06/2013 House—Referred to Committee on Elections—HJ 350

03/06/2013 House—Hearing: Monday, March 11, 2013, 1:30 PM Room 281-N

03/19/2013 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 427

03/26/2013 House—Committee of the Whole - Committee Report be adopted—HJ 558

03/26/2013 House—Committee of the Whole - Amendment by Representative Huebert was adopted—HJ 558

03/26/2013 House—Committee of the Whole - Amendment by Representative Dillmore was rejected—HJ 558

03/26/2013 House—Committee of the Whole - Amendment by Representative Alcalá was rejected—HJ 558

03/26/2013 House—Committee of the Whole - Be passed as amended—HJ 558

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 69 Nay: 53—HJ 580
- 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 489
- 04/01/2013 House—Motion to accede adopted; Representative Schwab, Representative Huebert and Representative Sawyer appointed as conferees—HJ 594
- 04/01/2013 House—Representative Kinzer replaces Representative Schwab on the Conference Committee—HJ 602
- 04/01/2013 House—Representative Bruchman replaces Representative Huebert on the Conference Committee—HJ 602
- 04/01/2013 House—Representative Pauls replaces Representative Sawyer on the Conference Committee—HJ 602
- 05/16/2013 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 995
- 05/16/2013 House—Conference Committee Report agree to disagree adopted; Representative Kinzer, Representative Bruchman and Representative Pauls appointed as second conferees—HJ 995
- 05/16/2013 Senate—Conference Committee Report agree to disagree adopted; Senator King, Senator Smith and Senator Haley appointed as second conferees—SJ 925
- 05/30/2013 Senate—Senator Tyson replaces Senator King on the Conference Committee—SJ 1013
- 05/30/2013 Senate—Senator Bruce replaces Senator Smith on the Conference Committee—SJ 1013
- 05/30/2013 Senate—Senator Holland replaces Senator Haley on the Conference Committee—SJ 1013
- 05/02/2014 Senate—Senator Lynn replaces Senator Tyson on the Conference Committee—SJ 2814
- 05/02/2014 Senate—Senator Wagle replaces Senator Bruce on the Conference Committee—SJ 2814
- 05/02/2014 House—Representative Kleeb replaces Representative Kinzer on the Conference Committee—HJ 2883
- 05/02/2014 House—Representative Suellentrop replaces Representative Bruchman on the Conference Committee—HJ 2883
- 05/02/2014 House—Representative Frownfelter replaces Representative Pauls on the Conference Committee—HJ 2883
- 05/02/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2919
- 05/02/2014 House—Conference Committee Report was adopted; Yea: 124 Nay: 0—HJ 2922
- 05/02/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2867
- 05/02/2014 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2870
- 05/30/2014 Senate—Enrolled and presented to Governor on Monday, May 12, 2014—SJ 2940
- 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ 2937

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- S 65** Bill by Ethics and Elections
Governmental ethics commission; membership expanded.
 01/23/2013 Senate—Introduced—SJ 73
 01/24/2013 Senate—Referred to Committee on Ethics and Elections—SJ 81
 02/01/2013 Senate—Hearing: Tuesday, February 05, 2013, 9:30 AM Room 159-S
 05/30/2014 Senate—Died in Committee
- S 66** Bill by Senator Smith
Requiring the collection and publication of district attorney criminal and juvenile offender caseload data.
 01/24/2013 Senate—Introduced—SJ 80
 01/25/2013 Senate—Referred to Committee on Judiciary—SJ 82
 02/01/2013 Senate—Hearing: Tuesday, February 05, 2013, 10:30 AM Room 346-S
 02/06/2013 Senate—Hearing: Monday, February 11, 2013, 10:30 AM Room 346-S
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 346-S
 02/13/2013 Senate—Hearing: Tuesday, February 19, 2013, 10:30 AM Room 346-S
 02/14/2013 Senate—Hearing: Wednesday, February 20, 2013, 10:30 AM Room 346-S
 05/30/2014 Senate—Died in Committee
- S 67** Bill by Public Health and Welfare
Vaccinations; exemption based on conscience or personal belief.
 01/24/2013 Senate—Introduced—SJ 80
 01/25/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 82
 05/30/2014 Senate—Died in Committee
- S 71** Bill by Financial Institutions and Insurance
Mortgage registration fees; verification of indebtedness.
 01/24/2013 Senate—Introduced—SJ 81
 01/25/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 82
 05/30/2014 Senate—Died in Committee
- S 72** Bill by Assessment and Taxation
Property and sales tax exemptions for health clubs.
 01/24/2013 Senate—Introduced—SJ 81
 01/25/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 82
 02/20/2013 Senate—Hearing: Wednesday, February 27, 2013, 9:30 AM Room 548-S
 03/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 345
 03/25/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 396
 03/25/2013 Senate—Committee of the Whole - Amendment by Senator Holland was rejected—SJ 396
 03/25/2013 Senate—Committee of the Whole - Amendment by Senator Hensley was rejected Yea: 15 Nay: 23—SJ 397
 03/25/2013 Senate—Committee of the Whole - Be passed as amended—SJ 396
 03/26/2013 Senate—Engrossed on Monday, March 25, 2013—SJ 434
 03/26/2013 Senate—Final Action - Passed as amended; Yea: 25 Nay: 14—SJ 427
 03/26/2013 House—Received and Introduced—HJ 587
 03/27/2013 House—Referred to Committee on Taxation—HJ 590
 01/29/2014 House—Hearing: Monday, February 03, 2014, 3:30 PM Room 582-N
 05/30/2014 House—Died in House Committee

- S 76** Bill by Ways and Means
Supplemental appropriation for FY 2012, FY 2013 and FY 2014 for various state agencies.
 01/24/2013 Senate—Introduced—SJ 81
 01/25/2013 Senate—Referred to Committee on Ways and Means—SJ 82
 02/05/2013 Senate—Hearing: Thursday, February 07, 2013, 10:30 AM Room 548-S
 03/06/2013 Senate—Hearing: Thursday, March 14, 2013, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 77** Bill by Judiciary
Relating to the state child death review board.
 01/24/2013 Senate—Introduced—SJ 81
 01/25/2013 Senate—Referred to Committee on Judiciary—SJ 82
 02/06/2013 Senate—Hearing: Monday, February 11, 2013, 10:30 AM Room 346-S
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 346-S
 05/30/2014 Senate—Died in Committee
- S 78** Bill by Assessment and Taxation
Retention of 6.3% sales tax rate, reduction in individual income tax rates and elimination of certain deductions.
 01/25/2013 Senate—Introduced—SJ 82
 01/28/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 88
 02/01/2013 Senate—Hearing: Tuesday, February 05, 2013, 9:30 AM Room 548-S
 02/12/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 141
 01/22/2014 Senate—Stricken from calendar—SJ 1514
- S 79** Bill by Assessment and Taxation
Income tax deductions and modifications and severance tax exemptions; basis of partner's interest and shareholder's stock; statutory clarification.
 01/25/2013 Senate—Introduced—SJ 82
 01/28/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 88
 02/06/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 116
 01/22/2014 Senate—Stricken from calendar—SJ 1514
- S 80** Bill by Judiciary
Grand juries.
 01/28/2013 Senate—Introduced—SJ 86
 01/29/2013 Senate—Referred to Committee on Judiciary—SJ 90
 02/01/2013 Senate—Hearing: Tuesday, February 05, 2013, 8:30 AM Room 346-S
 02/06/2013 Senate—Hearing: Thursday, February 07, 2013, 10:30 PM Room 346-S
 02/07/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 133
 02/12/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 141
 02/12/2013 Senate—Committee of the Whole - Be passed as amended—SJ 141
 02/13/2013 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 147
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Judiciary—HJ 222
 02/27/2013 House—Hearing: Thursday, March 07, 2013, 3:30 PM Room 112-N
 03/25/2013 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 527

- 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Judiciary—HJ 587
- 05/30/2014 House—Died in House Committee
- S 84** Bill by Assessment and Taxation
House Substitute for SB 84 by Committee on Taxation – Reduction to state income tax rates based on selected actual state general fund receipts computations; distribution of revenues from sales and compensating use tax; reduction of itemized deductions.
- 01/29/2013 Senate—Introduced—SJ 89
- 01/30/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 94
- 02/05/2013 Senate—Hearing: Wednesday, February 06, 2013, 9:30 AM Room 548-S
- 02/13/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 151
- 02/19/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 168
- 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
- 02/20/2013 Senate—Engrossed on Wednesday, February 20, 2013
- 02/20/2013 Senate—Final Action - Passed as amended; Yea: 30 Nay: 9—SJ 174
- 02/22/2013 House—Received and Introduced—HJ 256
- 02/25/2013 House—Referred to Committee on Taxation—HJ 258
- 03/13/2013 House—Committee Report recommending substitute bill be passed by Committee on Taxation—HJ 388
- 03/20/2013 House—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—HJ 449
- 03/20/2013 House—Committee of the Whole - Amendment by Representative Carlson was adopted—HJ 449
- 03/20/2013 House—Committee of the Whole - Amendment by Representative Schroeder was rejected—HJ 449
- 03/20/2013 House—Committee of the Whole - Amendment by Representative Wilson was rejected—HJ 449
- 03/20/2013 House—Committee of the Whole - Amendment by Representative Carlson was adopted—HJ 449
- 03/20/2013 House—Committee of the Whole - Amendment by Representative Dillmore was rejected Yea: 38 Nay: 79—HJ 450
- 03/20/2013 House—Committee of the Whole - Amendment by Representative Hineman was rejected—HJ 450
- 03/20/2013 House—Committee of the Whole - Amendment ruled Germane—HJ 450
- 03/20/2013 House—Committee of the Whole - Amendment by Representative Peck was rejected Yea: 24 Nay: 93—HJ 455
- 03/20/2013 House—Committee of the Whole - Substitute bill be passed as amended Yea: 82 Nay: 37—HJ 455
- 03/21/2013 House—Final Action - Substitute passed as amended; Yea: 82 Nay: 39—HJ 465
- 03/21/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Donovan, Senator Tyson and Senator Holland as conferees—SJ 370

- 03/22/2013 House—Motion to accede adopted; Representative Carlson, Representative Schwab and Representative Sawyer appointed as conferees—HJ 471
- 04/04/2013 House—Representative Menghini replaces Representative Sawyer on the Conference Committee—HJ 654
- 05/21/2013 House—Representative Siegfried replaces Representative Schwab on the Conference Committee—HJ 1015
- 05/24/2013 Senate—Senator Bruce replaces Senator Donovan on the Conference Committee—SJ 1004
- 05/28/2013 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 1042
- 05/28/2013 House—Conference Committee Report agree to disagree adopted; Representative Carlson, Representative Siegfried and Representative Menghini appointed as second conferees—HJ 1042
- 05/28/2013 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 1006
- 05/28/2013 Senate—Conference Committee Report agree to disagree adopted; Senator Tyson, Senator Bruce and Senator Hensley appointed as second conferees—SJ 1006
- 05/28/2013 Senate—Senator Holland replaces Senator Hensley on the Conference Committee—SJ 1007
- 05/28/2013 House—Conference Committee Report not adopted; Yea: 42 Nay: 71—HJ 1055
- 05/29/2013 House—Motion to Reconsider Adopted Yea: 79 Nay: 32—HJ 1057
- 05/29/2013 House—Conference Committee Report not adopted; Representative Carlson, Representative Schwab and Representative Menghini appointed as third conferees—HJ 1057
- 05/29/2013 Senate—Motion to accede adopted; Senator Tyson, Senator Bruce and Senator Holland appointed as third conferees—SJ 1009
- 05/30/2013 House—Conference Committee Report agree to disagree adopted; Representative Carlson, Representative Schwab and Representative Menghini appointed as fourth conferees—HJ 1061
- 05/30/2013 Senate—Conference Committee Report agree to disagree adopted; Senator Tyson, Senator Bruce and Senator Holland appointed as fourth conferees—SJ 1012
- 05/30/2013 House—Conference Committee Report not adopted; Yea: 18 Nay: 94—HJ 1082
- 05/31/2013 House—Motion to Reconsider Adopted—HJ 1086
- 05/31/2013 House—Conference Committee Report not adopted; Representative Carlson, Representative Schwab and Representative Menghini appointed as fifth conferees—HJ 1086
- 05/31/2013 Senate—Motion to accede adopted; Senator Tyson, Senator Bruce and Senator Holland appointed as fifth conferees—SJ 1015
- 03/31/2014 House—Representative Carlson replaces Representative Carlson on the Conference Committee—HJ 2068
- 03/31/2014 House—Representative Edmonds replaces Representative Schwab on the Conference Committee—HJ 2068
- 03/31/2014 House—Representative Sawyer replaces Representative Menghini on the Conference Committee—HJ 2068

- 04/02/2014 Senate—Senator Donovan replaces Senator Bruce on the Conference Committee—SJ 1938
- 04/05/2014 Senate—Senator Denning replaces Senator Donovan on the Conference Committee—SJ 2242
- 04/05/2014 Senate—Senator Masterson replaces Senator Tyson on the Conference Committee—SJ 2242
- 04/05/2014 Senate—Senator Hensley replaces Senator Holland on the Conference Committee—SJ 2242
- 04/05/2014 House—Representative Suellentrop replaces Representative Carlson on the Conference Committee—HJ 2291
- 04/05/2014 House—Representative Kleeb replaces Representative Edmonds on the Conference Committee—HJ 2291
- 04/05/2014 House—Representative Henry replaces Representative Sawyer on the Conference Committee—HJ 2291
- 05/01/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2322
- 05/01/2014 Senate—Senator Knox replaces Senator Masterson on the Conference Committee—SJ 2322
- 05/01/2014 Senate—Senator Smith replaces Senator Denning on the Conference Committee—SJ 2322
- 05/01/2014 Senate—Senator Francisco replaces Senator Hensley on the Conference Committee—SJ 2322
- 05/01/2014 House—Representative Hedke replaces Representative Suellentrop on the Conference Committee—HJ 2431
- 05/01/2014 House—Representative Alford replaces Representative Kleeb on the Conference Committee—HJ 2431
- 05/01/2014 House—Representative Kuether replaces Representative Henry on the Conference Committee—HJ 2431
- 05/02/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2449
- 05/02/2014 House—Conference Committee Report agree to disagree, not adopted—HJ 2450
- 05/30/2014 Senate—Died in Conference
- S 86**
Bill by Agriculture
Plant protection; live plant dealer's licenses.
01/29/2013 Senate—Introduced—SJ 89
01/30/2013 Senate—Referred to Committee on Agriculture—SJ 94
02/13/2013 Senate—Hearing: Wednesday, February 20, 2013, 8:30 AM Room 159-S
- 05/30/2014 Senate—Died in Committee
- S 87**
Bill by Agriculture
Establishing the Kansas equine education and promotion board.
01/29/2013 Senate—Introduced—SJ 90
01/30/2013 Senate—Referred to Committee on Agriculture—SJ 94
02/19/2013 Senate—Hearing: Wednesday, February 20, 2013, 8:30 AM Room 159-S
02/20/2013 Senate—Hearing: Monday, February 25, 2013, 8:30 AM Room 159-S
02/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture—SJ 198
01/22/2014 Senate—Stricken from calendar—SJ 1514

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- S 89** Bill by Judiciary
Interest on judgments in civil actions.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Judiciary—SJ 94
 05/30/2014 Senate—Died in Committee
- S 90** Bill by Judiciary
Amending private remedies under the Kansas consumer protection act.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Judiciary—SJ 94
 05/30/2014 Senate—Died in Committee
- S 91** Bill by Federal and State Affairs
Disaster reimbursement fund; adjutant general.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 94
 02/01/2013 Senate—Hearing: Tuesday, February 05, 2013, 10:30 AM Room 144-S
 02/07/2013 Senate—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—SJ 132
 02/12/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ
 141
 02/12/2013 Senate—Committee of the Whole - Be passed as amended—SJ 141
 02/13/2013 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 147
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Appropriations—HJ 222
 02/20/2013 House—Withdrawn from Committee on Appropriations; Referred to
 Committee on Taxation
 03/06/2013 House—Hearing: Thursday, March 14, 2013, 3:30 PM Room 582-N
 05/30/2014 House—Died in House Committee
- S 93** Bill by Commerce
**Civil procedure, commercial property liens; state construction registry, notice
 of commencement and notice of furnishings.**
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Commerce—SJ 94
 02/06/2013 Senate—Hearing: Monday, February 11, 2013, 8:30 AM Room 548-S
 02/06/2013 Senate—Hearing: Tuesday, February 12, 2013, 8:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 94** Bill by Federal and State Affairs
Crimes, definition of firearm; antique firearms excluded.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 94
 01/30/2013 Senate—Withdrawn from Committee on Federal and State Affairs;
 Referred to Committee on Judiciary—SJ 94
 05/30/2014 Senate—Died in Committee
- S 95** Bill by Senator Olson
Uniform vital statistics act; certificate of birth relating in stillbirth.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 102
 05/30/2014 Senate—Died in Committee
- S 97** Bill by Federal and State Affairs
Logan county; election of board of commissioners.
 01/30/2013 Senate—Introduced—SJ 93

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 01/31/2013 Senate—Referred to Committee on Ethics and Elections—SJ 102
 02/08/2013 Senate—Hearing: Thursday, February 14, 2013, 9:30 AM Room 159-S
 05/30/2014 Senate—Died in Committee
- S 98**
 Bill by Ethics and Elections
Elections; local government candidates.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Ethics and Elections—SJ 102
 02/08/2013 Senate—Hearing: Wednesday, February 13, 2013, 9:30 AM Room 159-S
 01/23/2014 Senate—Hearing: Thursday, January 30, 2014, 9:30 AM Room 159-S
 02/12/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 1586
 02/18/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1611
 02/18/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1611
 02/19/2014 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1615
 02/20/2014 House—Received and Introduced—HJ 1742
 02/21/2014 House—Referred to Committee on Elections—HJ 1754
 05/30/2014 House—Died in House Committee
- S 99**
 Bill by Ethics and Elections
Lobbyists defined.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Ethics and Elections—SJ 102
 02/08/2013 Senate—Hearing: Wednesday, February 13, 2013, 9:30 AM Room 159-S
 01/22/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 1514
 02/11/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1575
 02/11/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1575
 02/12/2014 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1583
 02/13/2014 House—Received and Introduced—HJ 1700
 02/14/2014 House—Referred to Committee on Elections—HJ 1711
 03/05/2014 House—Hearing: Wednesday, March 12, 2014, 1:30 PM Room 281-N
 03/18/2014 House—Committee Report recommending bill be passed by Committee on Elections—HJ 1919
 03/26/2014 House—Committee of the Whole - Motion to amend by Rep. Burroughs was rejected.—HJ 2050
 03/26/2014 House—Committee of the Whole - Be passed—HJ 2050
 03/26/2014 House—Emergency Final Action - Passed; Yea: 117 Nay: 6—HJ 2057
 04/04/2014 Senate—Enrolled and presented to Governor on Friday, April 04, 2014—SJ 2093
 04/30/2014 Senate—Vetoed by Governor; Returned to Senate on Friday, April 11, 2014—SJ 2297
 05/01/2014 Senate—No motion to reconsider vetoed bill; Veto sustained—SJ 2315
- S 101**
 Bill by Commerce
Motor-vehicle fuel; relating to retail pump labeling requirements.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Transportation—SJ 102
 05/30/2014 Senate—Died in Committee

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- S 103** Bill by Education
School district; redefining at-risk pupil.
 01/31/2013 Senate—Introduced—SJ 99
 02/01/2013 Senate—Referred to Committee on Education—SJ 107
 02/06/2013 Senate—Hearing: Tuesday, February 12, 2013, 1:30 PM Room 144-S
 05/30/2014 Senate—Died in Committee
- S 104** Bill by Senator Abrams
Creating the Kansas children's internet protection act.
 01/31/2013 Senate—Introduced—SJ 99
 02/01/2013 Senate—Referred to Committee on Education—SJ 107
 02/06/2013 Senate—Hearing: Wednesday, February 13, 2013, 1:30 PM Room 144-S
 02/18/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 163
 02/19/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 168
 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
 02/20/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 175
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Education—HJ 258
 03/14/2013 House—Hearing: Friday, March 15, 2013, 8:00 AM Room 112-N
 03/18/2013 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 413
 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Education—HJ 587
 05/30/2014 House—Died in House Committee
- S 105** Bill by Education
School districts; bullying policies.
 01/31/2013 Senate—Introduced—SJ 99
 02/01/2013 Senate—Referred to Committee on Education—SJ 107
 05/30/2014 Senate—Died in Committee
- S 106** Bill by Assessment and Taxation
Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.
 01/31/2013 Senate—Introduced—SJ 99
 02/01/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 107
 02/20/2013 Senate—Hearing: Wednesday, February 27, 2013, 9:30 AM Room 548-S
 03/13/2013 Senate—Hearing: Wednesday, March 20, 2013, 9:30 AM Room 548-S
 03/26/2013 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 434
 01/22/2014 Senate—Stricken from calendar—SJ 1514
- S 107** Bill by Public Health and Welfare
Making name and substantive changes regarding the Kansas department for children and families and the Kansas department for aging and disabilities services consistent with E.R.O. 41.
 01/31/2013 Senate—Introduced—SJ 99
 02/01/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 107
 02/01/2013 Senate—Hearing: Tuesday, February 05, 2013, 1:30 PM Room 118-N

- 02/06/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Public Health and Welfare—SJ 122
- 02/07/2013 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 128
- 02/12/2013 Senate—Committee of the Whole - Passed over and retain a place on the calendar—SJ 141
- 02/13/2013 Senate—Committee of the Whole - Be passed—SJ 151
- 02/14/2013 Senate—Final Action - Passed; Yea: 39 Nay: 1—SJ 153
- 02/15/2013 House—Received and Introduced—HJ 222
- 02/18/2013 House—Referred to Committee on Health and Human Services—HJ 231
- 02/27/2013 House—Hearing: Thursday, March 07, 2013, 1:30 PM Room 546-S
- 03/19/2013 House—Committee Report recommending bill be passed by Committee on Health and Human Services—HJ 428
- 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Health and Human Services—HJ 587
- 05/30/2014 House—Died in House Committee
- S 108** Bill by Ethics and Elections
Offices of the governor and lieutenant governor; vacancy.
 01/31/2013 Senate—Introduced—SJ 101
 02/01/2013 Senate—Referred to Committee on Ethics and Elections—SJ 107
 05/30/2014 Senate—Died in Committee
- S 109** Bill by Federal and State Affairs
Lobbying; use of public funds prohibited.
 02/01/2013 Senate—Introduced—SJ 106
 02/04/2013 Senate—Referred to Committee on Ethics and Elections—SJ 109
 02/08/2013 Senate—Hearing: Monday, February 11, 2013, 9:30 AM Room 159-S
 05/30/2014 Senate—Died in Committee
- S 110** Bill by Ways and Means
Appropriations for FY 2014, FY 2015, FY 2016, FY 2017 and FY 2018 for various state agencies.
 02/04/2013 Senate—Introduced—SJ 108
 02/05/2013 Senate—Referred to Committee on Ways and Means—SJ 111
 03/06/2013 Senate—Hearing: Thursday, March 14, 2013, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 112** Bill by Federal and State Affairs
Alcoholic liquor; authorizing the production and transportation of homemade fermented beverages.
 02/04/2013 Senate—Introduced—SJ 108
 02/05/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 111
 05/30/2014 Senate—Died in Committee
- S 114** Bill by Federal and State Affairs
Kansas expanded lottery act; minimum investment; electronic gaming machine revenue distribution.
 02/04/2013 Senate—Introduced—SJ 108
 02/05/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 111
 05/30/2014 Senate—Died in Committee
- S 115** Bill by Ways and Means
Requiring radon testing for residential home sales.
 02/04/2013 Senate—Introduced—SJ 109

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/05/2013 Senate—Referred to Committee on Commerce—SJ 111
 05/30/2014 Senate—Died in Committee
- S 116** Bill by Ways and Means
Prohibiting referral fees between realtors.
 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Commerce—SJ 111
 05/30/2014 Senate—Died in Committee
- S 117** Bill by Ways and Means
Repealing a \$500,000 transfer from highway patrol training center fund to the state general fund.
 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Ways and Means—SJ 111
 02/13/2013 Senate—Hearing: Tuesday, February 19, 2013, 10:30 AM Room 548-S
 02/25/2013 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 196
 02/28/2013 Senate—Committee of the Whole - Be passed—SJ 238
 02/28/2013 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 233
 03/01/2013 House—Received and Introduced—HJ 349
 03/06/2013 House—Referred to Committee on Appropriations—HJ 350
 03/14/2013 House—Withdrawn from Committee on Appropriations; Referred to Committee on Pensions and Benefits—HJ 391
 03/14/2013 House—Hearing: Monday, March 18, 2013, 9:00 AM Room 152-S
 05/30/2014 House—Died in House Committee
- S 119** Bill by Senator Smith
Legislature; job protection for persons elected or appointed to the state legislature.
 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Ethics and Elections—SJ 111
 05/30/2014 Senate—Died in Committee
- S 121** Bill by Public Health and Welfare
Medical care facilities, licensure and renewal of licenses.
 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 111
 02/06/2013 Senate—Hearing: Thursday, February 14, 2013, 1:30 PM Room 118-N
 02/25/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 196
 02/27/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 215
 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 225
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Health and Human Services—HJ 351
 03/06/2013 House—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 546-S
 03/25/2013 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 518
 03/26/2013 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 587
 05/30/2014 House—Died in House Committee
- S 123** Bill by Judiciary

Amending the Kansas restraint of trade act.

02/05/2013 Senate—Introduced—SJ 110

02/06/2013 Senate—Referred to Committee on Judiciary—SJ 116

02/13/2013 Senate—Hearing: Thursday, February 21, 2013, 10:30 AM Room 346-S

02/20/2013 Senate—Hearing: Monday, February 25, 2013, 10:30 AM Room 546-S

05/30/2014 Senate—Died in Committee

S 125 Bill by Judiciary**Enforcement of support orders; income withholding.**

02/05/2013 Senate—Introduced—SJ 110

02/06/2013 Senate—Referred to Committee on Judiciary—SJ 116

02/13/2013 Senate—Hearing: Wednesday, February 20, 2013, 10:30 AM Room 346-S

02/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 199

02/27/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 215

02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215

02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 226

03/01/2013 House—Received and Introduced—HJ 320

03/06/2013 House—Referred to Committee on Judiciary—HJ 351

03/06/2013 House—Hearing: Tuesday, March 12, 2013, 3:30 PM Room 112-N

05/30/2014 House—Died in House Committee

S 126 Bill by Judiciary**Abolishing the death penalty; creating the crime of aggravated murder.**

02/05/2013 Senate—Introduced—SJ 110

02/06/2013 Senate—Referred to Committee on Judiciary—SJ 116

01/13/2014 Senate—Hearing: Thursday, January 16, 2014, 10:30 AM Room 346-S

01/17/2014 Senate—Hearing: Tuesday, January 21, 2014, 10:30 AM Room 346-S

05/30/2014 Senate—Died in Committee

S 127 Bill by Federal and State Affairs**Electric cooperative refund to members on death.**

02/05/2013 Senate—Introduced—SJ 111

02/06/2013 Senate—Referred to Committee on Utilities—SJ 116

05/30/2014 Senate—Died in Committee

S 130 Bill by Ethics and Elections**Investments by local governments; inflation protection.**

02/05/2013 Senate—Introduced—SJ 111

02/06/2013 Senate—Referred to Committee on Ethics and Elections—SJ 116

02/08/2013 Senate—Hearing: Thursday, February 14, 2013, 9:30 AM Room 159-S

05/30/2014 Senate—Died in Committee

S 131 Bill by Ways and Means**School finance; use of capital outlay funds.**

02/05/2013 Senate—Introduced—SJ 111

02/06/2013 Senate—Referred to Committee on Education—SJ 116

02/13/2013 Senate—Hearing: Monday, February 18, 2013, 1:30 PM Room 144-S

05/30/2014 Senate—Died in Committee

S 132 Bill by Ways and Means**School finance; amount of tax levy authorized to finance ancillary school facilities.**

02/05/2013 Senate—Introduced—SJ 111

- 02/06/2013 Senate—Referred to Committee on Education—SJ 116
 05/30/2014 Senate—Died in Committee
- S 133** Bill by Ways and Means
Providing authority for a school district to adopt a local activities budget.
 02/05/2013 Senate—Introduced—SJ 111
 02/06/2013 Senate—Referred to Committee on Education—SJ 116
 05/30/2014 Senate—Died in Committee
- S 134** Bill by Ways and Means
Capital improvement projects for various state agencies.
 02/05/2013 Senate—Introduced—SJ 111
 02/06/2013 Senate—Referred to Committee on Ways and Means—SJ 116
 03/07/2013 Senate—Hearing: Thursday, March 14, 2013, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 137** Bill by Education
School districts; adoption of plan to address bullying.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Education—SJ 127
 02/13/2013 Senate—Hearing: Tuesday, February 19, 2013, 1:30 PM Room 144-S
 05/30/2014 Senate—Died in Committee
- S 138** Bill by Financial Institutions and Insurance
Public adjusters licensing act; definitions.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 127
 02/07/2013 Senate—Hearing: Wednesday, February 13, 2013, 9:30 AM Room 546-S
 05/30/2014 Senate—Died in Committee
- S 140** Bill by Judiciary
Immigration; enforcement of federal immigration laws; determination of citizenship; cooperative agreements; validity of certain contracts; eligibility for certain public benefits; effect of immigration status on criminal appearance bonds.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 127
 05/30/2014 Senate—Died in Committee
- S 141** Bill by Senators Pilcher-Cook, Abrams, Apple, Arpke, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith, Tyson
Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 127
 02/08/2013 Senate—Hearing: Monday, February 11, 2013, 1:30 PM Room 118-N
 02/14/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 155
 02/19/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 168
 02/19/2013 Senate—Committee of the Whole - Amendment by Senator Kelly was rejected Yea: 12 Nay: 28—SJ 168

- 02/19/2013 Senate—Committee of the Whole - Amendment by Senator Haley was rejected Yea: 7 Nay: 33—SJ 168
- 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
- 02/20/2013 Senate—Final Action - Passed as amended; Yea: 37 Nay: 2—SJ 175
- 02/22/2013 House—Received and Introduced—HJ 256
- 02/25/2013 House—Referred to Committee on Federal and State Affairs—HJ 258
- 03/13/2013 House—Hearing: Thursday, March 21, 2013, 9:00 AM Room 346-S
- 03/25/2013 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 514
- 01/30/2014 House—Withdrawn from Calendar; Referred to Committee on Calendar and Printing—HJ 1633
- 05/30/2014 House—Died in House Committee
- S 143** Bill by Ethics and Elections
State treasurer; insurance commissioner; term limits.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Ethics and Elections—SJ 127
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 9:30 AM Room 159-S
 05/30/2014 Senate—Died in Committee
- S 144** Bill by Ways and Means
Annual basketball game between division I universities of the state.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Ways and Means—SJ 127
 05/30/2014 Senate—Died in Committee
- S 145** Bill by Ways and Means
Municipalities; elections; partisan; fall, odd-numbered years.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Ethics and Elections—SJ 127
 03/12/2013 Senate—Hearing: Wednesday, March 13, 2013, 9:30 AM Room 159-S
 05/30/2014 Senate—Died in Committee
- S 146** Bill by Agriculture
Agriculture; changing the definition of "on-farm retail sales of milk or milk products."
 02/06/2013 Senate—Introduced—SJ 115
 02/07/2013 Senate—Referred to Committee on Agriculture—SJ 126
 05/30/2014 Senate—Died in Committee
- S 147** Bill by Agriculture
House Substitute for SB 147 by Committee on Agriculture and Natural Resources – Amending the powers and duties of the Kansas department of agriculture division of conservation and the state conservation commission.
 02/06/2013 Senate—Introduced—SJ 115
 02/07/2013 Senate—Referred to Committee on Agriculture—SJ 126
 02/13/2013 Senate—Withdrawn from Committee on Agriculture; Referred to Committee on Federal and State Affairs—SJ 143
 02/14/2013 Senate—Hearing: Tuesday, February 19, 2013, 10:30 PM Room 144-S
 02/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 198
 02/28/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 240

- 02/28/2013 Senate—Committee of the Whole - Passed over and retain a place on the calendar
- 02/28/2013 Senate—Committee of the Whole - Amendment by Senator McGinn was adopted—SJ 240
- 02/28/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 240
- 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 235
- 03/01/2013 House—Received and Introduced—HJ 349
- 03/06/2013 House—Referred to Committee on Agriculture and Natural Resources—HJ 350
- 03/06/2013 House—Hearing: Thursday, March 14, 2013, 3:30 PM Room 346-S
- 03/25/2013 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 521
- 01/21/2014 House—Withdrawn from Calendar, Rereferred to Committee on Agriculture and Natural Resources—HJ 1604
- 03/14/2014 House—Committee Report recommending substitute bill be passed by Committee on Agriculture and Natural Resources—HJ 1905
- 03/19/2014 House—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—HJ 1930
- 03/19/2014 House—Committee of the Whole - Amendment by Representative Moxley was adopted—HJ 1930
- 03/19/2014 House—Committee of the Whole - Substitute bill be passed as amended—HJ 1930
- 03/20/2014 House—Final Action - Substitute passed as amended; Yea: 123 Nay: 0—HJ 1944
- 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Powell, Senator Kerschen and Senator Francisco as conferees—SJ 1905
- 03/26/2014 House—Motion to accede adopted; Representative Schwartz, Representative Hoffman and Representative Victors appointed as conferees—HJ 2059
- 05/01/2014 Senate—Senator Masterson replaces Senator Powell on the Conference Committee—SJ 2314
- 05/01/2014 Senate—Senator Denning replaces Senator Kerschen on the Conference Committee—SJ 2314
- 05/01/2014 Senate—Senator Kelly replaces Senator Francisco on the Conference Committee—SJ 2314
- 05/02/2014 House—Representative Suellentrop replaces Representative Schwartz on the Conference Committee—HJ 2449
- 05/02/2014 House—Representative Kleeb replaces Representative Hoffman on the Conference Committee—HJ 2449
- 05/02/2014 House—Representative Henry replaces Representative Victors on the Conference Committee—HJ 2449
- 05/30/2014 Senate—Died in Conference
- S 148** Bill by Senator LaTurner
Raffles; regulation; administrator of charitable gaming, department of revenue.
- 02/06/2013 Senate—Introduced—SJ 115
- 02/07/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 127

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/08/2013 Senate—Hearing: Thursday, February 14, 2013, 10:30 AM Room 144-S
05/30/2014 Senate—Died in Committee
- S 150** Bill by Ethics and Elections
State, municipalities; contracts for construction materials and other goods and merchandise; specification limitations.
02/07/2013 Senate—Introduced—SJ 124
02/08/2013 Senate—Referred to Committee on Ethics and Elections—SJ 135
02/28/2013 Senate—Hearing: Thursday, March 07, 2013, 9:30 AM Room 159-S
05/30/2014 Senate—Died in Committee
- S 151** Bill by Ethics and Elections
Public officials; term limits on senators and representatives.
02/07/2013 Senate—Introduced—SJ 124
02/08/2013 Senate—Referred to Committee on Ethics and Elections—SJ 135
02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 9:30 AM Room 159-S
05/30/2014 Senate—Died in Committee
- S 152** Bill by Ways and Means
Health insurance for firefighters and law enforcement officers.
02/07/2013 Senate—Introduced—SJ 124
02/08/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 135
03/13/2013 Senate—Hearing: Thursday, March 21, 2013, 9:30 AM Room 546-S
03/21/2013 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 371
04/03/2013 Senate—Committee of the Whole - Be passed—SJ 536
04/03/2013 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 537
04/03/2013 House—Received and Introduced—HJ 629
04/04/2013 House—Referred to Committee on Insurance—HJ 631
05/30/2014 House—Died in House Committee
- S 153** Bill by Ways and Means
Water; dams; definition; exemption from permit requirements; inspection costs and penalties.
02/07/2013 Senate—Introduced—SJ 124
02/08/2013 Senate—Referred to Committee on Natural Resources—SJ 135
02/11/2013 Senate—Hearing: Thursday, February 14, 2013, 8:30 AM Room 159-S
02/12/2013 Senate—Hearing: Friday, February 15, 2013, 8:30 AM Room 159-S
05/30/2014 Senate—Died in Committee
- S 154** Bill by Utilities
Amending the expiration date of net excess generation credit.
02/07/2013 Senate—Introduced—SJ 124
02/08/2013 Senate—Referred to Committee on Utilities—SJ 135
01/16/2014 Senate—Hearing: Tuesday, January 21, 2014, 1:30 PM Room 548-S
05/30/2014 Senate—Died in Committee
- S 155** Bill by Federal and State Affairs
Technical professions; ethical marketing of profession services; state, local government clients.
02/08/2013 Senate—Introduced—SJ 134
02/11/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 137
05/30/2014 Senate—Died in Committee
- S 156** Bill by Ethics and Elections

Governmental ethics; campaign finance; increased donation, contribution and gift amounts.

02/08/2013 Senate—Introduced—SJ 134

02/11/2013 Senate—Referred to Committee on Ethics and Elections—SJ 137

01/23/2014 Senate—Hearing: Thursday, January 30, 2014, 9:30 AM Room 159-S

02/12/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 1587

02/18/2014 Senate—Committee of the Whole - Passed over and retain a place on the calendar—SJ 1611

02/19/2014 Senate—Committee of the Whole - Referred to Committee on Ways and Means—SJ 1612

02/20/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Ethics and Elections—SJ 1619

05/30/2014 Senate—Died in Committee

S 157 Bill by Judiciary

Personal and family protection act; retired law enforcement officers.

02/08/2013 Senate—Introduced—SJ 134

02/11/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 137

03/07/2013 Senate—Hearing: Thursday, March 14, 2013, 10:30 AM Room 144-S

05/30/2014 Senate—Died in Committee

S 158 Bill by Judiciary

Open records act; disclosure of names of concealed carry licensees prohibited.

02/08/2013 Senate—Introduced—SJ 134

02/11/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 137

05/30/2014 Senate—Died in Committee

S 159 Bill by Judiciary

Relating to reporting abuse, neglect or exploitation of certain persons.

02/08/2013 Senate—Introduced—SJ 135

02/11/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 137

05/30/2014 Senate—Died in Committee

S 160 Bill by Public Health and Welfare

Local health department; prohibition of accreditation requirements.

02/08/2013 Senate—Introduced—SJ 135

02/11/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 137

02/13/2013 Senate—Hearing: Monday, February 18, 2013, 1:30 PM Room 118-N

05/30/2014 Senate—Died in Committee

S 161 Bill by Senators Pilcher-Cook, Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Pyle, Smith, Tyson, Wagle

Vital statistics; concerning death and unborn child death certificates.

02/08/2013 Senate—Introduced—SJ 135

02/11/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 137

02/11/2013 Senate—Hearing: Thursday, February 14, 2013, 1:30 PM Room 118-N

05/30/2014 Senate—Died in Committee

S 162 Bill by Public Health and Welfare

Allowing employees to retain and receive employer contributions for health insurance and provide a tax deduction for premiums paid on individually underwritten privately purchased health insurance policies.

02/08/2013 Senate—Introduced—SJ 135

- 02/11/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 137
 02/20/2013 Senate—Hearing: Tuesday, February 26, 2013, 9:30 AM Room 548-S
 03/14/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 295
 03/19/2013 Senate—Committee of the Whole - Passed over and retain a place on the calendar—SJ 336
 03/13/2014 Senate—Stricken from calendar
- S 165** Bill by Senators O'Donnell, Faust-Goudeau, Petersen
Substitute for SB 165 by Committee on Assessment and Taxation – Concerning relief from property taxation for property destroyed by disaster; agreements to pay tax by county boards.
- 02/11/2013 Senate—Introduced—SJ 136
 02/12/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 139
 02/19/2013 Senate—Hearing: Thursday, February 21, 2013, 9:30 AM Room 548-S
 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 9:30 AM Room 548-S
 03/12/2013 Senate—Committee Report recommending substitute bill be passed by Committee on Assessment and Taxation—SJ 262
 03/19/2013 Senate—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—SJ 336
 03/19/2013 Senate—Committee of the Whole - Amendment by Senator McGinn was adopted—SJ 336
 03/19/2013 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 336
 03/20/2013 Senate—Engrossed on Wednesday, March 20, 2013—SJ 344
 03/20/2013 Senate—Final Action - Substitute passed as amended; Yea: 40 Nay: 0—SJ 342
 03/21/2013 House—Received and Introduced—HJ 461
 03/22/2013 House—Referred to Committee on Taxation—HJ 470
 05/30/2014 House—Died in House Committee
- S 167** Bill by Senators Faust-Goudeau, Smith, Arpke, Francisco, King, Petersen
House Substitute for SB 167 by Committee on Corrections and Juvenile Justice – Juvenile justice authority; new community based service alternatives; new residential services levels; establishment of performance measures and payment methodologies.
- 02/11/2013 Senate—Introduced—SJ 136
 02/12/2013 Senate—Referred to Committee on Judiciary—SJ 140
 02/13/2013 Senate—Hearing: Tuesday, February 19, 2013, 10:30 PM Room 346-S
 02/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 199
 02/27/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 215
 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 230
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 350
 03/22/2013 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 485
 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Corrections and Juvenile Justice—HJ 587

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 04/02/2013 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 605
- 01/30/2014 House—Withdrawn from Calendar; Referred to Committee on Calendar and Printing—HJ 1633
- 05/30/2014 House—Died in House Committee
- S 169** Bill by Ways and Means
Enacting the Kansas reads to success act.
 02/11/2013 Senate—Introduced—SJ 136
 02/12/2013 Senate—Referred to Committee on Education—SJ 140
 02/13/2013 Senate—Hearing: Thursday, February 21, 2013, 1:30 PM Room 144-S
 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 12:30 PM Room 144-S
 05/30/2014 Senate—Died in Committee
- S 170** Bill by Education
Counties; abatement of nuisances; procedure; disposition of motor vehicles.
 02/12/2013 Senate—Introduced—SJ 138
 02/13/2013 Senate—Referred to Committee on Ethics and Elections—SJ 143
 05/30/2014 Senate—Died in Committee
- S 172** Bill by Education
School districts; prohibiting the use of Carnegie units for purposes of determining graduation requirements.
 02/12/2013 Senate—Introduced—SJ 138
 02/13/2013 Senate—Referred to Committee on Education—SJ 143
 02/19/2013 Senate—Hearing: Friday, February 22, 2013, 10:30 AM Room 144-S
 02/20/2013 Senate—Hearing: Tuesday, February 26, 2013, 12:30 PM Room 144-S
 05/30/2014 Senate—Died in Committee
- S 173** Bill by Education
School districts; accounting for KPERS employer contributions as part of state aid to schools.
 02/12/2013 Senate—Introduced—SJ 138
 02/13/2013 Senate—Referred to Committee on Education—SJ 143
 02/22/2013 Senate—Withdrawn from Committee on Education; Referred to Committee on Ways and Means—SJ 194
 02/25/2013 Senate—Hearing: Wednesday, February 27, 2013, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 174** Bill by Education
School finance; amendments to certain weightings.
 02/12/2013 Senate—Introduced—SJ 138
 02/13/2013 Senate—Referred to Committee on Education—SJ 143
 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 12:30 PM Room 144-S
 05/30/2014 Senate—Died in Committee
- S 175** Bill by Ways and Means
Insurance; coverage for autism spectrum disorder.
 02/12/2013 Senate—Introduced—SJ 139
 02/13/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 143
 05/30/2014 Senate—Died in Committee
- S 176** Bill by Ways and Means
Creating the coalition of innovative districts act.
 02/12/2013 Senate—Introduced—SJ 139
 02/13/2013 Senate—Referred to Committee on Education—SJ 143

- 02/13/2013 Senate—Hearing: Wednesday, February 20, 2013, 1:30 PM Room 144-S
- 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 203
- 03/07/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 250
- 03/07/2013 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Abrams—SJ 250
- 03/07/2013 Senate—Committee of the Whole - Handwritten Amendment by Senator Abrams was adopted—SJ 250
- 03/07/2013 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Francisco—SJ 251
- 03/07/2013 Senate—Committee of the Whole - Handwritten Amendment by Senator Francisco was rejected—SJ 251
- 03/07/2013 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Fitzgerald—SJ 250
- 03/07/2013 Senate—Committee of the Whole - Handwritten Amendment by Senator Fitzgerald was adopted—SJ 250
- 03/07/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 251
- 03/07/2013 Senate—Emergency Final Action - Passed as amended; Yea: 31 Nay: 7—SJ 251
- 03/08/2013 Senate—Engrossed on Friday, March 08, 2013—SJ 259
- 03/08/2013 House—Received and Introduced—HJ 363
- 03/11/2013 House—Referred to Committee on Education—HJ 374
- 05/30/2014 House—Died in House Committee
- S 178** Bill by Senator Hensley
School finance; amending base state aid per pupil; increasing state prescribed percentage for local option budget for fiscal years 2014 and 2015.
 02/12/2013 Senate—Introduced—SJ 139
 02/13/2013 Senate—Referred to Committee on Education—SJ 143
 05/30/2014 Senate—Died in Committee
- S 179** Bill by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey
Requiring employment of Kansas workers for certain state contracts and tax benefits.
 02/12/2013 Senate—Introduced—SJ 139
 02/13/2013 Senate—Referred to Committee on Commerce—SJ 143
 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 8:30 AM Room 548-S
 02/20/2013 Senate—Hearing: Tuesday, February 26, 2013, 8:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 180** Bill by Senator Haley
Length of regular legislative session in odd-numbered years.
 02/12/2013 Senate—Introduced—SJ 139
 02/13/2013 Senate—Referred to Committee on Ways and Means—SJ 143
 05/30/2014 Senate—Died in Committee
- S 181** Bill by Assessment and Taxation
Computation of amount of personal property tax on motor vehicles.
 02/12/2013 Senate—Introduced—SJ 139
 02/13/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 143
 03/13/2013 Senate—Hearing: Thursday, March 21, 2013, 9:30 AM Room 548-S

- 03/26/2013 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 434
- 04/03/2013 Senate—Committee of the Whole - Be passed—SJ 536
- 04/03/2013 Senate—Emergency Final Action - Not passed; Yea: 19 Nay: 19—SJ 537
- 04/03/2013 Senate—Motion to reconsider previous final action. Motion adopted.—SJ 543
- 04/03/2013 Senate—Motion to reconsider previous final action and place the bill back on general orders. Motion failed.—SJ 543
- 04/03/2013 Senate—Final Action - Passed; Yea: 21 Nay: 16—SJ 543
- 04/04/2013 House—Received and Introduced—HJ 632
- 04/05/2013 House—Referred to Committee on Taxation—HJ 656
- 05/30/2014 House—Died in House Committee
- S 182** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Pettey
Providing food sales tax refunds and homestead property tax refunds for renters.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 143
- 05/30/2014 Senate—Died in Committee
- S 183** Bill by Assessment and Taxation
Sales tax exemption for materials and services purchased by contractors for construction and remodeling of state properties and facilities.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 143
- 02/20/2013 Senate—Hearing: Tuesday, February 26, 2013, 9:30 AM Room 548-S
- 05/30/2014 Senate—Died in Committee
- S 184** Bill by Federal and State Affairs
Personal and family protection act; amendments.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 143
- 05/30/2014 Senate—Died in Committee
- S 185** Bill by Federal and State Affairs
Vital statistics; unborn child death certificate.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 143
- 05/30/2014 Senate—Died in Committee
- S 186** Bill by Federal and State Affairs
Personal and family protection act; public and private buildings; amendments.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 143
- 03/07/2013 Senate—Hearing: Thursday, March 14, 2013, 10:30 AM Room 144-S
- 05/30/2014 Senate—Died in Committee
- S 188** Bill by Assessment and Taxation
Sales tax authority for Ellis county.
- 02/13/2013 Senate—Introduced—SJ 142
- 02/14/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 153
- 02/14/2013 Senate—Hearing: Tuesday, February 19, 2013, 9:30 AM Room 548-S
- 05/30/2014 Senate—Died in Committee
- S 189** Bill by Assessment and Taxation

Income tax credit for expenditures to make dwelling or facility accessible for persons with a disability.

02/13/2013 Senate—Introduced—SJ 142

02/14/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 153

02/14/2013 Senate—Hearing: Tuesday, February 19, 2013, 9:30 AM Room 548-S

02/19/2013 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 167

01/22/2014 Senate—Stricken from calendar—SJ 1514

S 190 Bill by Senator Haley

Relating to eyewitness identifications.

02/13/2013 Senate—Introduced—SJ 142

02/14/2013 Senate—Referred to Committee on Judiciary—SJ 153

02/28/2014 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 1668

03/05/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 1672

05/30/2014 Senate—Died in Committee

S 191 Bill by Federal and State Affairs

Amending definitions relating to agricultural corporations and repealing certain agricultural corporation statutes.

02/13/2013 Senate—Introduced—SJ 142

02/14/2013 Senate—Referred to Committee on Agriculture—SJ 153

02/18/2013 Senate—Withdrawn from Committee on Agriculture; Referred to Committee on Natural Resources—SJ 159

02/19/2013 Senate—Hearing: Friday, February 22, 2013, 8:30 AM Room 159-S

02/28/2013 Senate—Hearing: Thursday, March 07, 2013, 8:30 AM Room 159-S

05/30/2014 Senate—Died in Committee

S 192 Bill by Federal and State Affairs

Credit card surcharge exemption for certain educational institutions.

02/13/2013 Senate—Introduced—SJ 142

02/14/2013 Senate—Referred to Committee on Education—SJ 153

02/18/2013 Senate—Withdrawn from Committee on Education; Referred to Committee on Financial Institutions and Insurance—SJ 159

05/30/2014 Senate—Died in Committee

S 193 Bill by Utilities

State corporation commission; relating to the promulgation of rules and regulations concerning horizontal drilling and hydraulic fracturing.

02/13/2013 Senate—Introduced—SJ 143

02/14/2013 Senate—Referred to Committee on Utilities—SJ 153

05/30/2014 Senate—Died in Committee

S 194 Bill by Ways and Means

Community developmental disability organizations; performance of functional assessments.

02/13/2013 Senate—Introduced—SJ 143

02/14/2013 Senate—Referred to Committee on Ways and Means—SJ 153

02/15/2013 Senate—Withdrawn from Committee on Ways and Means; Referred to Committee on Public Health and Welfare—SJ 157

03/06/2013 Senate—Hearing: Tuesday, March 12, 2013, 1:30 AM Room 118-N

03/13/2013 Senate—Hearing: Monday, March 18, 2013, 1:30 PM Room 118-N

05/30/2014 Senate—Died in Committee

- S 195** Bill by Ways and Means
Kansas employment first initiative act amendments.
 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Commerce—SJ 153
 03/06/2013 Senate—Hearing: Wednesday, March 13, 2013, 8:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 196** Bill by Ways and Means
Creating the Kansas public charter school act.
 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Education—SJ 153
 02/18/2013 Senate—Hearing: Thursday, February 21, 2013, 1:30 PM Room 144-S
 02/27/2013 Senate—Hearing: Thursday, March 07, 2013, 1:30 PM Room 144-S
 02/07/2014 Senate—Hearing: Friday, February 14, 2014, 1:30 PM Room 112-N
 02/28/2014 Senate—Withdrawn from Committee on Education; Referred to
 Committee on Ways and Means—SJ 1668
 05/30/2014 Senate—Died in Committee
- S 197** Bill by Ways and Means
Kansas dental board; licensure of dental practitioners.
 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 153
 05/30/2014 Senate—Died in Committee
- S 198** Bill by Senators Hensley, Faust-Goudeau, Haley, Hawk, Pettey
Kansas Buy American Act.
 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Commerce—SJ 153
 05/30/2014 Senate—Died in Committee
- S 200** Bill by Ethics and Elections
Open meetings; definition.
 02/14/2013 Senate—Introduced—SJ 152
 02/15/2013 Senate—Referred to Committee on Judiciary—SJ 156
 05/30/2014 Senate—Died in Committee
- S 201** Bill by Education
Creating the school district budget law.
 02/14/2013 Senate—Introduced—SJ 152
 02/15/2013 Senate—Referred to Committee on Education—SJ 156
 05/30/2014 Senate—Died in Committee
- S 202** Bill by Agriculture
**Substitute for SB 202 by Committee on Assessment and Taxation -- Creating a
 sales tax exemption for certain agricultural production firms.**
 02/14/2013 Senate—Introduced—SJ 152
 02/15/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 156
 02/20/2013 Senate—Hearing: Wednesday, February 27, 2013, 9:30 AM Room 548-S
 03/26/2013 Senate—Committee Report recommending substitute bill be passed by
 Committee on Assessment and Taxation—SJ 434
 05/30/2014 Senate—Died on General Orders
- S 203** Bill by Federal and State Affairs
**Alcoholic liquor; licensee citizenship; art organizations, complimentary drinks;
 clubs and drinking establishments, pitchers; coupons for drinks.**
 02/14/2013 Senate—Introduced—SJ 152

- 02/15/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 156
 02/15/2013 Senate—Hearing: Wednesday, February 20, 2013, 10:30 AM Room 144-S
 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 213
 03/07/2013 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 248
 03/13/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 270
 03/19/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 336
 03/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 336
 03/20/2013 Senate—Engrossed on Wednesday, March 20, 2013—SJ 344
 03/20/2013 Senate—Final Action - Passed as amended; Yea: 27 Nay: 13—SJ 342
 03/21/2013 House—Received and Introduced—HJ 461
 03/22/2013 House—Referred to Committee on Federal and State Affairs—HJ 470
 03/22/2013 House—Hearing: Monday, March 25, 2013, 8:00 AM Room 582-N
 03/26/2013 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 551
 01/17/2014 House—Withdrawn from Calendar; Referred to Committee on Calendar and Printing—HJ 1599
 01/31/2014 House—Withdrawn from Committee on Calendar and Printing; Referred to Committee on Commerce, Labor and Economic Development—HJ 1640
 03/12/2014 House—Hearing: Wednesday, March 19, 2014, 1:30 PM Room 346-S
 05/30/2014 House—Died in House Committee
- S 204** Bill by Ways and Means
Member elections and retirement benefit determinations and one-time payments under KPERS act of 2015.
 02/14/2013 Senate—Introduced—SJ 152
 02/15/2013 Senate—Referred to Committee on Ways and Means—SJ 157
 05/30/2014 Senate—Died in Committee
- S 205** Bill by Ways and Means
Member elections, retirement benefit determinations and one-time payments and interest credits and annuity interest rate changes under KPERS act of 2015.
 02/14/2013 Senate—Introduced—SJ 153
 02/15/2013 Senate—Referred to Committee on Ways and Means—SJ 157
 05/30/2014 Senate—Died in Committee
- S 206** Bill by Ways and Means
Abolishing the oil and gas valuation depletion trust fund. Allowing the counties to retain funds already in such county's oil and gas valuation depletion trust fund.
 02/14/2013 Senate—Introduced—SJ 153
 02/15/2013 Senate—Referred to Committee on Ways and Means—SJ 157
 05/30/2014 Senate—Died in Committee
- S 207** Bill by Federal and State Affairs
Concerning the regulation of motor carriers; authority to conduct spot checks.
 02/15/2013 Senate—Introduced—SJ 156
 02/18/2013 Senate—Referred to Committee on Transportation—SJ 159

- 05/30/2014 Senate—Died in Committee
- S 208** Bill by Federal and State Affairs
Alcoholic beverages; expanding the privileges of retailer's licensees.
 02/15/2013 Senate—Introduced—SJ 156
 02/18/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 159
 05/30/2014 Senate—Died in Committee
- S 209** Bill by Ways and Means
Providing for public disclosure and economic efficiency in publicly funded contracts and economic development agreements.
 02/18/2013 Senate—Introduced—SJ 158
 02/19/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 166
 05/30/2014 Senate—Died in Committee
- S 210** Bill by Ways and Means
Health information technology act.
 02/18/2013 Senate—Introduced—SJ 158
 02/19/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 166
 03/06/2013 Senate—Hearing: Wednesday, March 13, 2013, 1:30 PM Room 118-N
 03/19/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 333
 03/25/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 395
 03/25/2013 Senate—Committee of the Whole - Be passed as amended—SJ 395
 03/26/2013 Senate—Engrossed on Monday, March 25, 2013—SJ 434
 03/26/2013 Senate—Final Action - Passed as amended; Yea: 36 Nay: 4—SJ 428
 03/26/2013 House—Received and Introduced—HJ 587
 03/27/2013 House—Referred to Committee on Health and Human Services—HJ 590
 05/30/2014 House—Died in House Committee
- S 211** Bill by Ways and Means
Elections; municipalities; primary and general elections; date change; partisan.
 02/18/2013 Senate—Introduced—SJ 158
 02/19/2013 Senate—Referred to Committee on Ethics and Elections—SJ 166
 02/20/2013 Senate—Hearing: Thursday, February 21, 2013, 9:30 AM Room 159-S
 03/08/2013 Senate—Hearing: Wednesday, March 13, 2013, 9:30 AM Room 159-S
 03/08/2013 Senate—Hearing: Thursday, March 14, 2013, 9:30 AM Room 159-S
 05/30/2014 Senate—Died in Committee
- S 212** Bill by Assessment and Taxation
Establishing the produced water recycling, storage and transportation equipment investment income tax credit.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 171
 03/07/2013 Senate—Hearing: Tuesday, March 12, 2013, 9:30 AM Room 548-S
 03/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 345
 01/22/2014 Senate—Stricken from calendar—SJ 1514
- S 213** Bill by Federal and State Affairs
Kansas turnpike authority, speed based tolls.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Transportation—SJ 171

- 05/30/2014 Senate—Died in Committee
- S 214** Bill by Federal and State Affairs
Substitute for SB 214 by Committee on Federal and State Affairs – Bottle rockets; wholesale; transport out of state; registration; restrictions.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 171
 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 10:30 AM Room 144-S
 02/27/2013 Senate—Hearing: Wednesday, March 06, 2013, 10:30 AM Room 144-S
 03/14/2013 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 295
 03/19/2013 Senate—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—SJ 336
 03/19/2013 Senate—Committee of the Whole - Substitute bill be passed—SJ 336
 03/20/2013 Senate—Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 342
 03/21/2013 House—Received and Introduced—HJ 461
 03/22/2013 House—Referred to Committee on Federal and State Affairs—HJ 470
 03/22/2013 House—Hearing: Monday, March 25, 2013, 8:00 AM Room 582-N
 03/25/2013 House—Hearing: Tuesday, March 26, 2013, 8:00 AM Room 582-N
 05/30/2014 House—Died in House Committee
- S 215** Bill by Federal and State Affairs
Kansas expanded lottery act; racetrack gaming, amendments.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 171
 03/21/2013 Senate—Hearing: Monday, March 25, 2013, 12:30 PM Room 144-S
 05/30/2014 Senate—Died in Committee
- S 217** Bill by Federal and State Affairs
Relating to substance abuse services.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 171
 02/28/2013 Senate—Hearing: Thursday, March 07, 2013, 1:30 PM Room 118-N
 05/30/2014 Senate—Died in Committee
- S 218** Bill by Ways and Means
House Substitute for SB 218 by Committee on Appropriations – Education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2014, and June 30, 2015, for certain agencies.
 02/20/2013 Senate—Introduced—SJ 170
 02/22/2013 Senate—Referred to Committee on Ways and Means—SJ 194
 02/25/2013 Senate—Hearing: Wednesday, February 27, 2013, 10:30 AM Room 548-S
 03/22/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 387
 03/26/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 464
 03/26/2013 Senate—Committee of the Whole - Amendment by Senator Kelly was adopted—SJ 464
 03/26/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 464
 03/26/2013 Senate—Engrossed on Tuesday, March 26, 2013—SJ 434
 03/27/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 478

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 04/01/2013 House—Received and Introduced—HJ 593
 04/02/2013 House—Referred to Committee on Appropriations—HJ 604
 04/04/2014 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 2121
 04/04/2014 House—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed
 04/04/2014 House—Committee of the Whole - Amendment by Representative Suellentrop was adopted—HJ 2180
 04/04/2014 House—Committee of the Whole - Amendment by Representative Trimmer was rejected Yea: 38 Nay: 82—HJ 2181
 04/04/2014 House—Committee of the Whole - Substitute bill be passed as amended Yea: 84 Nay: 36—HJ 2181
 04/04/2014 House—Emergency Final Action - Substitute passed as amended; Yea: 91 Nay: 31—HJ 2184
 04/04/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Masterson, Senator Denning and Senator Hensley as conferees—SJ 2010
 04/04/2014 House—Motion to accede adopted; Representative Suellentrop, Representative Kleeb and Representative Henry appointed as conferees—HJ 2227
 04/05/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2271
 04/05/2014 House—Motion to suspend House Rule 1704 to allow designated members to speak more than twice adopted.—HJ 2272
 04/05/2014 House—Conference Committee Report not adopted; Yea: 55 Nay: 67—HJ 2291
 05/30/2014 Senate—Died in Conference
- S 219** Bill by Federal and State Affairs
Child abuse investigations; department for children and families workers; training requirements.
 02/25/2013 Senate—Introduced—SJ 195
 02/26/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 197
- S 220** 05/30/2014 Senate—Died in Committee
 Bill by Federal and State Affairs
Criminal code; gambling; raffles excluded.
 02/25/2013 Senate—Introduced—SJ 195
 02/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 197
 05/30/2014 Senate—Died in Committee
- S 221** Bill by Ways and Means
Cremation; priority of decedent's fully paid prearranged cremation plan.
 02/25/2013 Senate—Introduced—SJ 195
 02/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 197
 02/27/2013 Senate—Hearing: Thursday, March 07, 2013, 10:30 AM Room 144-S
 05/30/2014 Senate—Died in Committee
- S 222** Bill by Assessment and Taxation
Loans by pooled money investment board to local taxing subdivisions for payment of refund of taxes.
 02/25/2013 Senate—Introduced—SJ 195
 02/26/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 197
 03/07/2013 Senate—Hearing: Wednesday, March 13, 2013, 9:30 AM Room 548-S

- 03/12/2013 Senate—Hearing: Thursday, March 14, 2013, 9:30 AM Room 548-S
 03/14/2013 Senate—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Assessment and Taxation—SJ 295
 03/20/2013 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 339
 03/21/2013 House—Received and Introduced—HJ 461
 03/22/2013 House—Referred to Committee on Taxation—HJ 470
 05/30/2014 House—Died in House Committee
- S 223** Bill by Ways and Means
Authorizing use of a crossbow by all hunters during big game archery season.
 02/26/2013 Senate—Introduced—SJ 197
 02/27/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 201
 02/27/2013 Senate—Withdrawn from Committee on Federal and State Affairs;
 Referred to Committee on Natural Resources—SJ 201
 03/12/2013 Senate—Hearing: Friday, March 15, 2013, 8:30 AM Room 159-S
 05/30/2014 Senate—Died in Committee
- S 224** Bill by Ways and Means
School finance; amendments to certain weightings.
 02/26/2013 Senate—Introduced—SJ 197
 02/27/2013 Senate—Referred to Committee on Education—SJ 201
 03/06/2013 Senate—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 144-S
 05/30/2014 Senate—Died in Committee
- S 225** Bill by Assessment and Taxation
Allowing the board of regents to charge KAN-ED program user fees.
 02/27/2013 Senate—Introduced—SJ 201
 02/28/2013 Senate—Referred to Committee on Utilities—SJ 223
 03/06/2013 Senate—Hearing: Monday, March 11, 2013, 1:30 PM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 226** Bill by Federal and State Affairs
**House Substitute for SB 226 by Committee on Federal and State Affairs --
 Fireworks; regulation thereof.**
 02/27/2013 Senate—Introduced—SJ 201
 02/28/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 223
 02/28/2013 Senate—Hearing: Wednesday, March 06, 2013, 10:30 AM Room 144-S
 03/13/2013 Senate—Committee Report recommending bill be passed by Committee
 on Federal and State Affairs—SJ 269
 03/19/2013 Senate—Committee of the Whole - Be passed—SJ 334
 03/20/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 342
 03/21/2013 House—Received and Introduced—HJ 461
 03/22/2013 House—Referred to Committee on Federal and State Affairs—HJ 470
 03/22/2013 House—Hearing: Monday, March 25, 2013, 8:00 AM Room 582-N
 03/25/2013 House—Hearing: Tuesday, March 26, 2013, 8:00 AM Room 582-N
 03/26/2013 House—Committee Report recommending substitute bill be passed by
 Committee on Federal and State Affairs—HJ 554
 01/17/2014 House—Withdrawn from Calendar; Referred to Committee on Calendar
 and Printing—HJ 1599
 05/30/2014 House—Died in House Committee
- S 227** Bill by Federal and State Affairs
Kansas explosives safety act.
 02/28/2013 Senate—Introduced—SJ 231
 03/01/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 243

- 03/01/2013 Senate—Hearing: Wednesday, March 06, 2013, 10:30 AM Room 144-S
05/30/2014 Senate—Died in Committee
- S 228** Bill by Federal and State Affairs
Clarifying the duties, responsibilities and authority of the attorney general.
02/28/2013 Senate—Introduced—SJ 231
03/01/2013 Senate—Referred to Committee on Judiciary—SJ 243
03/06/2013 Senate—Hearing: Monday, March 11, 2013, 10:30 AM Room 346-S
05/30/2014 Senate—Died in Committee
- S 229** Bill by Assessment and Taxation
Remittance credits for sales and use tax collection services provided by retailers.
02/28/2013 Senate—Introduced—SJ 231
03/01/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 243
03/07/2013 Senate—Hearing: Wednesday, March 13, 2013, 9:30 AM Room 548-S
05/30/2014 Senate—Died in Committee
- S 230** Bill by Ways and Means
Amendments to Kansas pet animal act; allowing animal shelters and rescue networks to be licensing agents for pet animal foster homes and to host mobile adoption events; changing inspection schedules.
03/07/2013 Senate—Introduced—SJ 247
03/08/2013 Senate—Referred to Committee on Agriculture—SJ 252
05/30/2014 Senate—Died in Committee
- S 231** Bill by Assessment and Taxation
House Substitute for SB 231 by Committee on Taxation - Concerning valuation and appeals; renaming the state court of tax appeals; timing of decisions.
03/08/2013 Senate—Introduced—SJ 252
03/11/2013 Senate—Referred to Committee on Commerce—SJ 253
03/13/2013 Senate—Withdrawn from Committee on Commerce; Referred to Committee on Assessment and Taxation—SJ 265
03/15/2013 Senate—Hearing: Monday, March 18, 2013, 9:30 AM Room 548-S
03/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 434
04/03/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 536
04/03/2013 Senate—Committee of the Whole - Be passed as amended—SJ 536
04/03/2013 Senate—Emergency Final Action - Passed as amended; Yea: 28 Nay: 12—SJ 538
04/04/2013 Senate—Engrossed on Wednesday, April 03, 2013—SJ 573
04/04/2013 House—Received and Introduced—HJ 632
04/05/2013 House—Referred to Committee on Taxation—HJ 656
03/17/2014 House—Committee Report recommending substitute bill be passed by Committee on Taxation—HJ 1915
03/19/2014 House—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—HJ 1930
03/19/2014 House—Committee of the Whole - Amendment by Representative Brunk was adopted—HJ 1930
03/19/2014 House—Committee of the Whole - Substitute bill be passed as amended—HJ 1930

- 03/20/2014 House—Final Action - Substitute passed as amended; Yea: 123 Nay: 0—HJ 1944
- 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Donovan, Senator Tyson and Senator Holland as conferees—SJ 1905
- 03/26/2014 House—Motion to accede adopted; Representative Carlson, Representative Edmonds and Representative Sawyer appointed as conferees—HJ 2059
- 05/02/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2897
- 05/02/2014 House—Conference Committee Report was adopted; Yea: 124 Nay: 0—HJ 2923
- 05/02/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2867
- 05/02/2014 Senate—Conference Committee Report was adopted; Yea: 26 Nay: 13—SJ 2873
- 05/30/2014 Senate—Enrolled and presented to Governor on Monday, May 12, 2014—SJ 2940
- 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ 2937
- S 232** Bill by Assessment and Taxation
Earned income tax credit and homestead property tax refunds.
 03/13/2013 Senate—Introduced—SJ 265
 03/14/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 290
 03/14/2013 Senate—Hearing: Friday, March 15, 2013, 9:30 AM Room 548-S
 03/20/2013 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 345
 01/22/2014 Senate—Stricken from calendar—SJ 1514
- S 233** Bill by Ways and Means
Uniform consumer credit code, definition of "loan".
 03/13/2013 Senate—Introduced—SJ 265
 03/14/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 290
 05/30/2014 Senate—Died in Committee
- S 234** Bill by Assessment and Taxation
Sales tax exemption for sales of certain machinery and equipment used for surface mining activities.
 03/13/2013 Senate—Introduced—SJ 265
 03/14/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 290
 03/15/2013 Senate—Hearing: Monday, March 18, 2013, 9:30 AM Room 548-S
 03/26/2013 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 434
 01/22/2014 Senate—Stricken from calendar—SJ 1514
- S 235** Bill by Assessment and Taxation
Property tax exemption for certain new automobile manufacturing property.
 03/13/2013 Senate—Introduced—SJ 265
 03/14/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 290
 03/15/2013 Senate—Hearing: Monday, March 18, 2013, 9:30 AM Room 548-S
 03/18/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 300

- 03/25/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 395
- 03/25/2013 Senate—Committee of the Whole - Be passed as amended—SJ 395
- 03/26/2013 Senate—Engrossed on Monday, March 25, 2013—SJ 434
- 03/26/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 429
- 03/26/2013 House—Received and Introduced—HJ 587
- 03/27/2013 House—Referred to Committee on Taxation—HJ 590
- 05/30/2014 House—Died in House Committee
- S 236** Bill by Ways and Means
Reporting of adult care home resident deaths.
 03/14/2013 Senate—Introduced—SJ 290
 03/15/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 297
 03/18/2013 Senate—Hearing: Wednesday, March 20, 2013, 1:30 PM Room 118-N
 05/30/2014 Senate—Died in Committee
- S 237** Bill by Federal and State Affairs
Kansas public employee retirement system; military service discharge; return to employment.
 03/14/2013 Senate—Introduced—SJ 290
 03/15/2013 Senate—Referred to Committee on Ways and Means—SJ 297
 05/30/2014 Senate—Died in Committee
- S 238** Bill by Assessment and Taxation
Predetermination of property classification.
 03/19/2013 Senate—Introduced—SJ 305
 03/20/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 338
 05/30/2014 Senate—Died in Committee
- S 239** Bill by Ways and Means
Reducing corporate income tax rates based on selected actual corporation income tax state general fund receipts computation.
 03/19/2013 Senate—Introduced—SJ 305
 03/20/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 338
 04/02/2013 Senate—Hearing: Wednesday, April 03, 2013, 9:00 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 240** Bill by Ways and Means
Decreasing corporate income surtax and eliminating certain income tax credits.
 03/19/2013 Senate—Introduced—SJ 305
 03/20/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 338
 05/30/2014 Senate—Died in Committee
- S 241** Bill by Ways and Means
Amending the percentage amount that is deposited into the oil and gas valuation depletion trust fund from 12.41% to 6%; allowing counties to access funds.
 03/21/2013 Senate—Introduced—SJ 363
 03/22/2013 Senate—Referred to Committee on Ways and Means—SJ 384
 05/30/2014 Senate—Died in Committee
- S 242** Bill by Ways and Means
Requiring health insurers to provide a copy of the insurance policy or contract before an applicant is required to pay a premium.
 03/22/2013 Senate—Introduced—SJ 384

- 03/25/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 391
- 01/30/2014 Senate—Hearing: Wednesday, February 05, 2014, 9:30 AM Room 546-S
- 05/30/2014 Senate—Died in Committee
- S 243** Bill by Federal and State Affairs
Clubs and drinking establishments, other; purchase from alcoholic and wine distributors.
- 03/25/2013 Senate—Introduced—SJ 389
- 03/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 421
- 05/30/2014 Senate—Died in Committee
- S 244** Bill by Federal and State Affairs
Racetrack gaming facilities; electronic gaming facility income distribution.
- 03/25/2013 Senate—Introduced—SJ 389
- 03/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 421
- 05/30/2014 Senate—Died in Committee
- S 245** Bill by Ways and Means
House Substitute for SB 245 by Committee on Appropriations – Education funding; relating to mineral production; creating the mineral production education fund, crediting 20% of remainder from oil and gas tax into such fund, moneys expended on education; abolishing the oil and gas valuation depletion trust fund; allowing the counties to retain funds already in such county's oil and gas valuation depletion trust fund; concerning school financing sources; proceeds from the tax levied by a school district under authority of K.S.A. 2013 Supp. 72-6431, remitted to the state treasury to the credit of the state school district finance fund not to the district's general fund; making and concerning appropriations for fiscal year 2017.
- 05/08/2013 Senate—Introduced—SJ 847
- 05/09/2013 Senate—Referred to Committee on Ways and Means—SJ 851
- 05/10/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 859
- 05/14/2013 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 876
- 05/14/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 879
- 05/14/2013 Senate—Committee of the Whole - Amendment by Senator Masterson was adopted—SJ 879
- 05/14/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 879
- 05/15/2013 Senate—Engrossed on Wednesday, May 15, 2013—SJ 900
- 05/15/2013 Senate—Final Action - Passed as amended; Yea: 32 Nay: 8—SJ 880
- 05/16/2013 House—Received and Introduced—HJ 994
- 05/17/2013 House—Referred to Committee on Appropriations—HJ 997
- 02/03/2014 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 1649
- 02/12/2014 House—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—HJ 1688
- 02/12/2014 House—Committee of the Whole - Amendment by Representative Winn was withdrawn—HJ 1688

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/12/2014 House—Rep. Ward amendment ruled out of order under Pay-Go provisions of House Rule 2110. Rep. Ward challenged the ruling of the chair. The ruling of the chair was sustained.—HJ 1688
- 02/12/2014 House—Committee of the Whole - Amendment by Representative Ward was rejected Yea: 48 Nay: 69—HJ 1688
- 02/12/2014 House—Committee of the Whole - Amendment by Representative Winn was adopted Yea: 70 Nay: 47—HJ 1689
- 02/12/2014 House—Committee of the Whole - Substitute bill be passed as amended—HJ 1688
- 02/13/2014 House—Final Action - Passed as amended; Yea: 79 Nay: 41—HJ 1703
- 04/30/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2304
- 04/30/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Masterson, Senator Denning and Senator Kelly as conferees—SJ 2304
- 04/30/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2411
- 04/30/2014 House—Motion to accede adopted; Representative Suellentrop, Representative Kleeb and Representative Henry appointed as conferees—HJ 2411
- 05/01/2014 House—Substitute motion to not adopt and appoint a conference committee failed Yea: 41 Nay: 84—HJ 2440
- 05/01/2014 House—Conference Committee Report was adopted; Yea: 88 Nay: 37—HJ 2440
- 05/02/2014 Senate—Conference Committee Report was adopted; Yea: 30 Nay: 9—SJ 2787
- 05/30/2014 Senate—Enrolled and presented to Governor on Friday, May 09, 2014—SJ 2940
- 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, May 2014—SJ 2937
- S 247** Bill by Ways and Means
University of Kansas; medical student loan act.
 05/16/2013 Senate—Introduced—SJ 901
 05/17/2013 Senate—Referred to Committee on Ways and Means—SJ 926
 05/30/2014 Senate—Died in Committee
- S 248** Bill by Senator Faust-Goudeau
Victim notification prior to release of certain inmates.
 12/09/2013 Senate—Prefiled for Introduction
 01/13/2014 Senate—Introduced—SJ 1491
 01/13/2014 Senate—Referred to Committee on Judiciary—SJ 1491
 01/16/2014 Senate—Hearing: Wednesday, January 22, 2014, 10:30 AM Room 346-S
 01/28/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1521
 02/18/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1611
 02/18/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1611
 02/19/2014 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1615
 02/20/2014 House—Received and Introduced—HJ 1742

- 02/21/2014 House—Referred to Committee on Corrections and Juvenile Justice—HJ 1754
- 02/27/2014 House—Hearing: Thursday, March 06, 2014, 1:30 PM Room 152-S
- 03/12/2014 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Corrections and Juvenile Justice—HJ 1883
- 03/17/2014 House—Final Action - Passed; Yea: 122 Nay: 0—HJ 1911
- 03/21/2014 Senate—Enrolled and presented to Governor on Friday, March 21, 2014—SJ 1828
- 03/25/2014 Senate—Approved by Governor on Tuesday, March 25, 2014—SJ 1904
- S 249** Bill by Senator Faust-Goudeau
Hair braiding; board of cosmetology.
 12/23/2013 Senate—Prefiled for Introduction
 01/13/2014 Senate—Introduced—SJ 1491
 01/13/2014 Senate—Referred to Committee on Public Health and Welfare—SJ 1491
- 05/30/2014 Senate—Died in Committee
- S 250** Bill by Senators Bruce, King, Smith
Sentencing of certain persons to mandatory minimum term of imprisonment of 50 years ("hard 50").
 01/06/2014 Senate—Prefiled for Introduction
 01/13/2014 Senate—Introduced—SJ 1491
 01/13/2014 Senate—Referred to Committee on Judiciary—SJ 1491
 01/14/2014 Senate—Hearing: Wednesday, January 15, 2014, 10:30 AM Room 346-S
- 05/30/2014 Senate—Died in Committee
- S 251** Bill by Senator Denning
Real-time explanation of health care benefits act.
 01/07/2014 Senate—Prefiled for Introduction
 01/13/2014 Senate—Introduced—SJ 1491
 01/13/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1491
- 01/17/2014 Senate—Hearing: Wednesday, January 22, 2014, 9:30 AM Room 546-S
 01/17/2014 Senate—Hearing: Thursday, January 23, 2014, 9:30 AM Room 546-S
 01/23/2014 Senate—Hearing: Tuesday, January 28, 2014, 9:30 AM Room 546-S
 02/07/2014 Senate—Withdrawn from Committee on Financial Institutions and Insurance; Referred to Committee on Ways and Means—SJ 1563
- 02/12/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Financial Institutions and Insurance—SJ 1581
- 05/30/2014 Senate—Died in Committee
- S 252** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Pettey
Court of appeals judges; requiring certain applicant information to be made available to the public.
 01/09/2014 Senate—Prefiled for Introduction
 01/13/2014 Senate—Introduced—SJ 1491
 01/13/2014 Senate—Referred to Committee on Judiciary—SJ 1491
- 05/30/2014 Senate—Died in Committee
- S 253** Bill by Senator Faust-Goudeau
Kansas protection against voter suppression act.
 01/13/2014 Senate—Introduced—SJ 1491

- 01/14/2014 Senate—Referred to Committee on Ethics and Elections—SJ 1496
 05/30/2014 Senate—Died in Committee
- S 254** Bill by Joint Committee on Administrative Rules and Regulations
Medical assistance recovery program; rules and regulations.
 01/13/2014 Senate—Introduced—SJ 1491
 01/14/2014 Senate—Referred to Committee on Judiciary—SJ 1496
 01/16/2014 Senate—Hearing: Tuesday, January 21, 2014, 10:30 AM Room 346-S
 01/22/2014 Senate—Hearing: Wednesday, January 22, 2014, 10:30 AM Room 346-S
 01/27/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1519
 02/11/2014 Senate—Committee of the Whole - Be passed—SJ 1575
 02/12/2014 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1583
 02/13/2014 House—Received and Introduced—HJ 1700
 02/14/2014 House—Referred to Committee on Judiciary—HJ 1711
 03/12/2014 House—Hearing: Tuesday, March 18, 2014, 3:30 PM Room 112-N
 03/20/2014 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 1947
 03/26/2014 House—Committee of the Whole - Be passed—HJ 2050
 03/26/2014 House—Emergency Final Action - Passed; Yea: 123 Nay: 0—HJ 2054
 04/04/2014 Senate—Enrolled and presented to Governor on Friday, April 04, 2014—SJ 2093
 04/30/2014 Senate—Approved by Governor on Thursday, April 10, 2014—SJ 2297
- S 255** Bill by Judiciary
Special sentencing rule for attempt to commit capital murder.
 01/13/2014 Senate—Introduced—SJ 1491
 01/14/2014 Senate—Referred to Committee on Judiciary—SJ 1496
 01/28/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1529
 02/12/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1588
 02/12/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1588
 02/13/2014 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1593
 02/18/2014 House—Received and Introduced—HJ 1727
 02/19/2014 House—Referred to Committee on Judiciary—HJ 1734
 02/28/2014 House—Hearing: Thursday, March 06, 2014, 3:30 PM Room 112-N
 03/12/2014 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 1886
 03/26/2014 House—Stricken from Calendar by Rule 1507—HJ 2081
- S 256** Bill by Judiciary
Amending the crime of mistreatment of a dependent adult; creating the crime of mistreatment of an elder person; amending the crime of unlawful sexual relations; amending provisions relating to appearance bonds and surety regulation; amending violations of the Kansas racketeer influenced and corrupt organization act; also concerning the attorney general, costs in criminal appeals.
 01/14/2014 Senate—Introduced—SJ 1496
 01/15/2014 Senate—Referred to Committee on Judiciary—SJ 1501
 01/23/2014 Senate—Hearing: Tuesday, January 28, 2014, 10:30 AM Room 346-S

- 01/30/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1551
- 02/11/2014 Senate—Committee of the Whole - Be passed—SJ 1575
- 02/12/2014 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1583
- 02/13/2014 House—Received and Introduced—HJ 1700
- 02/14/2014 House—Referred to Committee on Judiciary—HJ 1711
- 03/05/2014 House—Hearing: Tuesday, March 11, 2014, 3:30 PM Room 112-N
- 03/19/2014 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 1934
- 03/24/2014 House—Committee of the Whole - Committee Report be adopted—HJ 2013
- 03/24/2014 House—Committee of the Whole - Be passed as amended—HJ 2013
- 03/25/2014 House—Final Action - Passed as amended; Yea: 119 Nay: 4—HJ 2018
- 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 1905
- 03/26/2014 House—Motion to accede adopted; Representative Kinzer, Representative Bruchman and Representative Pauls appointed as conferees—HJ 2059
- 04/05/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2257
- 04/05/2014 House—Conference Committee Report was adopted; Yea: 118 Nay: 4—HJ 2271
- 04/05/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2210
- 04/05/2014 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 2224
- 04/30/2014 Senate—Enrolled and presented to Governor on Friday, April 11, 2014—SJ 2304
- 04/30/2014 Senate—Approved by Governor on Thursday, April 17, 2014—SJ 2297
- S 257** Bill by Judiciary
Appellate rules for death penalty cases and rules for motions attacking sentences.
- 01/14/2014 Senate—Introduced—SJ 1496
- 01/15/2014 Senate—Referred to Committee on Judiciary—SJ 1501
- 01/17/2014 Senate—Hearing: Tuesday, January 21, 2014, 10:30 AM Room 346-S
- 05/30/2014 Senate—Died in Committee
- S 258** Bill by Judiciary
Relating to issuance of certificates of birth resulting in stillbirth.
- 01/14/2014 Senate—Introduced—SJ 1496
- 01/15/2014 Senate—Referred to Committee on Judiciary—SJ 1501
- 01/16/2014 Senate—Hearing: Tuesday, January 21, 2014, 10:30 AM Room 346-S
- 01/27/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1519
- 02/11/2014 Senate—Committee of the Whole - Be passed—SJ 1575
- 02/12/2014 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1584
- 02/13/2014 House—Received and Introduced—HJ 1700
- 02/14/2014 House—Referred to Committee on Judiciary—HJ 1711
- 03/05/2014 House—Hearing: Monday, March 10, 2014, 3:30 PM Room 112-N

- 03/13/2014 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 1899
- 03/19/2014 House—Committee of the Whole - Committee Report be adopted—HJ 1930
- 03/19/2014 House—Committee of the Whole - Be passed as amended—HJ 1930
- 03/20/2014 House—Final Action - Passed as amended; Yea: 123 Nay: 0—HJ 1945
- 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 1905
- 03/26/2014 House—Motion to accede adopted; Representative Kinzer, Representative Bruchman and Representative Pauls appointed as conferees—HJ 2059
- 05/01/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2419
- 05/01/2014 House—Conference Committee Report was adopted; Yea: 121 Nay: 4—HJ 2443
- 05/02/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted—SJ 2777
- 05/02/2014 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 2789
- 05/30/2014 Senate—Enrolled and presented to Governor on Friday, May 09, 2014—SJ 2940
- 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ 2937

S 259

- Bill by Judiciary
- State child death review board.**
- 01/15/2014 Senate—Introduced—SJ 1500
- 01/16/2014 Senate—Referred to Committee on Judiciary—SJ 1505
- 01/24/2014 Senate—Hearing: Wednesday, January 29, 2014, 10:30 AM Room 346-S
- 02/28/2014 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 1668
- 03/05/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 1672
- 03/17/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1725
- 05/30/2014 Senate—Died on General Orders

S 260

- Bill by Judiciary
- Vehicle liens; centralized filing.**
- 01/15/2014 Senate—Introduced—SJ 1500
- 01/16/2014 Senate—Referred to Committee on Judiciary—SJ 1505
- 01/17/2014 Senate—Hearing: Wednesday, January 22, 2014, 10:30 AM Room 346-S
- 05/30/2014 Senate—Died in Committee

S 261

- Bill by Judiciary
- Uniform trust code changes concerning an anti-lapse statute and creditor claims against settlors.**
- 01/15/2014 Senate—Introduced—SJ 1500
- 01/16/2014 Senate—Referred to Committee on Judiciary—SJ 1505
- 01/17/2014 Senate—Hearing: Wednesday, January 22, 2014, 10:30 AM Room 346-S
- 05/30/2014 Senate—Died in Committee

- S 262** Bill by Commerce
Promoting employment across Kansas act; benefits.
 01/15/2014 Senate—Introduced—SJ 1500
 01/16/2014 Senate—Referred to Committee on Commerce—SJ 1505
 01/17/2014 Senate—Hearing: Tuesday, January 21, 2014, 8:30 AM Room 548-S
 02/27/2014 Senate—Withdrawn from Committee on Commerce; Referred to
 Committee on Ways and Means—SJ 1661
 02/28/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred
 to Committee on Commerce—SJ 1668
 05/30/2014 Senate—Died in Committee
- S 263** Bill by Federal and State Affairs
**Veterans and military matters; military honors fund; death gratuity; disabled
 veterans preference, state jobs and contracts; schools on military
 reservations, funding.**
 01/15/2014 Senate—Introduced—SJ 1500
 01/16/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1505
 01/23/2014 Senate—Hearing: Thursday, January 30, 2014, 10:30 AM Room 144-S
 02/07/2014 Senate—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Federal and State Affairs—SJ 1563
 02/13/2014 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1593
 02/18/2014 House—Received and Introduced—HJ 1727
 02/19/2014 House—Referred to Committee on Veterans, Military and Homeland
 Security—HJ 1734
 02/28/2014 House—Hearing: Thursday, March 06, 2014, 9:00 AM Room 152-S
 03/20/2014 House—Committee Report recommending bill be passed as amended
 by Committee on Veterans, Military and Homeland Security—HJ 1951
 03/24/2014 House—Committee of the Whole - Committee Report be adopted—HJ
 2013
 03/24/2014 House—Committee of the Whole - Be passed as amended—HJ 2013
 03/25/2014 House—Final Action - Passed as amended; Yea: 123 Nay: 0—HJ 2018
 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Ostmeyer, Senator Shultz and Senator Faust-
 Goudeau as conferees—SJ 1905
 03/26/2014 House—Motion to accede adopted; Representative Goico,
 Representative Osterman and Representative Meier appointed as conferees
 —HJ 2059
 05/01/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration
 adopted;—HJ 2419
 05/01/2014 House—Conference Committee Report was adopted; Yea: 124 Nay: 0—
 HJ 2430
 05/02/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration
 adopted—SJ 2777
 05/02/2014 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—
 SJ 2799
 05/30/2014 Senate—Enrolled and presented to Governor on Friday, May 09, 2014
 —SJ 2940
 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ
 2937
- S 264** Bill by Federal and State Affairs
School districts; requiring storm shelters for certain construction projects.

- 01/15/2014 Senate—Introduced—SJ 1500
 01/16/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1505
 01/23/2014 Senate—Hearing: Thursday, January 30, 2014, 10:30 AM Room 144-S
 02/26/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—SJ 1653
 03/18/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ
 1736
 03/18/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1736
 03/19/2014 Senate—Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 1745
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Education—HJ 1996
 05/30/2014 House—Died in House Committee

S 265

Bill by Assessment and Taxation

Definition of income for homestead refund and SAFESR eligibility; income tax credits for adoption expenses and expenses to make dwelling or facility accessible to persons with a disability; income tax deductions, self-employment taxes, expenses related to organ donations, net gain on the sale of certain livestock; withholding, non-resident pass-through entity income; Kansas taxpayer transparency act, sunset; sales tax exemptions.

- 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1508
 01/21/2014 Senate—Hearing: Wednesday, January 22, 2014, 9:30 AM Room 548-S
 01/28/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Assessment and Taxation—SJ 1521
 02/11/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ
 1575
 02/11/2014 Senate—Committee of the Whole - Amendment by Senator Hensley
 was rejected Yea: 12 Nay: 27—SJ 1575
 02/11/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1575
 02/12/2014 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 1584
 02/13/2014 House—Received and Introduced—HJ 1700
 02/14/2014 House—Referred to Committee on Taxation—HJ 1711
 02/27/2014 House—Hearing: Wednesday, March 05, 2014, 3:30 PM Room 582-N
 03/10/2014 House—Committee Report recommending bill be passed as amended
 by Committee on Taxation—HJ 1863
 03/12/2014 House—Committee of the Whole - Committee Report be adopted—HJ
 1879
 03/12/2014 House—Committee of the Whole - Amendment by Representative
 Wilson was adopted—HJ 1880
 03/12/2014 House—Committee of the Whole - Amendment by Representative
 Sawyer was rejected Yea: 43 Nay: 76—HJ 1882
 03/12/2014 House—Committee of the Whole - Be passed as amended—HJ 1883
 03/13/2014 House—Final Action - Passed as amended; Yea: 121 Nay: 0—HJ 1898
 03/17/2014 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Donovan, Senator Tyson and Senator
 Holland as conferees—SJ 1724
 03/18/2014 House—Motion to accede adopted; Representative Carlson,
 Representative Edmonds and Representative Sawyer appointed as
 conferees—HJ 1918

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 04/04/2014 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ 2214
- 04/05/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2097
- 04/05/2014 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 2111
- 04/30/2014 Senate—Enrolled and presented to Governor on Friday, April 11, 2014—SJ 2304
- 04/30/2014 Senate—Approved by Governor on Thursday, April 17, 2014—SJ 2297
- S 266** Bill by Assessment and Taxation
Severance tax return and payment dates; sales tax authority for Rooks county; property tax exemptions for certain donations of land to the state and for amateur-built aircraft; sales tax exemptions for surface mining equipment and certain charitable organizations.
- 01/16/2014 Senate—Introduced—SJ 1504
- 01/17/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1508
- 01/21/2014 Senate—Hearing: Tuesday, January 28, 2014, 9:30 AM Room 548-S
- 01/28/2014 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 1521
- 02/11/2014 Senate—Committee of the Whole - Be passed—SJ 1575
- 02/12/2014 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1584
- 02/13/2014 House—Received and Introduced—HJ 1700
- 02/14/2014 House—Referred to Committee on Taxation—HJ 1711
- 02/27/2014 House—Hearing: Wednesday, March 05, 2014, 3:30 PM Room 582-N
- 03/10/2014 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 1863
- 03/12/2014 House—Committee of the Whole - Committee Report be adopted—HJ 1883
- 03/12/2014 House—Committee of the Whole - Be passed as amended—HJ 1883
- 03/13/2014 House—Final Action - Passed as amended; Yea: 121 Nay: 0—HJ 1898
- 03/17/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Donovan, Senator Tyson and Senator Holland as conferees—SJ 1724
- 03/18/2014 House—Motion to accede adopted; Representative Carlson, Representative Edmonds and Representative Sawyer appointed as conferees—HJ 1918
- 05/02/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2449
- 05/02/2014 House—Conference Committee Report was adopted; Yea: 122 Nay: 1—HJ 2499
- 05/02/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2815
- 05/02/2014 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 1—SJ 2860
- 05/30/2014 Senate—Enrolled and presented to Governor on Monday, May 12, 2014—SJ 2940
- 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ 2937
- S 267** Bill by Financial Institutions and Insurance
Insurance; excluding real estate from acceptable security deposits with the commissioner and requiring original handwritten signatures on deposit forms.

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1508
 01/23/2014 Senate—Hearing: Wednesday, January 29, 2014, 9:30 AM Room 546-S
 01/29/2014 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Financial Institutions and Insurance—SJ 1549
 02/11/2014 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1571
 02/12/2014 House—Received and Introduced—HJ 1695
 02/13/2014 House—Referred to Committee on Insurance—HJ 1699
 03/12/2014 House—Hearing: Wednesday, March 19, 2014, 3:30 PM Room 152-S
 03/20/2014 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 1947
 03/25/2014 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2016
 04/01/2014 Senate—Enrolled and presented to Governor on Tuesday, April 01, 2014—SJ 1932
 04/04/2014 Senate—Approved by Governor on Friday, April 04, 2014—SJ 2093
- S 268** Bill by Financial Institutions and Insurance
Insurance; Risk-based capital requirements.
 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1508
 01/23/2014 Senate—Hearing: Wednesday, January 29, 2014, 9:30 AM Room 546-S
 01/29/2014 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Financial Institutions and Insurance—SJ 1549
 02/11/2014 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1572
 02/12/2014 House—Received and Introduced—HJ 1695
 02/13/2014 House—Referred to Committee on Insurance—HJ 1699
 03/12/2014 House—Hearing: Wednesday, March 19, 2014, 3:30 PM Room 152-S
 03/20/2014 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 1947
 03/25/2014 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2017
 04/01/2014 Senate—Enrolled and presented to Governor on Tuesday, April 01, 2014—SJ 1932
 04/04/2014 Senate—Approved by Governor on Friday, April 04, 2014—SJ 2093
- S 269** Bill by Judiciary
Rules of evidence; clarifying application of timely objection rule.
 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Judiciary—SJ 1508
 01/23/2014 Senate—Hearing: Tuesday, January 28, 2014, 10:30 AM Room 346-S
 01/30/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1551
 02/11/2014 Senate—Committee of the Whole - Be passed—SJ 1575
 02/12/2014 Senate—Final Action - Passed; Yea: 38 Nay: 1—SJ 1584
 02/13/2014 House—Received and Introduced—HJ 1700
 02/14/2014 House—Referred to Committee on Judiciary—HJ 1711
 02/28/2014 House—Hearing: Thursday, March 06, 2014, 3:30 PM Room 112-N
 05/30/2014 House—Died in House Committee

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- S 270** Bill by Judiciary
Criminal procedure; mental status defenses; notice and procedure.
 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Judiciary—SJ 1508
 01/23/2014 Senate—Hearing: Tuesday, January 28, 2014, 10:30 AM Room 346-S
 01/28/2014 Senate—Hearing: Wednesday, January 29, 2014, 10:30 AM Room 346-S
 01/30/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1551
 02/12/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1588
 02/12/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1588
 02/13/2014 Senate—Final Action - Passed as amended; Yea: 35 Nay: 4—SJ 1593
 02/18/2014 House—Received and Introduced—HJ 1727
 02/19/2014 House—Referred to Committee on Judiciary—HJ 1734
 03/05/2014 House—Hearing: Tuesday, March 11, 2014, 3:30 PM Room 112-N
 03/19/2014 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 1934
 03/26/2014 House—Stricken from Calendar by Rule 1507—HJ 2081
- S 271** Bill by Judiciary
Amending the Kansas medicaid fraud control act.
 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Judiciary—SJ 1508
 01/23/2014 Senate—Hearing: Tuesday, January 28, 2014, 10:30 AM Room 346-S
 01/28/2014 Senate—Hearing: Wednesday, January 29, 2014, 10:30 AM Room 346-S
 01/30/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1551
 02/18/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1611
 02/18/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1611
 02/19/2014 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1615
 02/20/2014 House—Received and Introduced—HJ 1742
 02/21/2014 House—Referred to Committee on Judiciary—HJ 1755
 03/05/2014 House—Hearing: Wednesday, March 12, 2014, 3:30 PM Room 112-N
 03/19/2014 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 1935
 03/26/2014 House—Committee of the Whole - Committee Report be adopted—HJ 2050
 03/26/2014 House—Committee of the Whole - Be passed as amended—HJ 2050
 03/26/2014 House—Emergency Final Action - Passed as amended; Yea: 123 Nay: 0—HJ 2053
 03/31/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 1921
 04/01/2014 House—Motion to accede adopted; Representative Kinzer, Representative Bruchman and Representative Pauls appointed as conferees—HJ 2075
 04/04/2014 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ 2216

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 04/05/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted—SJ 2097
- 04/05/2014 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2140
- 04/30/2014 Senate—Enrolled and presented to Governor on Friday, April 11, 2014—SJ 2304
- 04/30/2014 Senate—Approved by Governor on Thursday, April 17, 2014—SJ 2297
- S 272** Bill by Natural Resources
Eliminating the 3% limit on controlled shooting area acreage in a county.
 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Natural Resources—SJ 1508
 01/21/2014 Senate—Hearing: Thursday, January 23, 2014, 8:00 AM Room 159-S
 02/03/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 1558
 02/11/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1575
 02/11/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1575
 02/12/2014 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1585
 02/13/2014 House—Received and Introduced—HJ 1700
 02/14/2014 House—Referred to Committee on Agriculture and Natural Resources—HJ 1711
 03/05/2014 House—Hearing: Wednesday, March 12, 2014, 3:30 PM Room 346-S
 03/19/2014 House—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—HJ 1934
 03/24/2014 House—Committee of the Whole - Be passed—HJ 2013
 03/25/2014 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2019
 04/01/2014 Senate—Enrolled and presented to Governor on Tuesday, April 01, 2014—SJ 1932
- S 273** 04/04/2014 Senate—Approved by Governor on Friday, April 04, 2014—SJ 2093
 Bill by Transportation
House Substitute for SB 273 by Committee on Transportation – Regulation of commercial motor vehicles; exemption from rules and regulations of the Kansas corporation commission.
 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Transportation—SJ 1508
 02/25/2014 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 1639
 02/27/2014 Senate—Committee of the Whole - Be passed—SJ 1664
 02/27/2014 Senate—Emergency Final Action - Passed; Yea: 39 Nay: 0—SJ 1665
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Transportation—HJ 1854
 03/21/2014 House—Committee Report recommending substitute bill be passed by Committee on Transportation—HJ 2005
 03/25/2014 House—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—HJ 2036
 03/25/2014 House—Committee of the Whole - Amendment by Representative Todd was adopted—HJ 2037
 03/25/2014 House—Committee of the Whole - Amendment by Representative Todd was adopted—HJ 2037
 03/25/2014 House—Committee of the Whole - Amendment by Representative Couture-Lovelady was withdrawn—HJ 2037

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 03/25/2014 House—Committee of the Whole - Substitute bill be passed as amended—HJ 2037
- 03/26/2014 House—Final Action - Substitute passed as amended; Yea: 122 Nay: 1—HJ 2046
- 03/26/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Wolf and Senator Pettey as conferees—SJ 1916
- 03/31/2014 House—Motion to accede adopted; Representative Proehl, Representative Ryckman Sr. and Representative Perry appointed as conferees—HJ 2062
- 05/02/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2449
- 05/02/2014 House—Conference Committee Report was adopted; Yea: 101 Nay: 22—HJ 2453
- 05/02/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2815
- 05/02/2014 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2861
- 05/30/2014 Senate—Enrolled and presented to Governor on Monday, May 12, 2014—SJ 2940
- 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ 2937
- S 274** Bill by Federal and State Affairs
Political action committees, legislative leadership.
 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Ethics and Elections—SJ 1508
 01/21/2014 Senate—Hearing: Wednesday, January 22, 2014, 9:30 AM Room 159-S
 01/29/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 1549
 02/26/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1655
 02/26/2014 Senate—Committee of the Whole - Amendment by Senator Hensley was rejected—SJ 1656
 02/26/2014 Senate—Committee of the Whole - Amendment by Senator Francisco was rejected Yea: 9 Nay: 30—SJ 1656
 02/26/2014 Senate—Committee of the Whole - Amendment by Senator Hensley was rejected Yea: 7 Nay: 32—SJ 1657
 02/26/2014 Senate—Committee of the Whole - Amendment by Senator Holland was rejected Yea: 13 Nay: 26—SJ 1657
 02/26/2014 Senate—Committee of the Whole - Amendment by Senator Hensley was rejected Yea: 8 Nay: 30—SJ 1659
 02/26/2014 Senate—Committee of the Whole - Amendment by Senator O'Donnell was adopted—SJ 1655
 02/26/2014 Senate—Committee of the Whole - Be passed as further amended—SJ 1656
 02/27/2014 Senate—Final Action - Passed as amended; Yea: 31 Nay: 6—SJ 1661
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Elections—HJ 1854
 03/12/2014 House—Hearing: Monday, March 17, 2014, 1:30 PM Room 281-N

- 03/20/2014 House—Committee Report recommending bill be passed by Committee on Elections—HJ 1947
- 03/25/2014 House—Committee of the Whole - Passed over and retain a place on the calendar
- 03/25/2014 House—Committee of the Whole - Amendment by Representative Sawyer was rejected—HJ 2037
- 03/25/2014 House—Committee of the Whole - Amendment by Representative Whipple was adopted—HJ 2037
- 03/25/2014 House—Committee of the Whole - Be passed as amended—HJ 2037
- 03/26/2014 House—Final Action - Passed as amended; Yea: 108 Nay: 15—HJ 2046
- 03/26/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Holmes, Senator O'Donnell and Senator Faust-Goudeau as conferees—SJ 1916
- 03/31/2014 House—Motion to accede adopted; Representative Schwab, Representative Huebert and Representative Sawyer appointed as conferees—HJ 2062
- 04/30/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2353
- 05/01/2014 House—Conference Committee Report agree to disagree adopted; Representative Schwab, Representative Huebert and Representative Sawyer appointed as second conferees—HJ 2418
- 05/01/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2322
- 05/01/2014 Senate—Conference Committee Report agree to disagree adopted; Senator Holmes, Senator O'Donnell and Senator Faust-Goudeau appointed as second conferees—SJ 2322
- 05/02/2014 Senate—Concurred with amendments in conference; Yea: 36 Nay: 3—SJ 2814
- 05/30/2014 Senate—Enrolled and presented to Governor on Friday, May 09, 2014—SJ 2940
- 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ 2937
- S 275** Bill by Federal and State Affairs
Elections; promotions of candidates or propositions on public property; prohibitions.
- 01/16/2014 Senate—Introduced—SJ 1504
- 01/17/2014 Senate—Referred to Committee on Ethics and Elections—SJ 1508
- 01/23/2014 Senate—Hearing: Thursday, January 30, 2014, 9:30 AM Room 159-S
- 05/30/2014 Senate—Died in Committee
- S 276** Bill by Federal and State Affairs
Enacting the state sovereignty over non-migratory wildlife act.
- 01/16/2014 Senate—Introduced—SJ 1504
- 01/17/2014 Senate—Referred to Committee on Natural Resources—SJ 1508
- 01/21/2014 Senate—Hearing: Thursday, January 23, 2014, 8:00 AM Room 159-S
- 02/03/2014 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 1558
- 02/11/2014 Senate—Committee of the Whole - Amendment by Senator Powell was adopted—SJ 1578
- 02/11/2014 Senate—Committee of the Whole - Amendment by Senator Francisco was rejected—SJ 1578

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/11/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1578
 02/12/2014 Senate—Final Action - Passed as amended; Yea: 30 Nay: 10—SJ 1585
 02/13/2014 House—Received and Introduced—HJ 1700
 02/14/2014 House—Referred to Committee on Agriculture and Natural Resources—HJ 1711
 03/05/2014 House—Hearing: Wednesday, March 12, 2014, 3:30 PM Room 346-S
 04/02/2014 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 2089
 05/30/2014 House—Died on House Calendar
- S 277** Bill by Ways and Means
Extending the alternative calculation for the local option budget under the school finance formula.
 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Ways and Means—SJ 1508
 02/26/2014 Senate—Hearing: Wednesday, March 05, 2014, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 278** Bill by Ways and Means
Establishing the state board of veterinary examiners within the animal health division of the Kansas department of agriculture for a two-year period.
 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Ways and Means—SJ 1508
 01/30/2014 Senate—Hearing: Wednesday, February 05, 2014, 10:30 AM Room 548-S
 02/13/2014 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 1596
 02/19/2014 Senate—Committee of the Whole - Be passed—SJ 1617
 02/20/2014 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 1619
 02/21/2014 House—Received and Introduced—HJ 1755
 02/24/2014 House—Referred to Committee on Agriculture and Natural Resources Budget—HJ 1770
 03/05/2014 House—Hearing: Tuesday, March 11, 2014, 1:30 PM Room 142-S
 03/12/2014 House—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources Budget—HJ 1883
 03/18/2014 House—Committee of the Whole - Be passed—HJ 1918
 03/19/2014 House—Final Action - Passed; Yea: 122 Nay: 0—HJ 1928
 03/25/2014 Senate—Enrolled and presented to Governor on Tuesday, March 25, 2014—SJ 1907
 03/31/2014 Senate—Approved by Governor on Monday, March 31, 2014—SJ 1923
- S 279** Bill by Utilities
Right of first refusal for incumbent electric transmission owners.
 01/16/2014 Senate—Introduced—SJ 1504
 01/17/2014 Senate—Referred to Committee on Utilities—SJ 1508
 02/24/2014 Senate—Hearing: Tuesday, January 28, 2014, 1:30 PM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 280** Bill by Utilities
Net metering excess energy credit and fixed charge.
 01/16/2014 Senate—Introduced—SJ 1505
 01/17/2014 Senate—Referred to Committee on Utilities—SJ 1508
 01/23/2014 Senate—Hearing: Thursday, January 30, 2014, 1:30 PM Room 548-S

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 05/30/2014 Senate—Died in Committee
- S 281** Bill by Senators Olson, Apple, Denning, Lynn, Melcher, Pettey, Pilcher-Cook, Smith, Wolf
Removing redbelly and smooth earth snakes from the nongame and endangered species conservation act.
 01/21/2014 Senate—Introduced—SJ 1510
 01/22/2014 Senate—Referred to Committee on Natural Resources—SJ 1513
 01/27/2014 Senate—Hearing: Thursday, January 30, 2014, 8:30 AM Room 159-S
 02/20/2014 Senate—Withdrawn from Committee on Natural Resources; Referred to Committee on Ways and Means—SJ 1619
 02/21/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Natural Resources—SJ 1627
 05/30/2014 Senate—Died in Committee
- S 282** Bill by Financial Institutions and Insurance
Uniform Consumer Credit Code: Installment loans.
 01/21/2014 Senate—Introduced—SJ 1510
 01/22/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1513
 01/30/2014 Senate—Hearing: Tuesday, February 04, 2014, 9:30 AM Room 546-S
 02/07/2014 Senate—Hearing: Friday, February 14, 2014, 9:30 AM Room 546-S
 05/30/2014 Senate—Died in Committee
- S 283** Bill by Financial Institutions and Insurance
Increasing the salary of the commissioner of insurance.
 01/21/2014 Senate—Introduced—SJ 1510
 01/22/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1513
 01/23/2014 Senate—Hearing: Thursday, January 30, 2014, 9:30 AM Room 546-S
 05/30/2014 Senate—Died in Committee
- S 284** Bill by Utilities
Amending the Kansas 911 act.
 01/22/2014 Senate—Introduced—SJ 1512
 01/23/2014 Senate—Referred to Committee on Utilities—SJ 1516
 01/30/2014 Senate—Hearing: Thursday, February 06, 2014, 1:30 PM Room 548-S
 02/13/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 1596
 02/19/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1617
 02/19/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1617
 02/20/2014 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 1619
 02/21/2014 House—Received and Introduced—HJ 1755
 02/24/2014 House—Referred to Committee on Utilities and Telecommunications—HJ 1771
 03/05/2014 House—Hearing: Wednesday, March 12, 2014, 9:00 AM Room 582-N
 03/12/2014 House—Committee Report recommending bill be passed by Committee on Utilities and Telecommunications—HJ 1892
 03/14/2014 House—Committee of the Whole - Be passed—HJ 1905
 03/17/2014 House—Final Action - Passed; Yea: 121 Nay: 2—HJ 1914
 03/21/2014 Senate—Enrolled and presented to Governor on Friday, March 21, 2014—SJ 1828
 03/25/2014 Senate—Approved by Governor on Tuesday, March 25, 2014—SJ 1904

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- S 285** Bill by Financial Institutions and Insurance
Optometrists; prohibition against limiting payment for covered services to insurance plan amounts.
 01/22/2014 Senate—Introduced—SJ 1512
 01/23/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1516
 01/30/2014 Senate—Hearing: Thursday, February 06, 2014, 9:30 AM Room 546-S
 02/13/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1596
 02/20/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1624
 02/20/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1624
 02/20/2014 Senate—Emergency Final Action - Passed as amended; Yea: 37 Nay: 0—SJ 1624
 02/21/2014 House—Received and Introduced—HJ 1755
 02/24/2014 House—Referred to Committee on Insurance—HJ 1771
 02/25/2014 House—Withdrawn from Committee on Insurance; Referred to Committee on Health and Human Services—HJ 1777
 03/05/2014 House—Hearing: Wednesday, March 12, 2014, 1:30 PM Room 546-S
 03/19/2014 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 1934
 03/24/2014 House—Committee of the Whole - Committee Report be adopted—HJ 2013
 03/24/2014 House—Committee of the Whole - Be passed as amended—HJ 2013
 03/25/2014 House—Final Action - Passed as amended; Yea: 123 Nay: 0—HJ 2019
 04/02/2014 Senate—Concurred with amendments; Yea: 39 Nay: 0—SJ 1957
 04/30/2014 Senate—Enrolled and presented to Governor on Friday, April 11, 2014—SJ 2304
 04/30/2014 Senate—Approved by Governor on Thursday, April 17, 2014—SJ 2297
- S 286** Bill by Agriculture
Agriculture; extending sunset date on certain agriculture fees from July 1, 2015, to July 1, 2018; national day of the cowboy; establishing the local food and farm task force.
 01/22/2014 Senate—Introduced—SJ 1512
 01/23/2014 Senate—Referred to Committee on Agriculture—SJ 1516
 01/30/2014 Senate—Hearing: Tuesday, February 04, 2014, 8:30 AM Room 159-S
 02/07/2014 Senate—Hearing: Tuesday, February 11, 2014, 8:30 AM Room 159-S
 02/11/2014 Senate—Committee Report recommending bill be passed by Committee on Agriculture—SJ 1574
 02/18/2014 Senate—Committee of the Whole - Be passed—SJ 1611
 02/19/2014 Senate—Final Action - Passed; Yea: 36 Nay: 3—SJ 1616
 02/20/2014 House—Received and Introduced—HJ 1742
 02/21/2014 House—Referred to Committee on Agriculture and Natural Resources—HJ 1754
 03/20/2014 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 1947
 03/24/2014 House—Committee of the Whole - Committee Report be adopted—HJ 2013
 03/24/2014 House—Committee of the Whole - Be passed as amended—HJ 2013
 03/25/2014 House—Final Action - Passed as amended; Yea: 76 Nay: 47—HJ 2020

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Love, Senator Kerschen and Senator Francisco as conferees—SJ 1905
- 03/26/2014 House—Motion to accede adopted; Representative Schwartz, Representative Hoffman and Representative Victors appointed as conferees—HJ 2059
- 05/02/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2449
- 05/02/2014 House—Conference Committee Report was adopted; Yea: 102 Nay: 21—HJ 2452
- 05/02/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2815
- 05/02/2014 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 5—SJ 2863
- 05/12/2014 Senate—Enrolled and presented to Governor on Monday, May 12, 2014—SJ 2940
- 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ 2937

S 287 Bill by Judiciary

District magistrate judges; jurisdiction; cases on the record; appeals.

- 01/22/2014 Senate—Introduced—SJ 1512
- 01/23/2014 Senate—Referred to Committee on Judiciary—SJ 1516
- 02/10/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1567
- 02/12/2014 Senate—Committee of the Whole - Be passed—SJ 1588
- 02/13/2014 Senate—Final Action - Passed; Yea: 38 Nay: 1—SJ 1594
- 02/18/2014 House—Received and Introduced—HJ 1727
- 02/19/2014 House—Referred to Committee on Judiciary—HJ 1734
- 03/12/2014 House—Hearing: Tuesday, March 18, 2014, 3:30 PM Room 112-N
- 05/30/2014 House—Died in House Committee

S 288 Bill by Judiciary

Relating to restitution or collection of debts owed to the courts.

- 01/22/2014 Senate—Introduced—SJ 1512
- 01/23/2014 Senate—Referred to Committee on Judiciary—SJ 1516
- 02/10/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1567
- 02/12/2014 Senate—Committee of the Whole - Be passed—SJ 1588
- 02/13/2014 Senate—Final Action - Passed; Yea: 39 Nay: 1—SJ 1594
- 02/18/2014 House—Received and Introduced—HJ 1727
- 02/19/2014 House—Referred to Committee on Judiciary—HJ 1734
- 03/07/2014 House—Hearing: Tuesday, March 11, 2014, 3:30 PM Room 112-N
- 03/18/2014 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 1920
- 03/26/2014 House—Stricken from Calendar by Rule 1507—HJ 2081

S 289 Bill by Judiciary

Time limits for decisions by courts.

- 01/22/2014 Senate—Introduced—SJ 1512
- 01/23/2014 Senate—Referred to Committee on Judiciary—SJ 1516
- 01/30/2014 Senate—Hearing: Tuesday, February 04, 2014, 10:30 AM Room 346-S

- 02/03/2014 Senate—Hearing: Wednesday, February 05, 2014, 10:30 AM Room 346-S
- S 290** 05/30/2014 Senate—Died in Committee
Bill by Judiciary
Use of video conferencing for arraignment hearings in criminal cases.
01/22/2014 Senate—Introduced—SJ 1513
01/23/2014 Senate—Referred to Committee on Judiciary—SJ 1516
01/30/2014 Senate—Hearing: Tuesday, February 04, 2014, 10:30 AM Room 346-S
05/30/2014 Senate—Died in Committee
- S 291** Bill by Ethics and Elections
Legislators; per diem pay; limitation.
01/22/2014 Senate—Introduced—SJ 1513
01/23/2014 Senate—Referred to Committee on Ethics and Elections—SJ 1516
05/30/2014 Senate—Died in Committee
- S 292** Bill by Commerce
Emerging industry investment act; treatment of certain bioscience companies.
01/22/2014 Senate—Introduced—SJ 1513
01/23/2014 Senate—Referred to Committee on Commerce—SJ 1516
01/24/2014 Senate—Hearing: Thursday, January 30, 2014, 8:30 AM Room 548-S
02/28/2014 Senate—Withdrawn from Committee on Commerce; Referred to Committee on Ways and Means—SJ 1668
03/05/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Commerce—SJ 1672
05/30/2014 Senate—Died in Committee
- S 293** Bill by Commerce
Municipalities; solid waste collection; limitations.
01/22/2014 Senate—Introduced—SJ 1513
01/23/2014 Senate—Referred to Committee on Commerce—SJ 1516
01/30/2014 Senate—Hearing: Wednesday, February 05, 2014, 8:30 AM Room 548-S
02/07/2014 Senate—Hearing: Tuesday, February 11, 2014, 8:30 AM Room 548-S
05/30/2014 Senate—Died in Committee
- S 294** Bill by Commerce
Tax levy for rural housing incentive districts.
01/22/2014 Senate—Introduced—SJ 1513
01/23/2014 Senate—Referred to Committee on Ways and Means—SJ 1516
05/30/2014 Senate—Died in Committee
- S 295** Bill by Commerce
Tax credits for community service contributions; youth apprenticeship and entrepreneurship.
01/22/2014 Senate—Introduced—SJ 1513
01/23/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1516
01/24/2014 Senate—Hearing: Tuesday, January 28, 2014, 9:30 AM Room 548-S
02/19/2014 Senate—Hearing: Tuesday, February 25, 2014, 9:30 AM Room 548-S
02/26/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 1645
03/18/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1737
03/18/2014 Senate—Committee of the Whole - Amendment by Senator Apple was adopted—SJ 1737

- 03/18/2014 Senate—Committee of the Whole - Be passed as further amended—SJ 1737
- 03/19/2014 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1745
- 03/20/2014 House—Received and Introduced—HJ 1941
- 03/21/2014 House—Referred to Committee on Taxation—HJ 1996
- 05/30/2014 House—Died in House Committee
- S 296** Bill by Assessment and Taxation
Water supply district authorization to issue refund for general obligation bonds.
- 01/22/2014 Senate—Introduced—SJ 1513
- 01/23/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1516
- 02/12/2014 Senate—Hearing: Wednesday, February 19, 2014, 9:30 AM Room 548-S
- 05/30/2014 Senate—Died in Committee
- S 297** Bill by Assessment and Taxation
Sales tax exemption for purchases by Reaching Out From Within, Inc.
- 01/22/2014 Senate—Introduced—SJ 1513
- 01/23/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1516
- 05/30/2014 Senate—Died in Committee
- S 298** Bill by Assessment and Taxation
Substitute for SB 298 by Committee on Assessment and Taxation – Concerning the elimination of Kansas mortgage registration fee; modification of recording fees; creating register of deeds, county clerk and county treasurer technology funds.
- 01/23/2014 Senate—Introduced—SJ 1515
- 01/24/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1517
- 01/27/2014 Senate—Hearing: Wednesday, January 29, 2014, 9:30 AM Room 548-S
- 01/27/2014 Senate—Hearing: Thursday, January 30, 2014, 9:30 AM Room 548-S
- 02/28/2014 Senate—Committee Report recommending substitute bill be passed by Committee on Assessment and Taxation—SJ 1669
- 03/11/2014 Senate—Committee of the Whole - Passed over and retain a place on the calendar—SJ 1697
- 03/11/2014 Senate—Withdrawn from Calendar; Referred to Committee on Assessment and Taxation—SJ 1697
- 03/14/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 1720
- 03/18/2014 Senate—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—SJ 1739
- 03/18/2014 Senate—Committee of the Whole - Amendment by Senator Donovan was adopted—SJ 1739
- 03/18/2014 Senate—Committee of the Whole - Amendment by Senator O'Donnell was adopted—SJ 1739
- 03/19/2014 Senate—Final Action - Substitute passed; Yea: 26 Nay: 12—SJ 1745
- 03/20/2014 House—Received and Introduced—HJ 1941
- 03/21/2014 House—Referred to Committee on Taxation—HJ 1996
- 05/30/2014 House—Died in House Committee
- S 299** Bill by Financial Institutions and Insurance
Exemption for federal home loan bank in certain insolvency proceedings involving insurance companies.
- 01/23/2014 Senate—Introduced—SJ 1515

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 01/24/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1517
- 02/07/2014 Senate—Hearing: Wednesday, February 12, 2014, 9:30 AM Room 546-S
- 02/12/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1588
- 02/20/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1624
- 02/20/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1624
- 02/20/2014 Senate—Emergency Final Action - Passed as amended; Yea: 37 Nay: 0—SJ 1624
- 02/21/2014 House—Received and Introduced—HJ 1755
- 02/24/2014 House—Referred to Committee on Insurance—HJ 1771
- 05/30/2014 House—Died in House Committee
- S 300** Bill by Natural Resources
Increasing the compensation rate for river sand.
 01/23/2014 Senate—Introduced—SJ 1515
 01/24/2014 Senate—Referred to Committee on Natural Resources—SJ 1517
 01/27/2014 Senate—Hearing: Thursday, January 30, 2014, 8:30 AM Room 159-S
 05/30/2014 Senate—Died in Committee
- S 301** Bill by Transportation
Annexation of highway right-of-ways by cities.
 01/23/2014 Senate—Introduced—SJ 1515
 01/24/2014 Senate—Referred to Committee on Transportation—SJ 1517
 02/12/2014 Senate—Hearing: Thursday, February 20, 2014, 8:30 AM Room 546-S
 02/26/2014 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 1654
 02/28/2014 Senate—Withdrawn from Calendar; Referred to Committee on Ways and Means—SJ 1668
 03/05/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Transportation—SJ 1672
 03/12/2014 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 1700
 03/19/2014 Senate—Consent Calendar Passed Yea: 39 Nay: 1—SJ 1743
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Transportation—HJ 1996
 05/30/2014 House—Died in House Committee
- S 302** Bill by Public Health and Welfare
Rending surrogate parenting contracts unenforceable and creating an unclassified misdemeanor.
 01/23/2014 Senate—Introduced—SJ 1515
 01/24/2014 Senate—Referred to Committee on Public Health and Welfare—SJ 1517
 01/27/2014 Senate—Hearing: Monday, January 27, 2014, 1:30 PM Room 118-N
 05/30/2014 Senate—Died in Committee
- S 303** Bill by Senators Faust-Goudeau, Abrams, Donovan, Kerschen, Masterson, McGinn, O'Donnell, Petersen, Wagle
Allowing the Sedgwick county regional forensic science center to receive forfeited firearms for forensic science purposes.
 01/24/2014 Senate—Introduced—SJ 1517

- 01/27/2014 Senate—Referred to Committee on Judiciary—SJ 1519
 02/07/2014 Senate—Hearing: Tuesday, February 11, 2014, 10:30 AM Room 346-S
 02/11/2014 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 1575
 02/19/2014 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 1614
 02/20/2014 House—Received and Introduced—HJ 1742
 02/21/2014 House—Referred to Committee on Judiciary—HJ 1755
 03/05/2014 House—Hearing: Thursday, March 13, 2014, 3:30 PM Room 112-N
 03/19/2014 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 1934
 03/26/2014 House—Stricken from Calendar by Rule 1507—HJ 2081
- S 304** Bill by Commerce
Enacting the municipal communication's network and private telecommunications investment safeguards act.
 01/27/2014 Senate—Introduced—SJ 1518
 01/28/2014 Senate—Referred to Committee on Commerce—SJ 1520
 01/30/2014 Senate—Hearing: Tuesday, February 04, 2014, 8:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 305** Bill by Education
School districts; transfer of funds from capital improvement state aid to supplemental general state aid.
 01/27/2014 Senate—Introduced—SJ 1518
 01/28/2014 Senate—Referred to Committee on Ways and Means—SJ 1521
 02/26/2014 Senate—Hearing: Wednesday, March 05, 2014, 10:30 AM Room 548-S
 02/28/2014 Senate—Hearing: Thursday, March 06, 2014, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 306** Bill by Financial Institutions and Insurance
Modernizing certain insurance laws to allow use of additional investments.
 01/27/2014 Senate—Introduced—SJ 1518
 01/28/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1521
 02/07/2014 Senate—Hearing: Thursday, February 13, 2014, 9:30 AM Room 546-S
 02/13/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1596
 02/20/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1624
 02/20/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1624
 02/20/2014 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 1625
 02/21/2014 House—Received and Introduced—HJ 1755
 02/24/2014 House—Referred to Committee on Insurance—HJ 1771
 03/12/2014 House—Hearing: Monday, March 17, 2014, 3:30 PM Room 152-S
 03/20/2014 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 1951
 03/25/2014 House—Withdrawn from Consent Calendar and placed on General Orders—HJ 2016
 03/26/2014 House—Committee of the Whole - Be passed—HJ 2050
 03/26/2014 House—Emergency Final Action - Passed; Yea: 123 Nay: 0—HJ 2051
 04/04/2014 Senate—Enrolled and presented to Governor on Friday, April 04, 2014—SJ 2093

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 04/30/2014 Senate—Approved by Governor on Thursday, April 10, 2014—SJ 2297
- S 307** Bill by Utilities
Kansas electric transmission authority; composition of authority and advisory council.
 01/27/2014 Senate—Introduced—SJ 1518
 01/28/2014 Senate—Referred to Committee on Utilities—SJ 1521
 01/30/2014 Senate—Hearing: Tuesday, February 04, 2014, 1:30 PM Room 548-S
 02/06/2014 Senate—Hearing: Thursday, February 06, 2014, 1:30 PM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 308** Bill by Utilities
Updating the Kansas no-call act.
 01/27/2014 Senate—Introduced—SJ 1518
 01/28/2014 Senate—Referred to Committee on Utilities—SJ 1521
 02/07/2014 Senate—Hearing: Tuesday, February 11, 2014, 1:30 PM Room 548-S
 02/12/2014 Senate—Committee Report recommending bill be passed by Committee on Utilities—SJ 1588
 02/19/2014 Senate—Committee of the Whole - Be passed—SJ 1617
 02/20/2014 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 1620
 02/21/2014 House—Received and Introduced—HJ 1755
 02/24/2014 House—Referred to Committee on Utilities and Telecommunications—HJ 1771
 03/05/2014 House—Hearing: Wednesday, March 12, 2014, 9:00 AM Room 582-N
 03/18/2014 House—Committee Report recommending bill be passed by Committee on Utilities and Telecommunications—HJ 1920
 03/20/2014 House—Committee of the Whole - Be passed—HJ 1946
 03/21/2014 House—Final Action - Passed; Yea: 117 Nay: 0—HJ 1998
 03/31/2014 Senate—Enrolled and presented to Governor on Monday, March 31, 2014—SJ 1922
- S 309** 04/04/2014 Senate—Approved by Governor on Friday, April 04, 2014—SJ 2093
 Bill by Public Health and Welfare
Health insurance coverage for qualified professional associations.
 01/27/2014 Senate—Introduced—SJ 1518
 01/28/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1521
 02/19/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 1616
 02/26/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1654
 02/26/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1654
 02/27/2014 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1662
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 1854
 03/18/2014 House—Hearing: Thursday, March 20, 2014, 1:30 PM Room 346-S
 03/24/2014 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 2013
 03/26/2014 House—Committee of the Whole - Passed over and retain a place on the calendar
 03/26/2014 House—Committee of the Whole - Amendment by Representative Hutton was rejected—HJ 2050

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 03/26/2014 House—Committee of the Whole - Be passed—HJ 2050
 03/26/2014 House—Emergency Final Action - Passed; Yea: 122 Nay: 1—HJ 2056
 04/04/2014 Senate—Enrolled and presented to Governor on Friday, April 04, 2014
 —SJ 2093
- S 310** 04/30/2014 Senate—Approved by Governor on Thursday, April 10, 2014—SJ 2297
 Bill by Judiciary
Grand juries; crimes to consider; amendment of indictment.
 01/27/2014 Senate—Introduced—SJ 1518
 01/28/2014 Senate—Referred to Committee on Judiciary—SJ 1521
 02/10/2014 Senate—Hearing: Thursday, February 13, 2014, 10:30 AM Room 346-S
 02/25/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—SJ 1636
 02/27/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ
 1664
 02/27/2014 Senate—Committee of the Whole - Amendment by Senator Smith was
 adopted—SJ 1664
 02/27/2014 Senate—Committee of the Whole - Be passed as further amended—SJ
 1664
 02/27/2014 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0
 —SJ 1665
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Judiciary—HJ 1854
 03/12/2014 House—Hearing: Tuesday, March 18, 2014, 3:30 PM Room 112-N
 03/20/2014 House—Committee Report recommending bill be passed by Committee
 on Judiciary—HJ 1947
 03/26/2014 House—Committee of the Whole - Be passed—HJ 2050
 03/26/2014 House—Emergency Final Action - Passed; Yea: 122 Nay: 1—HJ 2055
 04/04/2014 Senate—Enrolled and presented to Governor on Friday, April 04, 2014
 —SJ 2093
- S 311** 04/30/2014 Senate—Approved by Governor on Thursday, April 10, 2014—SJ 2297
 Bill by Judiciary
**Increasing the non-economic damages cap, changing rules related to expert
 evidence and repealing statutes pertaining to collateral source
 benefits.**
 01/27/2014 Senate—Introduced—SJ 1519
 01/28/2014 Senate—Referred to Committee on Judiciary—SJ 1521
 01/30/2014 Senate—Hearing: Thursday, February 06, 2014, 10:30 AM Room 346-S
 02/10/2014 Senate—Hearing: Thursday, February 13, 2014, 10:30 AM Room 346-S
 02/14/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—SJ 1598
 02/26/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ
 1654
 02/26/2014 Senate—Committee of the Whole - Amendment by Senator Holland
 was rejected Yea: 6 Nay: 32—SJ 1655
 02/26/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1654
 02/27/2014 Senate—Final Action - Passed as amended; Yea: 32 Nay: 8—SJ 1663
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Commerce, Labor and Economic
 Development—HJ 1854
 03/12/2014 House—Hearing: Monday, March 17, 2014, 1:30 PM Room 346-S

- 03/19/2014 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 1934
- 03/21/2014 House—Committee of the Whole - Amendment by Representative Kinzer was adopted—HJ 1999
- 03/21/2014 House—Committee of the Whole - Amendment by Representative Carmichael was rejected—HJ 2000
- 03/21/2014 House—Committee of the Whole - Be passed as amended—HJ 2000
- 03/24/2014 House—Final Action - Passed as amended; Yea: 119 Nay: 3
- 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 1905
- 03/26/2014 House—Motion to accede adopted; Representative Kleeb, Representative Suellentrop and Representative Pauls appointed as conferees—HJ 2060
- 04/02/2014 House—Conference Committee Report agree to disagree, not adopted—HJ 2088
- 04/03/2014 House—Conference Committee Report was adopted; Yea: 120 Nay: 4—HJ 2112
- 04/04/2014 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 2—SJ 2050
- 04/30/2014 Senate—Enrolled and presented to Governor on Friday, April 11, 2014—SJ 2304
- 04/30/2014 Senate—Approved by Governor on Thursday, April 17, 2014—SJ 2297
- S 312** Bill by Judiciary
Criminal procedure; speedy trial; mandatory stay of mandate for certain appeals.
- 01/27/2014 Senate—Introduced—SJ 1519
- 01/28/2014 Senate—Referred to Committee on Judiciary—SJ 1521
- 01/30/2014 Senate—Hearing: Wednesday, February 05, 2014, 10:30 AM Room 346-S
- 02/07/2014 Senate—Hearing: Wednesday, February 12, 2014, 10:30 AM Room 346-S
- 02/24/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1632
- 02/27/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1664
- 02/27/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1664
- 02/27/2014 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1665
- 03/05/2014 House—Received and Introduced—HJ 1850
- 03/06/2014 House—Referred to Committee on Judiciary—HJ 1854
- 03/12/2014 House—Hearing: Wednesday, March 19, 2014, 3:30 PM Room 112-N
- 05/30/2014 House—Died in House Committee
- S 313** Bill by Judiciary
Increasing various docket fees and creating new docket fees.
- 01/27/2014 Senate—Introduced—SJ 1519
- 01/28/2014 Senate—Referred to Committee on Judiciary—SJ 1521
- 01/30/2014 Senate—Hearing: Tuesday, February 04, 2014, 1:00 PM Room 346-S
- 02/03/2014 Senate—Hearing: Wednesday, February 05, 2014, 10:30 AM Room 346-S

- 02/11/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1575
- 03/13/2014 Senate—Stricken from calendar
- S 314** Bill by Ethics and Elections
Secretary of state; political action committees prohibited.
 01/27/2014 Senate—Introduced—SJ 1519
 01/28/2014 Senate—Referred to Committee on Ethics and Elections—SJ 1521
 05/30/2014 Senate—Died in Committee
- S 315** Bill by Financial Institutions and Insurance
Kansas State Fair—removing Committee on Surety Bonds and Insurance approval requirement from purchasing authority for certain insurance coverage.
 01/28/2014 Senate—Introduced—SJ 1520
 01/29/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1549
 02/07/2014 Senate—Hearing: Wednesday, February 12, 2014, 9:30 AM Room 546-S
 02/12/2014 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 1588
 02/20/2014 Senate—Committee of the Whole - Be passed—SJ 1624
 02/20/2014 Senate—Emergency Final Action - Passed; Yea: 38 Nay: 0—SJ 1625
 02/21/2014 House—Received and Introduced—HJ 1755
 02/24/2014 House—Referred to Committee on Insurance—HJ 1771
 05/30/2014 House—Died in House Committee
- S 316** Bill by Public Health and Welfare
Relating to the podiatry act.
 01/28/2014 Senate—Introduced—SJ 1520
 01/29/2014 Senate—Referred to Committee on Public Health and Welfare—SJ 1549
 02/07/2014 Senate—Hearing: Monday, February 10, 2014, 1:30 PM Room 118-N
 02/20/2014 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Ways and Means—SJ 1619
 02/21/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Public Health and Welfare—SJ 1627
 03/06/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 1676
 03/12/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1705
 03/12/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1705
 03/12/2014 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1710
 03/14/2014 House—Received and Introduced—HJ 1902
 03/17/2014 House—Referred to Committee on Health and Human Services—HJ 1911
 05/30/2014 House—Died in House Committee
- S 317** Bill by Public Health and Welfare
Managed care organizations, prompt payment.
 01/28/2014 Senate—Introduced—SJ 1520
 01/29/2014 Senate—Referred to Committee on Public Health and Welfare—SJ 1549

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/12/2014 Senate—Hearing: Monday, February 17, 2014, 1:30 PM Room 118-N
05/30/2014 Senate—Died in Committee
- S 318** Bill by Commerce
Prohibition on the application of 2,4-D and related pesticides during certain times of the year.
01/28/2014 Senate—Introduced—SJ 1520
01/29/2014 Senate—Referred to Committee on Agriculture—SJ 1549
05/30/2014 Senate—Died in Committee
- S 319** Bill by Commerce
Protecting surface property owners' rights.
01/28/2014 Senate—Introduced—SJ 1520
01/30/2014 Senate—Referred to Committee on Natural Resources—SJ 1551
05/30/2014 Senate—Died in Committee
- S 320** Bill by Federal and State Affairs
Emergency medical services board authority to impose fines, investigate and issue subpoenas.
01/29/2014 Senate—Introduced—SJ 1547
01/30/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1551
01/31/2014 Senate—Hearing: Tuesday, February 04, 2014, 10:30 AM Room 144-S
02/26/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 1653
03/18/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1736
03/18/2014 Senate—Committee of the Whole - Motion by Senator Olson to refer to Committee on Federal and State Affairs failed—SJ 1736
03/18/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1736
03/19/2014 Senate—Final Action - Not passed; Yea: 19 Nay: 20—SJ 1747
- S 321** Bill by Financial Institutions and Insurance
Return of premiums separate from notice of denial of coverage.
01/29/2014 Senate—Introduced—SJ 1547
01/30/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1551
02/12/2014 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 1588
02/20/2014 Senate—Committee of the Whole - Be passed—SJ 1624
02/20/2014 Senate—Emergency Final Action - Passed; Yea: 38 Nay: 0—SJ 1625
02/21/2014 House—Received and Introduced—HJ 1755
02/24/2014 House—Referred to Committee on Insurance—HJ 1771
03/12/2014 House—Hearing: Monday, March 17, 2014, 3:30 PM Room 152-S
03/20/2014 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 1947
03/25/2014 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2017
04/01/2014 Senate—Enrolled and presented to Governor on Tuesday, April 01, 2014—SJ 1932
04/04/2014 Senate—Approved by Governor on Friday, April 04, 2014—SJ 2093
- S 322** Bill by Financial Institutions and Insurance
Insurance department service regulation fund; amount of assessment.
01/29/2014 Senate—Introduced—SJ 1547
01/30/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1551

- 05/30/2014 Senate—Died in Committee
S 323 Bill by Ways and Means
Amending the duration of a conservation easement.
 01/29/2014 Senate—Introduced—SJ 1547
 01/30/2014 Senate—Referred to Committee on Natural Resources—SJ 1551
 01/31/2014 Senate—Hearing: Thursday, February 06, 2014, 8:30 AM Room 159-S
 02/07/2014 Senate—Hearing: Friday, February 14, 2014, 8:30 AM Room 159-S
 03/24/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Natural Resources—SJ 1832
 04/04/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ
 2017
 04/04/2014 Senate—Committee of the Whole - Amendment by Senator Powell was
 adopted—SJ 2017
 04/04/2014 Senate—Committee of the Whole - Amendment by Senator Petersen
 was adopted—SJ 2017
 04/04/2014 Senate—Committee of the Whole - Amendment by Senator Fitzgerald
 was adopted—SJ 2017
 04/04/2014 Senate—Committee of the Whole - Motion by Senator Francisco to
 rerefer to Committee on Natural Resources failed—SJ 2017
 04/04/2014 Senate—Committee of the Whole - Amendment by Senator Arpke was
 withdrawn—SJ 2017
 04/04/2014 Senate—Committee of the Whole - Be passed as further amended—SJ
 2017
 04/04/2014 Senate—Emergency Final Action - Not passed; Yea: 16 Nay: 23—SJ
 2048
- S 324** Bill by Ways and Means
**Judicial branch supplemental appropriation for fiscal year 2015, judiciary
 operations.**
 01/29/2014 Senate—Introduced—SJ 1547
 01/30/2014 Senate—Referred to Committee on Ways and Means—SJ 1551
 05/30/2014 Senate—Died in Committee
- S 325** Bill by Ways and Means
**Appropriations for FY 2014, FY 2015, FY 2016, FY 2017 and FY 2018 for
 various state agencies; capital improvement projects.**
 01/29/2014 Senate—Introduced—SJ 1547
 01/30/2014 Senate—Referred to Committee on Ways and Means—SJ 1551
 05/30/2014 Senate—Died in Committee
- S 326** Bill by Ways and Means
**Advanced practice registered nurses scope of practice and prescribing
 authority.**
 01/29/2014 Senate—Introduced—SJ 1547
 01/30/2014 Senate—Referred to Committee on Public Health and Welfare—SJ
 1551
 05/30/2014 Senate—Died in Committee
- S 327** Bill by Utilities
Excavator liability under the underground utilities damage prevention act.
 01/29/2014 Senate—Introduced—SJ 1547
 01/30/2014 Senate—Referred to Committee on Utilities—SJ 1551
 01/31/2014 Senate—Hearing: Thursday, February 06, 2014, 1:30 PM Room 548-S
 05/30/2014 Senate—Died in Committee

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- S 328** Bill by Utilities
Requiring the corporation commission to study the SPP's integrated market program.
 01/29/2014 Senate—Introduced—SJ 1547
 01/30/2014 Senate—Referred to Committee on Utilities—SJ 1551
 05/30/2014 Senate—Died in Committee
- S 329** Bill by Judiciary
Clarifying court orders relating to parents in juvenile offender cases and changing the statute of limitations on certain juvenile offenses.
 01/29/2014 Senate—Introduced—SJ 1548
 01/30/2014 Senate—Referred to Committee on Judiciary—SJ 1551
 02/07/2014 Senate—Hearing: Tuesday, February 11, 2014, 10:30 AM Room 346-S
 02/11/2014 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 1575
 02/19/2014 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 1614
 02/20/2014 House—Received and Introduced—HJ 1742
 02/21/2014 House—Referred to Committee on Corrections and Juvenile Justice—HJ 1754
 02/27/2014 House—Hearing: Thursday, March 06, 2014, 1:30 PM Room 152-S
 03/13/2014 House—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—HJ 1899
 03/19/2014 House—Committee of the Whole - Committee Report be adopted—HJ 1930
 03/19/2014 House—Committee of the Whole - Amendment by Representative Finch was adopted—HJ 1930
 03/19/2014 House—Committee of the Whole - Be passed as amended—HJ 1930
 03/20/2014 House—Final Action - Passed as amended; Yea: 123 Nay: 0—HJ 1946
 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Haley and Senator Smith as conferees—SJ 1905
 03/26/2014 House—Motion to accede adopted; Representative Rubin, Representative Gonzalez and Representative Pauls appointed as conferees—HJ 2060
 04/30/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2353
 04/30/2014 House—Conference Committee Report was adopted; Yea: 122 Nay: 1—HJ 2395
 05/01/2014 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2316
 05/30/2014 Senate—Enrolled and presented to Governor on Friday, May 09, 2014—SJ 2940
 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ 2937
- S 330** Bill by Judiciary
Requiring certain inmates to be confined in administrative segregation and separated from other inmates.
 01/29/2014 Senate—Introduced—SJ 1548
 01/30/2014 Senate—Referred to Committee on Judiciary—SJ 1551
 02/07/2014 Senate—Hearing: Tuesday, February 11, 2014, 10:30 AM Room 346-S
 05/30/2014 Senate—Died in Committee

- S 331** Bill by Ways and Means
Providing for IP interconnection.
 01/30/2014 Senate—Introduced—SJ 1550
 01/31/2014 Senate—Referred to Committee on Utilities—SJ 1553
 05/30/2014 Senate—Died in Committee
- S 332** Bill by Ways and Means
Interest on judgments in civil actions.
 01/30/2014 Senate—Introduced—SJ 1550
 01/31/2014 Senate—Referred to Committee on Judiciary—SJ 1553
 05/30/2014 Senate—Died in Committee
- S 333** Bill by Ways and Means
Electric utility uniform billing standards.
 01/30/2014 Senate—Introduced—SJ 1550
 01/31/2014 Senate—Referred to Committee on Utilities—SJ 1553
 05/30/2014 Senate—Died in Committee
- S 334** Bill by Judiciary
Relating to battery; interference with law enforcement.
 01/30/2014 Senate—Introduced—SJ 1550
 01/31/2014 Senate—Referred to Committee on Judiciary—SJ 1553
 01/31/2014 Senate—Hearing: Wednesday, February 05, 2014, 10:30 AM Room 346-S
 02/07/2014 Senate—Hearing: Wednesday, February 12, 2014, 10:30 AM Room 346-S
 02/12/2014 Senate—Hearing: Thursday, February 13, 2014, 10:30 AM Room 346-S
 02/12/2014 Senate—Hearing: Wednesday, February 19, 2014, 9:30 AM Room 546-S
 02/24/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1632
 02/28/2014 Senate—Withdrawn from Calendar; Referred to Committee on Ways and Means—SJ 1668
 03/05/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 1672
 03/10/2014 Senate—Withdrawn from Committee on Judiciary and referred to Committee of the Whole—SJ 1689
 03/12/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1710
 03/12/2014 Senate—Committee of the Whole - Amendment by Senator Apple was adopted—SJ 1710
 03/12/2014 Senate—Committee of the Whole - Be passed as further amended—SJ 1710
 03/12/2014 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1711
 03/14/2014 House—Received and Introduced—HJ 1902
 03/17/2014 House—Referred to Committee on Judiciary—HJ 1911
 05/30/2014 House—Died in House Committee
- S 335** Bill by Senators Smith, Arpke, Denning, Olson, Pilcher-Cook
Drug screening and substance abuse treatment programs for certain government officers and employees.
 01/30/2014 Senate—Introduced—SJ 1550
 01/31/2014 Senate—Referred to Committee on Education—SJ 1553

- 02/03/2014 Senate—Hearing: Friday, February 07, 2014, 10:00 AM Room 144-S
 02/07/2014 Senate—Hearing: Monday, February 10, 2014, 1:30 PM Room 144-S
 02/26/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 1652
 02/28/2014 Senate—Withdrawn from Calendar; Referred to Committee on Ways and Means—SJ 1668
 03/05/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 1672
 03/06/2014 Senate—Withdrawn from Committee on Judiciary; Rereferred to Committee on Education—SJ 1676
 03/12/2014 Senate—Withdrawn from Committee on Education and referred to Committee of the Whole—SJ 1700
 03/18/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1737
 03/18/2014 Senate—Committee of the Whole - Amendment by Senator Abrams was adopted—SJ 1737
 03/18/2014 Senate—Committee of the Whole - Amendment by Senator Hensley was adopted—SJ 1737
 03/18/2014 Senate—Committee of the Whole - Be passed as further amended—SJ 1739
 03/19/2014 Senate—Final Action - Passed as amended; Yea: 30 Nay: 4—SJ 1747
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Education—HJ 1996
S 336 05/30/2014 House—Died in House Committee
 Bill by Financial Institutions and Insurance
Patient protection act; prohibited provisions in certain agreements.
 01/30/2014 Senate—Introduced—SJ 1550
 01/31/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1553
 05/30/2014 Senate—Died in Committee
S 337 Bill by Utilities
Requiring the corporation commission to study the SPP's integrated market program.
 01/30/2014 Senate—Introduced—SJ 1551
 01/31/2014 Senate—Referred to Committee on Utilities—SJ 1553
 01/31/2014 Senate—Hearing: Thursday, February 06, 2014, 1:30 PM Room 548-S
 02/12/2014 Senate—Committee Report recommending bill be passed by Committee on Utilities—SJ 1588
 02/19/2014 Senate—Committee of the Whole - Be passed—SJ 1617
 02/20/2014 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 1620
 02/21/2014 House—Received and Introduced—HJ 1755
 02/24/2014 House—Referred to Committee on Energy and Environment—HJ 1771
 03/05/2014 House—Hearing: Tuesday, March 11, 2014, 9:00 AM Room 582-N
 05/30/2014 House—Died in House Committee
S 338 Bill by Assessment and Taxation
Sales tax exemption for the epilepsy foundation of Missouri and Kansas.
 01/30/2014 Senate—Introduced—SJ 1551
 01/31/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1553
 05/30/2014 Senate—Died in Committee
S 339 Bill by Ethics and Elections

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

Campaign finance; reports; required information.

01/30/2014 Senate—Introduced—SJ 1551

01/31/2014 Senate—Referred to Committee on Ethics and Elections—SJ 1553

02/11/2014 Senate—Hearing: Wednesday, February 12, 2014, 9:30 AM Room 159-S

02/12/2014 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ethics and Elections—SJ 1588

02/14/2014 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 1598

02/19/2014 Senate—Committee of the Whole - Be passed—SJ 1617

02/20/2014 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 1620

02/21/2014 House—Received and Introduced—HJ 1755

02/24/2014 House—Referred to Committee on Elections—HJ 1771

05/30/2014 House—Died in House Committee

S 340 Bill by Commerce**Enacting the Kansas reinvestment program act.**

01/30/2014 Senate—Introduced—SJ 1551

01/31/2014 Senate—Referred to Committee on Commerce—SJ 1553

02/07/2014 Senate—Hearing: Wednesday, February 12, 2014, 8:30 AM Room 548-S

05/30/2014 Senate—Died in Committee

S 341 Bill by Ways and Means**School districts; enrollment count for kindergarten attendance.**

01/31/2014 Senate—Introduced—SJ 1553

02/03/2014 Senate—Referred to Committee on Education—SJ 1558

02/27/2014 Senate—Withdrawn from Committee on Education; Referred to Committee on Ways and Means—SJ 1661

02/28/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Education—SJ 1668

05/30/2014 Senate—Died in Committee

S 342 Bill by Federal and State Affairs**Exempting certain public entities from provisions of the personal and family protection act.**

01/31/2014 Senate—Introduced—SJ 1553

02/03/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1558

05/30/2014 Senate—Died in Committee

S 343 Bill by Ethics and Elections**Substitute for SB 343 by Committee on Ethics and Elections – Governmental ethics; public funds used for lobbying.**

01/31/2014 Senate—Introduced—SJ 1553

02/03/2014 Senate—Referred to Committee on Ethics and Elections—SJ 1558

02/11/2014 Senate—Hearing: Thursday, February 13, 2014, 9:30 AM Room 159-S

02/25/2014 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 1635

02/27/2014 Senate—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—SJ 1664

02/27/2014 Senate—Committee of the Whole - Amendment by Senator Longbine was adopted—SJ 1664

02/27/2014 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 1664

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/27/2014 Senate—Emergency Final Action - Passed as amended; Yea: 28 Nay: 10—SJ 1665
- 03/05/2014 House—Received and Introduced—HJ 1850
- 03/06/2014 House—Referred to Committee on Elections—HJ 1854
- 03/12/2014 House—Hearing: Monday, March 17, 2014, 1:30 PM Room 281-N
- 05/30/2014 House—Died in House Committee
- S 344** Bill by Transportation
Special permits, oversized loads, transportation of hay or feed stuffs.
- 02/03/2014 Senate—Introduced—SJ 1558
- 02/06/2014 Senate—Referred to Committee on Transportation—SJ 1560
- 02/20/2014 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 1624
- 02/25/2014 Senate—Committee of the Whole - Be passed—SJ 1639
- 02/26/2014 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 1642
- 02/27/2014 House—Received and Introduced—HJ 1847
- 02/28/2014 House—Referred to Committee on Transportation—HJ 1848
- 03/07/2014 House—Hearing: Tuesday, March 11, 2014, 1:30 PM Room 582-N
- 03/19/2014 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 1935
- 03/24/2014 House—Committee of the Whole - Committee Report be adopted—HJ 2013
- 03/24/2014 House—Committee of the Whole - Be passed as amended—HJ 2013
- 03/25/2014 House—Final Action - Passed as amended; Yea: 122 Nay: 1—HJ 2020
- 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Wolf and Senator Pettey as conferees—SJ 1905
- 03/26/2014 House—Motion to accede adopted; Representative Proehl, Representative Ryckman Sr. and Representative Perry appointed as conferees—HJ 2060
- 04/02/2014 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 1957
- 04/30/2014 Senate—Enrolled and presented to Governor on Friday, April 11, 2014—SJ 2304
- 04/30/2014 Senate—Approved by Governor on Thursday, April 17, 2014—SJ 2297
- S 345** Bill by Federal and State Affairs
Alcoholic beverages; microbreweries eligible for manufacturer's license.
- 02/06/2014 Senate—Introduced—SJ 1559
- 02/07/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1563
- 02/07/2014 Senate—Hearing: Wednesday, February 12, 2014, 11:30 AM Room 144-S
- 05/30/2014 Senate—Died in Committee
- S 346** Bill by Federal and State Affairs
Alcoholic beverages; certain licensure qualifications and privileges.
- 02/06/2014 Senate—Introduced—SJ 1559
- 02/07/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1563
- 02/07/2014 Senate—Hearing: Wednesday, February 12, 2014, 10:30 AM Room 144-S
- 02/25/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 1636

- 03/11/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1695
- 03/11/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1695
- 03/12/2014 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1701
- 03/14/2014 House—Received and Introduced—HJ 1902
- 03/17/2014 House—Referred to Committee on Federal and State Affairs—HJ 1911
- 03/18/2014 House—Hearing: Thursday, March 20, 2014, 9:00 AM Room 346-S
- 03/21/2014 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 2001
- 05/30/2014 House—Died on House Calendar
- S 347** Bill by Federal and State Affairs
Fire districts detachment of territory.
 02/06/2014 Senate—Introduced—SJ 1559
 02/07/2014 Senate—Referred to Committee on Local Government—SJ 1563
 05/30/2014 Senate—Died in Committee
- S 348** Bill by Judiciary
Qualifications for office of sheriff.
 02/06/2014 Senate—Introduced—SJ 1559
 02/07/2014 Senate—Referred to Committee on Judiciary—SJ 1563
 02/10/2014 Senate—Hearing: Thursday, February 13, 2014, 10:30 AM Room 346-S
 02/24/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1632
 02/26/2014 Senate—Committee of the Whole - Be passed—SJ 1654
 02/27/2014 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1663
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Judiciary—HJ 1854
 03/12/2014 House—Hearing: Wednesday, March 19, 2014, 3:30 PM Room 112-N
 03/21/2014 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 2005
 03/26/2014 House—Stricken from Calendar by Rule 1507—HJ 2081
- S 349** Bill by Federal and State Affairs
Board of technical professions; recodification of professions and scope of practice, other; boiler safety act, deputy inspectors.
 02/06/2014 Senate—Introduced—SJ 1559
 02/07/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1563
 02/07/2014 Senate—Hearing: Thursday, February 13, 2014, 10:30 AM Room 144-S
 02/13/2014 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 1596
 02/19/2014 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 1614
 02/20/2014 House—Received and Introduced—HJ 1742
 02/21/2014 House—Referred to Committee on Federal and State Affairs—HJ 1755
 03/05/2014 House—Hearing: Wednesday, March 12, 2014, 9:00 AM Room 346-S
 03/13/2014 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 1899
 03/18/2014 House—Committee of the Whole - Amendment by Representative Houser was adopted—HJ 1918
 03/18/2014 House—Committee of the Whole - Be passed as amended—HJ 1919
 03/19/2014 House—Final Action - Passed as amended; Yea: 119 Nay: 3—HJ 1928

- 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Ostmeyer, Senator Shultz and Senator Faust-Goudeau as conferees—SJ 1905
- 03/26/2014 House—Motion to accede adopted; Representative Proehl, Representative Ryckman Sr. and Representative Perry appointed as conferees—HJ 2060
- 04/01/2014 House—Representative Brunk replaces Representative Proehl on the Conference Committee—HJ 2080
- 04/01/2014 House—Representative Couture-Lovelady replaces Representative Ryckman Sr. on the Conference Committee—HJ 2080
- 04/01/2014 House—Representative Ruiz replaces Representative Perry on the Conference Committee—HJ 2080
- 04/04/2014 House—Conference Committee Report was adopted; Yea: 112 Nay: 11—HJ 2175
- 04/05/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2097
- 04/05/2014 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 1—SJ 2142
- 04/30/2014 Senate—Enrolled and presented to Governor on Friday, April 11, 2014—SJ 2304
- 04/30/2014 Senate—Approved by Governor on Thursday, April 17, 2014—SJ 2297
- S 350** Bill by Federal and State Affairs
School sports head injury prevention act; definition of health care provider.
 02/06/2014 Senate—Introduced—SJ 1559
 02/07/2014 Senate—Referred to Committee on Public Health and Welfare—SJ 1563
- 05/30/2014 Senate—Died in Committee
- S 351** Bill by Transportation
Vehicle identification numbers; penalties; damages.
 02/06/2014 Senate—Introduced—SJ 1559
 02/07/2014 Senate—Referred to Committee on Transportation—SJ 1563
 02/12/2014 Senate—Hearing: Tuesday, February 18, 2014, 8:30 AM Room 546-S
 02/20/2014 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 1624
 02/25/2014 Senate—Committee of the Whole - Be passed—SJ 1639
 02/26/2014 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 1642
 02/27/2014 House—Received and Introduced—HJ 1847
 02/28/2014 House—Referred to Committee on Transportation—HJ 1848
 03/07/2014 House—Hearing: Tuesday, March 11, 2014, 1:30 PM Room 582-N
 03/19/2014 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 1935
 03/24/2014 House—Committee of the Whole - Be passed—HJ 2013
 03/25/2014 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2021
 04/01/2014 Senate—Enrolled and presented to Governor on Tuesday, April 01, 2014—SJ 1932
- 04/04/2014 Senate—Approved by Governor on Friday, April 04, 2014—SJ 2093
- S 352** Bill by Federal and State Affairs
Requiring fingerprinting and background checks for real estate appraiser licenses.
 02/07/2014 Senate—Introduced—SJ 1562

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/10/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1566
 02/24/2014 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 1631
 02/26/2014 Senate—Committee of the Whole - Amendment by Senator V. Schmidt was adopted—SJ 1655
 02/26/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1655
 02/27/2014 Senate—Final Action - Passed as amended; Yea: 28 Nay: 12—SJ 1663
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Federal and State Affairs—HJ 1854
 03/12/2014 House—Hearing: Tuesday, March 18, 2014, 9:00 AM Room 346-S
 03/21/2014 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 2005
 05/30/2014 House—Died on House Calendar
- S 353** Bill by Assessment and Taxation
State valuation and assessment of complex industrial property by the director of property valuation.
 02/07/2014 Senate—Introduced—SJ 1562
 02/10/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1566
 02/11/2014 Senate—Hearing: Wednesday, February 12, 2014, 9:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 354** Bill by Judiciary
Mistreatment of an elder person or dependent adult.
 02/07/2014 Senate—Introduced—SJ 1562
 02/10/2014 Senate—Referred to Committee on Judiciary—SJ 1566
 02/13/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1596
 02/19/2014 Senate—Committee of the Whole - Be passed—SJ 1617
 02/20/2014 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 1620
 02/21/2014 House—Received and Introduced—HJ 1755
 02/24/2014 House—Referred to Committee on Judiciary—HJ 1771
 03/05/2014 House—Hearing: Wednesday, March 12, 2014, 3:30 PM Room 112-N
 05/30/2014 House—Died in House Committee
- S 355** Bill by Judiciary
Kansas power of attorney act.
 02/07/2014 Senate—Introduced—SJ 1562
 02/10/2014 Senate—Referred to Committee on Judiciary—SJ 1566
 02/13/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1596
 02/19/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1617
 02/19/2014 Senate—Committee of the Whole - Amendment by Senator Francisco was adopted—SJ 1617
 02/19/2014 Senate—Committee of the Whole - Be passed as further amended—SJ 1617
 02/20/2014 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 1621
 02/21/2014 House—Received and Introduced—HJ 1755
 02/24/2014 House—Referred to Committee on Judiciary—HJ 1771
 03/07/2014 House—Hearing: Wednesday, March 12, 2014, 3:30 PM Room 112-N
 05/30/2014 House—Died in House Committee

- S 356** Bill by Joint Committee on Special Claims Against the State
Claims against the state; 2013 joint committee recommendations.
 02/10/2014 Senate—Introduced—SJ 1565
 02/11/2014 Senate—Referred to Committee on Ways and Means—SJ 1570
 02/27/2014 Senate—Hearing: Wednesday, March 05, 2014, 10:30 AM Room 548-S
 02/28/2014 Senate—Hearing: Thursday, March 06, 2014, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 357** Bill by Natural Resources
Authorizing land purchases by the state; amending process state uses to address seized wildlife; increasing the number of allowable hunter education deferrals.
 02/10/2014 Senate—Introduced—SJ 1565
 02/11/2014 Senate—Referred to Committee on Natural Resources—SJ 1570
 02/17/2014 Senate—Hearing: Thursday, February 20, 2014, 8:30 AM Room 159-S
 02/24/2014 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 1632
 02/26/2014 Senate—Committee of the Whole - Be passed—SJ 1654
 02/27/2014 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1664
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Agriculture and Natural Resources—HJ 1854
 03/12/2014 House—Hearing: Monday, March 17, 2014, 3:30 PM Room 346
 03/19/2014 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 1934
 03/24/2014 House—Committee of the Whole - Committee Report be adopted—HJ 2013
 03/24/2014 House—Committee of the Whole - Be passed as amended—HJ 3013
 03/25/2014 House—Final Action - Passed as amended; Yea: 97 Nay: 26—HJ 2022
 03/25/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Powell, Senator Kerschen and Senator Francisco as conferees—SJ 1905
 03/26/2014 House—Motion to accede adopted; Representative Schwartz, Representative Hoffman and Representative Victors appointed as conferees—HJ 2060
 05/02/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2897
 05/02/2014 House—Conference Committee Report was adopted; Yea: 113 Nay: 11—HJ 2899
 05/02/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—SJ 2867
 05/02/2014 Senate—Conference Committee Report was adopted; Yea: 34 Nay: 6—SJ 2872
 05/30/2014 Senate—Enrolled and presented to Governor on Monday, May 12, 2014—SJ 2940
 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ 2937
- S 358** Bill by Senators Arpke, Abrams, Apple, Donovan, Holmes, Knox, LaTurner, Love, Lynn, Masterson, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Smith
Establishing the community defense act.

- 02/10/2014 Senate—Introduced—SJ 1565
 02/11/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1570
 05/30/2014 Senate—Died in Committee
- S 359** Bill by Judiciary
Relating to asbestos-related liability.
 02/10/2014 Senate—Introduced—SJ 1565
 02/11/2014 Senate—Referred to Committee on Judiciary—SJ 1570
 02/12/2014 Senate—Hearing: Wednesday, February 19, 2014, 10:30 AM Room 346-S
 02/24/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1632
 02/26/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1654
 02/26/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1654
 02/27/2014 Senate—Final Action - Passed as amended; Yea: 35 Nay: 5—SJ 1664
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Judiciary—HJ 1854
 03/19/2014 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 1934
 03/26/2014 House—Committee of the Whole - Be passed—HJ 2050
 03/26/2014 House—Emergency Final Action - Passed; Yea: 94 Nay: 29—HJ 2053
 04/04/2014 Senate—Enrolled and presented to Governor on Friday, April 04, 2014—SJ 2093
- S 360** 04/30/2014 Senate—Approved by Governor on Thursday, April 10, 2014—SJ 2297
 Bill by Senators Petersen, Faust-Goudeau, O'Donnell, Tyson
Concerning relief from property taxation for property destroyed by disaster; agreements to pay tax by county boards.
 02/10/2014 Senate—Introduced—SJ 1565
 02/11/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1570
 02/12/2014 Senate—Hearing: Tuesday, February 18, 2014, 8:30 AM Room 548-S
 02/20/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 1621
 02/25/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1639
 02/25/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1639
 02/26/2014 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1643
 02/27/2014 House—Received and Introduced—HJ 1847
 02/28/2014 House—Referred to Committee on Taxation—HJ 1848
 03/12/2014 House—Hearing: Monday, March 17, 2014, 3:30 PM Room 582-N
 03/20/2014 House—Committee Report recommending bill be passed as amended by Committee on Taxation
- S 361** 05/30/2014 House—Died on House Calendar
 Bill by Public Health and Welfare
Second Health Care Freedom Act.
 02/10/2014 Senate—Introduced—SJ 1566
 02/11/2014 Senate—Referred to Committee on Public Health and Welfare—SJ 1570
 02/25/2014 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Ways and Means—SJ 1634

- 02/26/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Public Health and Welfare—SJ 1641
- S 362** 05/30/2014 Senate—Died in Committee
Bill by Public Health and Welfare
Navigator background check act.
02/10/2014 Senate—Introduced—SJ 1566
02/11/2014 Senate—Referred to Committee on Public Health and Welfare—SJ 1570
02/20/2014 Senate—Hearing: Tuesday, February 25, 2014, 1:30 PM Room 118-N
02/25/2014 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Ways and Means—SJ 1634
02/26/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Public Health and Welfare—SJ 1641
03/06/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 1677
03/11/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1695
03/11/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1695
03/12/2014 Senate—Final Action - Passed as amended; Yea: 30 Nay: 10—SJ 1701
03/14/2014 House—Received and Introduced—HJ 1902
03/17/2014 House—Referred to Committee on Health and Human Services—HJ 1911
03/17/2014 House—Hearing: Wednesday, March 19, 2014, 1:30 PM Room 546-S
- S 363** 05/30/2014 House—Died in House Committee
Bill by Commerce
Limiting the ROZ tax credit to persons employed in for profit businesses.
02/10/2014 Senate—Introduced—SJ 1566
02/11/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1570
02/18/2014 Senate—Hearing: Thursday, February 20, 2014, 9:30 AM Room 548-S
05/30/2014 Senate—Died in Committee
- S 364** Bill by Ways and Means
Annually, allowing the allocation of a budget for each judicial district court, chief judge could elect to have the authority to expend funds as necessary to carry out the functions of such district, including establishing what court personnel are necessary and their compensation.
02/10/2014 Senate—Introduced—SJ 1566
02/11/2014 Senate—Referred to Committee on Judiciary—SJ 1570
02/12/2014 Senate—Hearing: Monday, February 17, 2014, 10:30 AM Room 346-S
02/25/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1637
03/13/2014 Senate—Stricken from calendar
- S 365** Bill by Ways and Means
District court judges in judicial district elect chief judge and court of appeals judges elect chief judge of the court of appeals.
02/10/2014 Senate—Introduced—SJ 1566
02/11/2014 Senate—Referred to Committee on Judiciary—SJ 1570
02/12/2014 Senate—Hearing: Monday, February 17, 2014, 10:30 AM Room 346-S
02/25/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1636

- 03/13/2014 Senate—Stricken from calendar
S 366 Bill by Ways and Means
Wildlife, parks and tourism authorized to purchase land in Cherokee county.
 02/10/2014 Senate—Introduced—SJ 1566
 02/11/2014 Senate—Referred to Committee on Ways and Means—SJ 1570
 02/19/2014 Senate—Hearing: Tuesday, February 25, 2014, 10:30 AM Room 548-S
 03/11/2014 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 1694
 03/18/2014 Senate—Committee of the Whole - Be passed—SJ 1736
 03/19/2014 Senate—Final Action - Passed; Yea: 28 Nay: 12—SJ 1748
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Appropriations—HJ 1996
 05/30/2014 House—Died in House Committee
S 367 Bill by Ways and Means
Creating the student data privacy act.
 02/10/2014 Senate—Introduced—SJ 1566
 02/11/2014 Senate—Referred to Committee on Education—SJ 1570
 02/12/2014 Senate—Hearing: Tuesday, February 18, 2014, 1:00 AM Room 144-S
 02/26/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 1653
 03/12/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1705
 03/12/2014 Senate—Committee of the Whole - Amendment by Senator Fitzgerald was rejected—SJ 1705
 03/12/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1705
 03/12/2014 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1711
 03/14/2014 House—Received and Introduced—HJ 1902
 03/17/2014 House—Referred to Committee on Education—HJ 1911
 03/17/2014 House—Hearing: Tuesday, March 18, 2014, 1:00 PM Room 112-N
 03/21/2014 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 2000
 03/25/2014 House—Committee of the Whole - Passed over and retain a place on the calendar—HJ 2025
 03/26/2014 House—Committee of the Whole - Committee Report be adopted—HJ 2050
 03/26/2014 House—Committee of the Whole - Amendment by Representative Grosserode was adopted—HJ 2050
 03/26/2014 House—Committee of the Whole - Motion to amend by Rep. Rothlisberg was rejected.—HJ 2051
 03/26/2014 House—Committee of the Whole - Amendment by Representative Rothlisberg was rejected—HJ 2051
 03/26/2014 House—Committee of the Whole - Be passed as amended—HJ 2051
 03/26/2014 House—Emergency Final Action - Passed as amended; Yea: 119 Nay: 4—HJ 2058
 03/31/2014 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Abrams, Senator Arpke and Senator Hensley as conferees—SJ 1921

- 04/01/2014 House—Motion to accede adopted; Representative Kelley, Representative Cassidy and Representative Trimmer appointed as conferees—HJ 2075
- 04/30/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted—HJ 2353
- 04/30/2014 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—HJ 2402
- 05/01/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted—SJ 2316
- 05/01/2014 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—SJ 2318
- 05/30/2014 Senate—Enrolled and presented to Governor on Friday, May 09, 2014—SJ 2940
- 05/30/2014 Senate—Approved by Governor on Wednesday, May 14, 2014—SJ 2937
- S 368** Bill by Ways and Means
Custody, visitation and residency of a child with certain relatives.
 02/10/2014 Senate—Introduced—SJ 1566
 02/11/2014 Senate—Referred to Committee on Judiciary—SJ 1570
 02/12/2014 Senate—Hearing: Wednesday, February 19, 2014, 10:30 AM Room 346-S
 05/30/2014 Senate—Died in Committee
- S 369** Bill by Ways and Means
School district agreements for consolidation of administrative services.
 02/10/2014 Senate—Introduced—SJ 1566
 02/11/2014 Senate—Referred to Committee on Education—SJ 1570
 02/27/2014 Senate—Withdrawn from Committee on Education; Referred to Committee on Ways and Means—SJ 1661
 02/28/2014 Senate—Hearing: Wednesday, March 05, 2014, 10:30 AM Room 548-S
 02/28/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Education—SJ 1668
 03/05/2014 Senate—Withdrawn from Committee on Education; Rereferred to Committee on Ways and Means—SJ 1672
 05/30/2014 Senate—Died in Committee
- S 370** Bill by Ways and Means
Wildlife, parks and tourism authorized to purchase land in Pottawatomie county.
 02/10/2014 Senate—Introduced—SJ 1566
 02/11/2014 Senate—Referred to Committee on Ways and Means—SJ 1570
 02/19/2014 Senate—Hearing: Tuesday, February 25, 2014, 10:30 AM Room 548-S
 03/11/2014 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 1694
 03/18/2014 Senate—Committee of the Whole - Be passed—SJ 1736
 03/19/2014 Senate—Final Action - Passed; Yea: 27 Nay: 13—SJ 1748
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Appropriations—HJ 1996
 05/30/2014 House—Died in House Committee
- S 371** Bill by Commerce
Amending employment security law regarding disposition of penalty funds and disclosure of confidential information.

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/10/2014 Senate—Introduced—SJ 1566
 02/11/2014 Senate—Referred to Committee on Commerce—SJ 1570
 02/12/2014 Senate—Hearing: Tuesday, February 18, 2014, 8:30 AM Room 548-S
 02/20/2014 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 1622
 02/25/2014 Senate—Committee of the Whole - Be passed—SJ 1639
 02/26/2014 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 1643
 02/27/2014 House—Received and Introduced—HJ 1847
 02/28/2014 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 1848
 03/10/2014 House—Hearing: Tuesday, March 11, 2014, 1:30 PM Room 346-S
 03/13/2014 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 1899
 03/18/2014 House—Committee of the Whole - Be passed—HJ 1918
 03/19/2014 House—Final Action - Passed; Yea: 90 Nay: 32—HJ 1929
 03/25/2014 Senate—Enrolled and presented to Governor on Tuesday, March 25, 2014—SJ 1907
 04/01/2014 Senate—Approved by Governor on Monday, March 31, 2014—SJ 1923
- S 372** Bill by Commerce
Amending the shared work unemployment compensation program; layoff aversion.
 02/10/2014 Senate—Introduced—SJ 1566
 02/11/2014 Senate—Referred to Committee on Commerce—SJ 1570
 02/12/2014 Senate—Hearing: Thursday, February 13, 2014, 8:30 AM Room 548-S
 02/20/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 1622
 02/25/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1639
 02/25/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1639
 02/26/2014 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 1643
 02/27/2014 House—Received and Introduced—HJ 1847
 02/28/2014 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 1848
 03/10/2014 House—Hearing: Wednesday, March 12, 2014, 1:30 PM Room 346-S
 03/19/2014 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 1934
 03/24/2014 House—Committee of the Whole - Be passed—HJ 2013
 03/25/2014 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 2022
 04/01/2014 Senate—Enrolled and presented to Governor on Tuesday, April 01, 2014—SJ 1932
 04/30/2014 Senate—Approved by Governor on Wednesday, April 09, 2014—SJ 2297
- S 373** Bill by Education
Requiring school districts and nonpublic schools to release student records.
 02/11/2014 Senate—Introduced—SJ 1569
 02/12/2014 Senate—Referred to Committee on Education—SJ 1581
 05/30/2014 Senate—Died in Committee
- S 374** Bill by Utilities
Enacting the energy efficiency investment act.
 02/11/2014 Senate—Introduced—SJ 1569

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/12/2014 Senate—Referred to Committee on Utilities—SJ 1581
 02/13/2014 Senate—Hearing: Thursday, February 20, 2014, 1:30 PM Room 548-S
 02/25/2014 Senate—Withdrawn from Committee on Utilities; Referred to
 Committee on Ways and Means—SJ 1634
 02/26/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred
 to Committee on Utilities—SJ 1641
 05/30/2014 Senate—Died in Committee
- S 375** Bill by Federal and State Affairs
Kansas lottery; sale of tickets; advertising.
 02/11/2014 Senate—Introduced—SJ 1569
 02/12/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1581
 02/13/2014 Senate—Hearing: Tuesday, February 18, 2014, 10:30 AM Room 144-S
 03/18/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—SJ 1730
 03/25/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ
 1854
 03/25/2014 Senate—Committee of the Whole - Amendment by Senator Longbine
 was adopted—SJ 1854
 03/25/2014 Senate—Committee of the Whole - Be passed as further amended—SJ
 1854
 03/25/2014 Senate—Emergency Final Action - Passed as amended; Yea: 27 Nay: 13
 —SJ 1897
 03/26/2014 House—Received and Introduced—HJ 2041
 03/31/2014 House—Referred to Committee on Calendar and Printing—HJ 2062
 05/30/2014 House—Died in House Committee
- S 376** Bill by Senators Pilcher-Cook, Smith
**School districts; health and human sexuality education; policies and
 procedures.**
 02/11/2014 Senate—Introduced—SJ 1569
 02/12/2014 Senate—Referred to Committee on Education—SJ 1581
 05/30/2014 Senate—Died in Committee
- S 377** Bill by Judiciary
Relating to district judge and district magistrate judge vacancies.
 02/11/2014 Senate—Introduced—SJ 1569
 02/12/2014 Senate—Referred to Committee on Judiciary—SJ 1581
 05/30/2014 Senate—Died in Committee
- S 378** Bill by Ways and Means
Creating the Kansas educational opportunity act.
 02/11/2014 Senate—Introduced—SJ 1569
 02/12/2014 Senate—Referred to Committee on Education—SJ 1581
 02/27/2014 Senate—Withdrawn from Committee on Education; Referred to
 Committee on Ways and Means—SJ 1661
 02/28/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred
 to Committee on Education—SJ 1668
 05/30/2014 Senate—Died in Committee
- S 379** Bill by Ways and Means
**Liquefied petroleum motor-fuel computation conversion for certain fuels, tax
 rates.**
 02/11/2014 Senate—Introduced—SJ 1570
 02/12/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1581

- 02/13/2014 Senate—Hearing: Tuesday, February 18, 2014, 9:30 AM Room 548-S
 02/18/2014 Senate—Hearing: Thursday, February 20, 2014, 9:30 AM Room 548-S
 02/26/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Assessment and Taxation—SJ 1651
 03/18/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ
 1736
 03/18/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1736
 03/19/2014 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 1749
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Transportation—HJ 1996
 05/30/2014 House—Died in House Committee
- S 380** Bill by Agriculture
Establishing the local food and farm task force.
 02/11/2014 Senate—Introduced—SJ 1570
 02/12/2014 Senate—Referred to Committee on Agriculture—SJ 1581
 02/13/2014 Senate—Hearing: Wednesday, February 19, 2014, 8:30 AM Room 159-
 S
 02/26/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Agriculture—SJ 1645
 02/28/2014 Senate—Withdrawn from Calendar; Referred to Committee on Ways
 and Means—SJ 1668
 03/05/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred
 to Committee on Agriculture—SJ 1672
 03/13/2014 Senate—Withdrawn from Committee on Agriculture and referred to
 Committee of the Whole—SJ 1718
 03/18/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ
 1739
 03/18/2014 Senate—Committee of the Whole - Amendment by Senator Hawk was
 adopted—SJ 1739
 03/18/2014 Senate—Committee of the Whole - Be passed as further amended—SJ
 1739
 03/19/2014 Senate—Final Action - Passed as amended; Yea: 28 Nay: 12—SJ 1748
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Agriculture and Natural Resources
 —HJ 1996
 05/30/2014 House—Died in House Committee
- S 381** Bill by Federal and State Affairs
**Specifying the duties of the state fire marshal relating to regional emergency
 response teams for hazardous materials and search and rescue
 incidents.**
 02/11/2014 Senate—Introduced—SJ 1570
 02/12/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1581
 02/25/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—SJ 1636
 02/27/2014 Senate—Committee of the Whole - Passed over and retain a place on
 the calendar—SJ 1664
 05/30/2014 Senate—Died on General Orders
- S 382** Bill by Federal and State Affairs
Smoking regulations; casino exemption deleted.
 02/11/2014 Senate—Introduced—SJ 1570

- 02/12/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1581
05/30/2014 Senate—Died in Committee
- S 383** Bill by Federal and State Affairs
Elections; certain crimes; electioneering.
02/11/2014 Senate—Introduced—SJ 1570
02/12/2014 Senate—Referred to Committee on Ethics and Elections—SJ 1581
05/30/2014 Senate—Died in Committee
- S 384** Bill by Federal and State Affairs
Kansas explosive safety act.
02/11/2014 Senate—Introduced—SJ 1570
02/12/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1581
02/13/2014 Senate—Hearing: Thursday, February 20, 2014, 10:30 AM Room 144-S
05/30/2014 Senate—Died in Committee
- S 385** Bill by Transportation
Motor vehicle salvage title acquisition by insurance company.
02/11/2014 Senate—Introduced—SJ 1570
02/12/2014 Senate—Referred to Committee on Transportation—SJ 1581
02/19/2014 Senate—Hearing: Tuesday, February 25, 2014, 8:30 AM Room 546-S
02/26/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 1654
02/27/2014 Senate—Committee of the Whole - Referred to Committee on Ways and Means—SJ 1661
02/28/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Transportation—SJ 1668
03/06/2014 Senate—Hearing: Tuesday, March 11, 2014, 8:30 AM Room 546-S
03/18/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 1734
05/30/2014 Senate—Died on General Orders
- S 386** Bill by Senator Bowers
Insurance; prohibiting dental benefits from being reduced based solely upon where the insured seeks dental care.
02/12/2014 Senate—Introduced—SJ 1580
02/13/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1592
05/30/2014 Senate—Died in Committee
- S 387** Bill by Financial Institutions and Insurance
Authorizing the commercial use of address lists derived from public records so long as no names or other personally identifiable information is included.
02/12/2014 Senate—Introduced—SJ 1580
02/13/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1592
02/14/2014 Senate—Hearing: Wednesday, February 19, 2014, 9:30 AM Room 546-S
05/30/2014 Senate—Died in Committee
- S 388** Bill by Ways and Means
Health insurance for certain emergency personnel employed by cities or counties.
02/12/2014 Senate—Introduced—SJ 1580
02/13/2014 Senate—Referred to Committee on Local Government—SJ 1592

- 02/28/2014 Senate—Withdrawn from Committee on Local Government; Referred to Committee on Ways and Means—SJ 1668
- 03/05/2014 Senate—Withdrawn from Committee on Ways and Means; Referred to Committee on Financial Institutions and Insurance—SJ 1672
- 03/06/2014 Senate—Hearing: Tuesday, March 11, 2014, 9:30 AM Room 546-S
- 03/12/2014 Senate—Hearing: Tuesday, March 18, 2014, 9:30 AM Room 546-S
- 05/30/2014 Senate—Died in Committee
- S 389** Bill by Judiciary
Domestic case management.
 02/12/2014 Senate—Introduced—SJ 1580
 02/13/2014 Senate—Referred to Committee on Judiciary—SJ 1592
 05/30/2014 Senate—Died in Committee
- S 390** Bill by Federal and State Affairs
School finance; phase out of school facilities weighting and transfer of funds to supplemental general state aid.
 02/12/2014 Senate—Introduced—SJ 1580
 02/13/2014 Senate—Referred to Committee on Ways and Means—SJ 1592
 05/30/2014 Senate—Died in Committee
- S 391** Bill by Senator Hensley
Providing penalties and procedures for members of legislature who have positive test under the drug screen program.
 02/12/2014 Senate—Introduced—SJ 1580
 02/13/2014 Senate—Referred to Committee on Judiciary—SJ 1592
 05/30/2014 Senate—Died in Committee
- S 392** Bill by Agriculture
Amendments to the Kansas pet animal act.
 02/13/2014 Senate—Introduced—SJ 1591
 02/14/2014 Senate—Referred to Committee on Agriculture—SJ 1597
 02/19/2014 Senate—Hearing: Tuesday, February 25, 2014, 8:30 AM Room 159-S
 02/26/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture—SJ 1645
 02/28/2014 Senate—Withdrawn from Calendar; Referred to Committee on Ways and Means—SJ 1668
 03/05/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Agriculture—SJ 1672
 03/13/2014 Senate—Withdrawn from Committee on Agriculture and referred to Committee of the Whole—SJ 1718
 03/18/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1736
 03/18/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1736
 03/19/2014 Senate—Final Action - Passed as amended; Yea: 28 Nay: 12—SJ 1749
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Agriculture and Natural Resources—HJ 1996
 05/30/2014 House—Died in House Committee
- S 393** Bill by Federal and State Affairs
Drivers licenses; suspended license for certain drivers who have expired licenses.
 02/13/2014 Senate—Introduced—SJ 1591
 02/14/2014 Senate—Referred to Committee on Transportation—SJ 1597

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/19/2014 Senate—Hearing: Tuesday, February 25, 2014, 8:30 AM Room 546-S
 03/17/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Transportation—SJ 1726
 03/31/2014 Senate—Stricken from calendar
- S 394** Bill by Assessment and Taxation
Substitute for SB 394 by Committee on Judiciary – Enacting the foster parents' bill of rights act.
 02/13/2014 Senate—Introduced—SJ 1591
 02/14/2014 Senate—Referred to Committee on Judiciary—SJ 1597
 02/17/2014 Senate—Hearing: Wednesday, February 19, 2014, 10:30 AM Room 346-S
 03/06/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1676
 03/11/2014 Senate—Committee of the Whole - Committee Report be adopted recommending substitute bill be passed—SJ 1695
 03/11/2014 Senate—Committee of the Whole - Amendment by Senator Faust-Goudeau was adopted—SJ 1695
 03/11/2014 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 1695
 03/12/2014 Senate—Final Action - Passed; Yea: 34 Nay: 3—SJ 1703
 03/14/2014 House—Received and Introduced—HJ 1902
 03/17/2014 House—Referred to Committee on Judiciary—HJ 1911
 03/18/2014 House—Hearing: Thursday, March 20, 2014, 3:30 PM Room 112-N
 05/30/2014 House—Died in House Committee
- S 395** Bill by Ways and Means
Educational building fund; regents bonding authority.
 02/13/2014 Senate—Introduced—SJ 1591
 02/14/2014 Senate—Referred to Committee on Ways and Means—SJ 1597
 02/18/2014 Senate—Hearing: Wednesday, February 19, 2014, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 396** Bill by Ways and Means
State building projects; negotiating committees; alternative procurement.
 02/13/2014 Senate—Introduced—SJ 1591
 02/14/2014 Senate—Referred to Committee on Ways and Means—SJ 1597
 02/18/2014 Senate—Hearing: Wednesday, February 19, 2014, 10:30 AM Room 548-S
 03/11/2014 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 1694
 03/18/2014 Senate—Committee of the Whole - Be passed—SJ 1736
 03/19/2014 Senate—Final Action - Passed; Yea: 39 Nay: 1—SJ 1749
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Appropriations—HJ 1996
 05/30/2014 House—Died in House Committee
- S 397** Bill by Ways and Means
Amendments to the Kansas pet animal act.
 02/13/2014 Senate—Introduced—SJ 1591
 02/14/2014 Senate—Referred to Committee on Agriculture—SJ 1597
 05/30/2014 Senate—Died in Committee
- S 398** Bill by Commerce

- Enacting the public service protection act.**
 02/13/2014 Senate—Introduced—SJ 1592
 02/14/2014 Senate—Referred to Committee on Commerce—SJ 1597
 02/14/2014 Senate—Hearing: Tuesday, February 18, 2014, 8:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 399** Bill by Judiciary
Allocating moneys from driver's license fees to the judicial branch nonjudicial salary adjustment fund.
 02/13/2014 Senate—Introduced—SJ 1592
 02/14/2014 Senate—Referred to Committee on Judiciary—SJ 1597
 02/18/2014 Senate—Hearing: Thursday, February 20, 2014, 10:30 AM Room 346-S
 05/30/2014 Senate—Died in Committee
- S 400** Bill by Judiciary
Sexually violent predators; reimbursement for costs incurred by counties.
 02/13/2014 Senate—Introduced—SJ 1592
 02/14/2014 Senate—Referred to Committee on Judiciary—SJ 1597
 02/18/2014 Senate—Hearing: Thursday, February 20, 2014, 10:30 AM Room 346-S
 02/25/2014 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 1634
 02/26/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 1641
 05/30/2014 Senate—Died in Committee
- S 401** Bill by Judiciary
Removing affirmative defense to promotion to minors of material harmful to minors for public, private or parochial schools.
 02/13/2014 Senate—Introduced—SJ 1592
 02/14/2014 Senate—Referred to Committee on Judiciary—SJ 1597
 02/17/2014 Senate—Hearing: Tuesday, February 18, 2014, 10:30 AM Room 346-S
 02/24/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1632
 02/27/2014 Senate—Committee of the Whole - Passed over and retain a place on the calendar—SJ 1664
 02/28/2014 Senate—Withdrawn from Calendar; Referred to Committee on Ways and Means—SJ 1668
 05/30/2014 Senate—Died in Committee
- S 402** Bill by Judiciary
Amending statutes related to the Kansas criminal justice information system committee.
 02/13/2014 Senate—Introduced—SJ 1592
 02/14/2014 Senate—Referred to Committee on Judiciary—SJ 1597
 02/24/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1632
 02/27/2014 Senate—Committee of the Whole - Be passed—SJ 1664
 02/27/2014 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 1666
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Judiciary—HJ 1854
 03/07/2014 House—Hearing: Thursday, March 13, 2014, 3:30 PM Room 112-N
 03/19/2014 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 1934
 03/26/2014 House—Committee of the Whole - Be passed—HJ 2050

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 03/26/2014 House—Emergency Final Action - Passed; Yea: 123 Nay: 0—HJ 2054
 04/04/2014 Senate—Enrolled and presented to Governor on Friday, April 04, 2014—SJ 2093
 04/30/2014 Senate—Approved by Governor on Thursday, April 10, 2014—SJ 2297
- S 403** Bill by Judiciary
House Substitute for SB 403 by Committee on Judiciary – Relating to writ of habeas corpus.
 02/14/2014 Senate—Introduced—SJ 1597
 02/17/2014 Senate—Referred to Committee on Judiciary—SJ 1602
 02/18/2014 Senate—Hearing: Thursday, February 20, 2014, 10:30 AM Room 346-S
 02/24/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1632
 02/27/2014 Senate—Committee of the Whole - Be passed—SJ 1664
 02/27/2014 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 1666
 03/05/2014 House—Received and Introduced—HJ 1850
 03/06/2014 House—Referred to Committee on Judiciary—HJ 1854
 03/19/2014 House—Committee Report recommending substitute bill be passed by Committee on Judiciary—HJ 1935
 03/26/2014 House—Stricken from Calendar by Rule 1507—HJ 2081
- S 404** Bill by Judiciary
Clarifying the culpability required for violations of the Kansas racketeer influenced and corrupt organization act.
 02/14/2014 Senate—Introduced—SJ 1597
 02/17/2014 Senate—Referred to Committee on Judiciary—SJ 1602
 02/18/2014 Senate—Hearing: Thursday, February 20, 2014, 10:30 AM Room 346-S
 05/30/2014 Senate—Died in Committee
- S 405** Bill by Ways and Means
State use law; extending the committee for 5 years; allowing municipalities to use the products and services.
 02/17/2014 Senate—Introduced—SJ 1601
 02/18/2014 Senate—Referred to Committee on Commerce—SJ 1608
 02/28/2014 Senate—Withdrawn from Committee on Commerce; Referred to Committee on Ways and Means—SJ 1668
 03/05/2014 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Commerce—SJ 1672
 03/06/2014 Senate—Hearing: Thursday, March 13, 2014, 8:30 AM Room 548-S
 03/18/2014 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Commerce—SJ 1729
 03/25/2014 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 1894
 03/26/2014 House—Received and Introduced—HJ 2041
 03/31/2014 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 2062
 05/30/2014 House—Died in House Committee
- S 406** Bill by Federal and State Affairs
Creating the mobile communications devices identification system.
 02/17/2014 Senate—Introduced—SJ 1601
 02/18/2014 Senate—Referred to Committee on Judiciary—SJ 1608
 05/30/2014 Senate—Died in Committee
- S 407** Bill by Federal and State Affairs

Mobile telecommunications devices identification system and the Kansas bureau of investigation.

02/17/2014 Senate—Introduced—SJ 1601
 02/18/2014 Senate—Referred to Committee on Judiciary—SJ 1608
 05/30/2014 Senate—Died in Committee

S 408 Bill by Ways and Means

Allowing retail sale of electric generation.

02/17/2014 Senate—Introduced—SJ 1601
 02/18/2014 Senate—Referred to Committee on Utilities—SJ 1608
 05/30/2014 Senate—Died in Committee

S 409 Bill by Federal and State Affairs

Restricting the use of images obtained from the use of unmanned vehicles or aircraft.

02/18/2014 Senate—Introduced—SJ 1607
 02/19/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1612
 02/19/2014 Senate—Withdrawn from Committee on Federal and State Affairs;
 Referred to Committee on Natural Resources—SJ 1612
 02/20/2014 Senate—Hearing: Friday, February 21, 2014, 8:30 AM Room 159-S
 03/24/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Natural Resources—SJ 1832
 05/30/2014 Senate—Died on General Orders

S 410 Bill by Assessment and Taxation

Facilitating tax exemptions for certain donations of land or easements to the state.

02/18/2014 Senate—Introduced—SJ 1607
 02/19/2014 Senate—Referred to Committee on Natural Resources—SJ 1612
 02/20/2014 Senate—Hearing: Friday, February 21, 2014, 8:30 AM Room 159-S
 03/17/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Natural Resources—SJ 1726
 04/02/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ
 1942
 04/02/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1942
 04/02/2014 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0
 —SJ 1954
 04/03/2014 House—Received and Introduced—HJ 2094
 04/04/2014 House—Referred to Committee on Agriculture and Natural Resources
 —HJ 2120
 05/30/2014 House—Died in House Committee

S 411 Bill by Assessment and Taxation

Removing extension district taxing authority.

02/18/2014 Senate—Introduced—SJ 1607
 02/19/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1612
 02/20/2014 Senate—Hearing: Tuesday, February 25, 2014, 9:30 AM Room 548-S
 02/26/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Assessment and Taxation—SJ 1651
 05/30/2014 Senate—Died on General Orders

S 412 Bill by Ways and Means

Authorizing the Kansas development finance authority to issue bonds for water projects instead of the Kansas water office; state finance council approval required.

- 02/18/2014 Senate—Introduced—SJ 1607
 02/21/2014 Senate—Referred to Committee on Natural Resources—SJ 1627
 03/11/2014 Senate—Hearing: Friday, March 14, 2014, 8:30 AM Room 159-S
 03/20/2014 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 1798
 04/01/2014 Senate—Committee of the Whole - Passed over and retain a place on the calendar—SJ 1929
 05/30/2014 Senate—Died on General Orders
- S 413** Bill by Ways and Means
Legislative meetings and the transparency and accountability act.
 02/18/2014 Senate—Introduced—SJ 1607
 02/19/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1612
 03/07/2014 Senate—Hearing: Thursday, March 13, 2014, 10:30 AM Room 144-S
 04/01/2014 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 1932
 04/05/2014 Senate—Committee of the Whole - Amendment by Senator Wolf was adopted—SJ 2209
 04/05/2014 Senate—Committee of the Whole - Be passed as amended—SJ 2209
 04/05/2014 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 2209
 04/05/2014 House—Received and Introduced—HJ 2257
 04/06/2014 House—Referred to Committee on Federal and State Affairs—HJ 2293
 05/30/2014 House—Died in House Committee
- S 414** Bill by Ways and Means
Kansas department for children and families; photograph of a recipient on the public assistance card.
 02/20/2014 Senate—Introduced—SJ 1618
 02/21/2014 Senate—Referred to Committee on Public Health and Welfare—SJ 1627
 03/12/2014 Senate—Hearing: Wednesday, March 19, 2014, 1:30 PM Room 118-N
 05/30/2014 Senate—Died in Committee
- S 415** Bill by Ways and Means
Increasing criminal penalties for residential burglary.
 02/20/2014 Senate—Introduced—SJ 1618
 02/21/2014 Senate—Referred to Committee on Judiciary—SJ 1627
 02/26/2014 Senate—Hearing: Wednesday, March 05, 2014, 10:30 AM Room 346-S
 03/11/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 1694
 03/18/2014 Senate—Committee of the Whole - Passed over and retain a place on the calendar—SJ 1740
 05/30/2014 Senate—Died on General Orders
- S 416** Bill by Ways and Means
Defendants have statutory right to counsel at every hearing before a judge of the district court, rather than at every stage of the proceedings.
 02/20/2014 Senate—Introduced—SJ 1618
 02/21/2014 Senate—Referred to Committee on Judiciary—SJ 1627
 02/26/2014 Senate—Hearing: Wednesday, March 05, 2014, 10:30 AM Room 346-S
 03/17/2014 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 1725
 05/30/2014 Senate—Died on General Orders

- S 417 Bill by Ways and Means
Court of appeals judges to be nominated by the supreme court nominating commission and appointed by the governor.
 02/24/2014 Senate—Introduced—SJ 1629
 02/25/2014 Senate—Referred to Committee on Judiciary—SJ 1634
 05/30/2014 Senate—Died in Committee
- S 418 Bill by Ways and Means
Regulated scrap metal; crime of theft and related sentencing provisions; regulation of scrap metal dealers, including unlawful acts and penalties.
 02/24/2014 Senate—Introduced—SJ 1629
 02/25/2014 Senate—Referred to Committee on Judiciary—SJ 1634
 02/26/2014 Senate—Hearing: Wednesday, March 05, 2014, 10:30 AM Room 346-S
 05/30/2014 Senate—Died in Committee
- S 419 Bill by Assessment and Taxation
Recognizing gold and silver bullion coins issued by the federal government as legal tender in Kansas, and providing Kansas income tax deduction and sales tax exemption.
 02/25/2014 Senate—Introduced—SJ 1633
 02/26/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1640
 05/30/2014 Senate—Died in Committee
- S 420 Bill by Ways and Means
Establishing the capitol meditation room.
 02/25/2014 Senate—Introduced—SJ 1633
 02/26/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1640
 05/30/2014 Senate—Died in Committee
- S 421 Bill by Ways and Means
Allowing program credits earned by an inmate to be published on the department of corrections website.
 02/25/2014 Senate—Introduced—SJ 1634
 02/26/2014 Senate—Referred to Committee on Judiciary—SJ 1640
 05/30/2014 Senate—Died in Committee
- S 422 Bill by Ways and Means
Local governments; investment of idle funds; changes.
 02/26/2014 Senate—Introduced—SJ 1640
 02/27/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1660
 03/06/2014 Senate—Hearing: Thursday, March 13, 2014, 9:30 AM Room 546-S
 03/13/2014 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 1717
 03/18/2014 Senate—Committee of the Whole - Be passed—SJ 1736
 03/19/2014 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1749
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Financial Institutions—HJ 1996
 03/21/2014 House—Hearing: Monday, March 24, 2014, 3:30 PM Room 152-S
 03/26/2014 House—Committee Report recommending bill be passed by Committee on Financial Institutions—HJ 2058
 05/30/2014 House—Died on House Calendar
- S 423 Bill by Ways and Means

Authorizing Department of Administration to sell Landon and Eisenhower state office buildings.

- 02/26/2014 Senate—Introduced—SJ 1640
 02/27/2014 Senate—Referred to Committee on Ways and Means—SJ 1661
 03/10/2014 Senate—Hearing: Tuesday, March 11, 2014, 10:30 AM Room 548-S
 03/17/2014 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 1727
 03/24/2014 Senate—Committee of the Whole - Passed over and retain a place on the calendar
 03/24/2014 Senate—Committee of the Whole - Amendment by Senator Holmes was adopted—SJ 1838
 03/24/2014 Senate—Committee of the Whole - Amendment by Senator Francisco was rejected Yea: 11 Nay: 29—SJ 1842
 03/24/2014 Senate—Committee of the Whole - Amendment by Senator Kelly was adopted—SJ 1838
 03/24/2014 Senate—Committee of the Whole - Amendment by Senator Hensley was adopted—SJ 1840
 03/24/2014 Senate—Committee of the Whole - Be passed as amended—SJ 1841
 03/25/2014 Senate—Final Action - Passed as amended; Yea: 28 Nay: 12—SJ 1846
 03/25/2014 House—Received and Introduced—HJ 2038
 03/26/2014 House—Referred to Committee on General Government Budget—HJ 2040
 04/02/2014 House—Withdrawn from Committee on General Government Budget; Referred to Committee on Appropriations—HJ 2084
 04/02/2014 House—Hearing: Wednesday, April 02, 2014, 3:00 PM Room 112-N
 04/04/2014 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 2181
 04/04/2014 House—Committee of the Whole - Committee Report be adopted
 04/04/2014 House—Committee of the Whole - Amendment by Representative Carlin was rejected—HJ 2227
 04/04/2014 House—Committee of the Whole - Amendment by Representative Brunk was adopted—HJ 2227
 04/04/2014 House—Committee of the Whole - Be passed as amended—HJ 2227
 04/05/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted—HJ 2230
 04/05/2014 House—Final Action - Passed as amended; Yea: 66 Nay: 55—HJ 2232
 04/05/2014 Senate—Motion to suspend Joint Rule 4 (k) to allow consideration adopted—SJ 2097
 04/05/2014 Senate—Concurred with amendments; Yea: 29 Nay: 11—SJ 2208
 04/30/2014 Senate—Enrolled and presented to Governor on Friday, April 11, 2014—SJ 2305
 04/30/2014 Senate—Approved by Governor on Thursday, April 17, 2014—SJ 2297
- S 424** Bill by Ways and Means
- Amending the statutory requirements for a valid hospital lien.**
- 02/26/2014 Senate—Introduced—SJ 1640
 02/27/2014 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 1660
 03/06/2014 Senate—Hearing: Tuesday, March 11, 2014, 9:30 AM Room 546-S
 03/13/2014 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 1717

- 03/18/2014 Senate—Committee of the Whole - Be passed—SJ 1736
 03/19/2014 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 1750
 03/20/2014 House—Received and Introduced—HJ 1941
 03/21/2014 House—Referred to Committee on Financial Institutions—HJ 1996
 03/21/2014 House—Withdrawn from Committee on Financial Institutions; Referred to Committee on Health and Human Services—HJ 1996
 03/24/2014 House—Committee Report recommending bill be passed by Committee on Health and Human Services—HJ 2013
 03/26/2014 House—Committee of the Whole - Be passed—HJ 2050
 03/26/2014 House—Emergency Final Action - Passed; Yea: 115 Nay: 8—HJ 2056
 04/04/2014 Senate—Enrolled and presented to Governor on Friday, April 04, 2014—SJ 2093
 04/30/2014 Senate—Approved by Governor on Thursday, April 10, 2014—SJ 2297
- S 425** Bill by Ways and Means
Changing interest credit amounts and retirement annuities under KPERS act of 2015, and membership in the Kansas police and firemen's retirement system for security officers of the department of corrections.
 02/27/2014 Senate—Introduced—SJ 1660
 02/28/2014 Senate—Referred to Senate Select Committee on KPERS—SJ 1668
 03/05/2014 Senate—Hearing: Wednesday, March 05, 2014, 3:30 PM Room 212B-N
 03/13/2014 Senate—Hearing: Tuesday, March 11, 2014, 3:30 PM Room 212B-N
 RESCHEDULED to Thursday, March 13, 2014, 3:30 PM Room 212B-N
 05/30/2014 Senate—Died in Committee
- S 426** Bill by Federal and State Affairs
Roads and highways; traffic control in Stafford county.
 03/05/2014 Senate—Introduced—SJ 1671
 03/06/2014 Senate—Referred to Committee on Transportation—SJ 1676
 03/12/2014 Senate—Hearing: Thursday, March 20, 2014, 8:30 AM Room 546-S
 03/20/2014 Senate—Hearing: Friday, March 21, 2014, 8:30 AM Room 546-S
 05/30/2014 Senate—Died in Committee
- S 427** Bill by Ways and Means
Creating the Johnson county community college go pro now program to provide high school students with an accelerated four-year, opportunity to receive a high school diploma, associate degree from Johnson county community college, and bachelor's degree from a state educational institution; appropriations for FY 2014 and FY 2015.
 03/06/2014 Senate—Introduced—SJ 1675
 03/07/2014 Senate—Referred to Committee on Ways and Means—SJ 1686
 03/10/2014 Senate—Hearing: Monday, March 10, 2014, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 428** Bill by Assessment and Taxation
Capping the franchise fee at 5%.
 03/06/2014 Senate—Introduced—SJ 1675
 03/07/2014 Senate—Referred to Committee on Utilities—SJ 1686
 03/12/2014 Senate—Hearing: Tuesday, March 18, 2014, 1:30 PM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 429** Bill by Ways and Means
Providing postsecondary career technical education performance-based funding.

- 03/10/2014 Senate—Introduced—SJ 1688
 03/11/2014 Senate—Referred to Committee on Ways and Means—SJ 1690
 03/12/2014 Senate—Hearing: Thursday, March 13, 2014, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 430** Bill by Ways and Means
Providing for alternative teacher licensure.
 03/10/2014 Senate—Introduced—SJ 1688
 03/11/2014 Senate—Referred to Committee on Ways and Means—SJ 1690
 03/12/2014 Senate—Hearing: Thursday, March 13, 2014, 10:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 431** Bill by Federal and State Affairs
Creating a procedure for appointment of delegates to a convention under Article V of the Constitution of the United States and prescribing duties and responsibilities therefor.
 03/10/2014 Senate—Introduced—SJ 1688
 03/11/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1690
 03/18/2014 Senate—Hearing: Thursday, March 20, 2014, 10:30 AM Room 144-S
 04/01/2014 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 1932
 05/30/2014 Senate—Died on General Orders
- S 432** Bill by Ways and Means
Enacting the SUCCESS act.
 03/10/2014 Senate—Introduced—SJ 1688
 03/11/2014 Senate—Referred to Committee on Ways and Means—SJ 1690
 05/30/2014 Senate—Died in Committee
- S 433** Bill by Ways and Means
Repealing the renewable energy standards act.
 03/11/2014 Senate—Introduced—SJ 1690
 03/12/2014 Senate—Referred to Committee on Utilities—SJ 1700
 03/14/2014 Senate—Hearing: Wednesday, March 19, 2014, 1:00 PM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 434** Bill by Ways and Means
Enacting the SUCCESS act.
 03/12/2014 Senate—Introduced—SJ 1699
 03/13/2014 Senate—Referred to Committee on Ways and Means—SJ 1713
 05/30/2014 Senate—Died in Committee
- S 435** Bill by Assessment and Taxation
Ten-year limit on property tax exemption for renewable energy resources or technologies.
 03/12/2014 Senate—Introduced—SJ 1700
 03/13/2014 Senate—Referred to Committee on Utilities—SJ 1713
 03/18/2014 Senate—Withdrawn from Committee on Utilities; Referred to Committee on Assessment and Taxation—SJ 1728
 03/19/2014 Senate—Hearing: Thursday, March 20, 2014, 9:30 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 436** Bill by Federal and State Affairs
Riley county law enforcement director; elected.
 03/12/2014 Senate—Introduced—SJ 1700
 03/13/2014 Senate—Referred to Committee on Ethics and Elections—SJ 1713
 05/30/2014 Senate—Died in Committee

- S 437** Bill by Federal and State Affairs
Uniform controlled substances act.
 03/12/2014 Senate—Introduced—SJ 1700
 03/13/2014 Senate—Referred to Committee on Judiciary—SJ 1713
 03/17/2014 Senate—Hearing: Wednesday, March 19, 2014, 10:30 AM Room 346-S
 05/30/2014 Senate—Died in Committee
- S 438** Bill by Federal and State Affairs
Regulating the possession of weapons; municipalities; other.
 03/12/2014 Senate—Introduced—SJ 1700
 03/13/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1713
 05/30/2014 Senate—Died in Committee
- S 439** Bill by Federal and State Affairs
State geographic information systems officer.
 03/13/2014 Senate—Introduced—SJ 1713
 03/14/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1719
 03/14/2014 Senate—Hearing: Wednesday, March 19, 2014, 10:30 AM Room 144-S
 03/19/2014 Senate—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—SJ 1753
 05/30/2014 Senate—Died on General Orders
- S 440** Bill by Federal and State Affairs
**Kansas expanded lottery act; no electronic gaming machines at parimutuel
 licensee locations in south central Kansas gaming zone.**
 03/13/2014 Senate—Introduced—SJ 1713
 03/14/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1719
 03/14/2014 Senate—Hearing: Tuesday, March 18, 2014, 10:30 AM Room 144-S
 05/30/2014 Senate—Died in Committee
- S 441** Bill by Ways and Means
Driver's license examiners.
 03/13/2014 Senate—Introduced—SJ 1713
 03/14/2014 Senate—Referred to Committee on Transportation—SJ 1719
 03/14/2014 Senate—Hearing: Wednesday, March 19, 2014, 8:30 AM Room 546-S
 05/30/2014 Senate—Died in Committee
- S 442** Bill by Ways and Means
Enacting the Kansas employee credit consideration act.
 03/13/2014 Senate—Introduced—SJ 1713
 03/14/2014 Senate—Referred to Committee on Commerce—SJ 1719
 05/30/2014 Senate—Died in Committee
- S 443** Bill by Ways and Means
Education; funding for capital outlay and supplemental general state aid.
 03/17/2014 Senate—Introduced—SJ 1723
 03/18/2014 Senate—Referred to Committee on Ways and Means—SJ 1728
 05/30/2014 Senate—Died in Committee
- S 444** Bill by Ways and Means
Authorizing a new capital outlay tax levy; when.
 03/19/2014 Senate—Introduced—SJ 1741
 03/20/2014 Senate—Referred to Committee on Ways and Means—SJ 1760
 05/30/2014 Senate—Died in Committee
- S 445** Bill by Ways and Means
Enabling active business recruitment through PEAK.
 03/19/2014 Senate—Introduced—SJ 1741

- 03/20/2014 Senate—Referred to Committee on Commerce—SJ 1760
05/30/2014 Senate—Died in Committee
- S 446** Bill by Ways and Means
Alcoholic beverages; designating certain areas for consumption of alcoholic beverages in public.
03/20/2014 Senate—Introduced—SJ 1759
03/21/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1814
05/30/2014 Senate—Died in Committee
- S 447** Bill by Federal and State Affairs
Regulation of the possession of weapons.
03/20/2014 Senate—Introduced—SJ 1759
03/21/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1814
03/21/2014 Senate—Hearing: Monday, March 24, 2014, 10:30 AM Room 144-S
03/25/2014 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 1906
04/01/2014 Senate—Committee of the Whole - Amendment by Senator Pettey was rejected—SJ 1928
04/01/2014 Senate—Committee of the Whole - Be passed—SJ 1928
04/02/2014 Senate—Final Action - Passed; Yea: 34 Nay: 2—SJ 1938
04/02/2014 House—Received and Introduced—HJ 2090
04/03/2014 House—Referred to Committee on Federal and State Affairs—HJ 2093
05/30/2014 House—Died in House Committee
- S 448** Bill by Federal and State Affairs
Amendments to statutes regulating abortions.
03/20/2014 Senate—Introduced—SJ 1759
03/21/2014 Senate—Referred to Committee on Public Health and Welfare—SJ 1814
03/21/2014 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Federal and State Affairs—SJ 1814
03/21/2014 Senate—Hearing: Monday, March 24, 2014, 10:30 AM Room 144-S
03/25/2014 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 1906
04/01/2014 Senate—Committee of the Whole - Amendment by Senator Francisco was rejected Yea: 10 Nay: 30—SJ 1928
04/01/2014 Senate—Committee of the Whole - Be passed—SJ 1928
04/02/2014 Senate—Final Action - Passed; Yea: 33 Nay: 7—SJ 1939
04/02/2014 House—Received and Introduced—HJ 2090
04/03/2014 House—Referred to Committee on Federal and State Affairs—HJ 2093
05/30/2014 House—Died in House Committee
- S 449** Bill by Federal and State Affairs
Weights and measures; controlling authority of certificates of conformance issued by certain institutes and authorized laboratories.
03/25/2014 Senate—Introduced—SJ 1845
03/26/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1908
05/30/2014 Senate—Died in Committee
- S 450** Bill by Ways and Means
Valuation of land devoted to agricultural use.
03/25/2014 Senate—Introduced—SJ 1845
03/26/2014 Senate—Referred to Committee on Assessment and Taxation—SJ 1908
05/30/2014 Senate—Died in Committee

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- S 451** Bill by Ways and Means
Kansas expanded lottery act; racetrack gaming.
 03/31/2014 Senate—Introduced—SJ 1917
 04/01/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1923
 04/02/2014 Senate—Hearing: Thursday, April 03, 2014, 9:30 AM Room 152-S
 05/30/2014 Senate—Died in Committee
- S 452** Bill by Ways and Means
Amendments to the school district finance and quality performance act.
 03/31/2014 Senate—Introduced—SJ 1917
 03/31/2014 Senate—Referred to Committee on Ways and Means—SJ 1917
 04/01/2014 Senate—Hearing: Tuesday, April 01, 2014, 11:00 AM Room 548-S
 05/30/2014 Senate—Died in Committee
- S 453** Bill by Ways and Means
Creating the mineral production education fund, crediting 20% of remainder from oil and gas tax into such fund. Moneys expended on education funding. Abolishing the oil and gas valuation depletion trust fund. Allowing the counties to retain funds already in such county's oil and gas valuation depletion trust fund.
 04/02/2014 Senate—Introduced—SJ 1934
 04/03/2014 Senate—Referred to Committee on Ways and Means—SJ 1986
 04/03/2014 Senate—Hearing: Friday, April 04, 2014, 1:00 PM Room 548-S
 04/04/2014 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 2091
 04/05/2014 Senate—Committee of the Whole - Committee Report be adopted
 04/05/2014 Senate—Committee of the Whole - Be passed as amended—SJ 2209
 04/05/2014 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 2209
 04/05/2014 House—Received and Introduced—HJ 2257
 04/06/2014 House—Referred to Committee on Agriculture and Natural Resources Budget—HJ 2293
 05/30/2014 House—Died in House Committee
- S 454** Bill by Ways and Means
Abolishing longevity bonus payments; authorizing an annual \$300 payment for classified state employees and certain state officers and an annual \$150 payment for regular classified part-time employees and members of the legislature.
 04/03/2014 Senate—Introduced—SJ 1986
 04/04/2014 Senate—Referred to Committee on Ways and Means—SJ 2008
 05/30/2014 Senate—Died in Committee

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS
INCLUDES SENATE CONCURRENT RESOLUTIONS
CARRIED OVER FROM 2013 SESSION

- S 1601** Concurrent Resolution by Senator King
Constitutional amendment revising article 3, relating to the judiciary; allowing the governor to appoint supreme court justices and court of appeals judges, subject to senate confirmation; abolishing the supreme court nominating commission.
- 01/09/2013 Senate—Prefiled for Introduction
01/14/2013 Senate—Introduced—SJ 12
01/15/2013 Senate—Referred to Committee on Judiciary—SJ 50
01/15/2013 Senate—Hearing: Wednesday, January 16, 2013, 10:30 AM Room 346-S
01/16/2013 Senate—Hearing: Thursday, January 17, 2013, 10:30 AM Room 346-S
01/25/2013 Senate—Committee Report recommending resolution be adopted as amended by Committee on Judiciary—SJ 85
01/30/2013 Senate—Committee of the Whole - Committee Report be adopted—SJ 96
01/30/2013 Senate—Committee of the Whole - Amendment by Senator McGinn was rejected Yea: 14 Nay: 26—SJ 96
01/30/2013 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Francisco—SJ 96
01/30/2013 Senate—Committee of the Whole - Handwritten Amendment by Senator Francisco was withdrawn—SJ 96
01/30/2013 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Francisco—SJ 96
01/30/2013 Senate—Committee of the Whole - Handwritten Amendment by Senator Francisco was adopted
01/30/2013 Senate—Committee of the Whole - Be adopted as amended—SJ 96
01/30/2013 Senate—Emergency Final Action - Adopted as amended by Required 2/3 Majority; Yea: 28 Nay: 12—SJ 97
01/31/2013 Senate—Engrossed on Thursday, January 31, 2013—SJ 132
01/31/2013 House—Received and Introduced—HJ 126
02/01/2013 House—Referred to Committee on Judiciary—HJ 136
05/30/2014 House—Died in House Committee
- S 1602** Concurrent Resolution by Senator LaTurner
State constitutional amendment; term limits; legislators.
- 01/11/2013 Senate—Prefiled for Introduction
01/14/2013 Senate—Introduced—SJ 19
01/15/2013 Senate—Referred to Committee on Ethics and Elections—SJ 50
01/24/2013 Senate—Hearing: Tuesday, January 29, 2013, 9:30 AM Room 159-S
01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 9:30 AM Room 159-S
02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 9:30 AM Room 159-S
02/13/2013 Senate—Hearing: Monday, February 18, 2013, 1:30 PM Room 118-N
05/30/2014 Senate—Died in Committee
- S 1605** Concurrent Resolution by Judiciary

Constitutional amendment revising article 3, relating to the judiciary; placing the court of appeals into the constitution; changing the membership of the supreme court nominating commission.

01/16/2013 Senate—Introduced—SJ 54

01/17/2013 Senate—Referred to Committee on Judiciary—SJ 58

05/30/2014 Senate—Died in Committee

S 1607 Concurrent Resolution by Senators Holland, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Pettey

Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.

01/28/2013 Senate—Introduced—SJ 86

01/29/2013 Senate—Referred to Committee on Ethics and Elections—SJ 90

02/27/2013 Senate—Motion to withdraw from Committee on Ethics and Elections pending—SJ 202

02/28/2013 Senate—Motion to withdraw from Committee on Ethics, Elections, and Local Government, failed. Yea: 7 Nay: 32—SJ 224

05/30/2014 Senate—Died in Committee

S 1608 Concurrent Resolution by Education

Constitutional amendment concerning school finance; suitable provision for finance determined by the legislature.

01/31/2013 Senate—Introduced—SJ 101

02/01/2013 Senate—Referred to Committee on Judiciary—SJ 107

02/06/2013 Senate—Hearing: Wednesday, February 13, 2013, 10:30 AM Room 346-S

02/06/2013 Senate—Hearing: Thursday, February 14, 2013, 10:30 AM Room 546-S

02/19/2013 Senate—Committee Report recommending resolution be adopted by Committee on Judiciary—SJ 168

02/20/2013 Senate—Committee of the Whole - Amendment by Senator Francisco was withdrawn—SJ 191

02/20/2013 Senate—Committee of the Whole - Amendment by Senator McGinn was rejected Yea: 15 Nay: 25—SJ 191

02/20/2013 Senate—Committee of the Whole - Amendment by Senator Francisco was rejected—SJ 191

02/20/2013 Senate—Committee of the Whole - Be adopted—SJ 190

02/20/2013 Senate—Emergency Final Action - Adopted by required 2/3 majority; Yea: 27 Nay: 13—SJ 192

02/25/2013 House—Received and Introduced—HJ 258

02/26/2013 House—Referred to Committee on Judiciary—HJ 267

05/30/2014 House—Died in House Committee

S 1609 Concurrent Resolution by Commerce

Constitutional amendment adding the economic freedom amendment prohibiting the transfer to the federal government of ownership interests in entities formed under Kansas law.

02/01/2013 Senate—Introduced—SJ 106

02/04/2013 Senate—Referred to Committee on Commerce—SJ 109

05/30/2014 Senate—Died in Committee

S 1610 Concurrent Resolution by Ethics and Elections

Elections; term limits; attorney general, secretary of state.

02/06/2013 Senate—Introduced—SJ 115

02/07/2013 Senate—Referred to Committee on Ethics and Elections—SJ 127

- 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 9:30 AM Room 159-S
 02/11/2013 Senate—Hearing: Thursday, February 14, 2013, 1:30 PM Room 118-N
 05/30/2014 Senate—Died in Committee
- S 1612** Concurrent Resolution by Senator Pilcher-Cook
Constitutional amendment to expressly reserve certain powers to the state of Kansas, and to the citizens of Kansas.
 03/25/2013 Senate—Introduced—SJ 389
 03/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 421
 05/30/2014 Senate—Died in Committee
- S 1613** Concurrent Resolution by Senator Pilcher-Cook
Making application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the constitution of the United States with respect to states' rights.
 03/25/2013 Senate—Introduced—SJ 390
 03/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 421
 05/30/2014 Senate—Died in Committee
- S 1615** Concurrent Resolution by Ethics and Elections
State constitutional amendment; legislative session, 60 days even-numbered years.
 01/22/2014 Senate—Introduced—SJ 1513
 01/23/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1516
 05/30/2014 Senate—Died in Committee
- S 1616** Concurrent Resolution by Senators Abrams, Arpke
Foresight 2020 strategic plan.
 01/23/2014 Senate—Introduced—SJ 1515
 01/24/2014 Senate—Referred to Committee on Education—SJ 1517
 01/24/2014 Senate—Hearing: Monday, January 27, 2014, 1:30 PM Room 144-S
 02/11/2014 Senate—Committee Report recommending resolution be adopted as amended by Committee on Education—SJ 1574
 02/25/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1639
 02/25/2014 Senate—Committee of the Whole - Amendment by Senator Tyson was adopted
 02/25/2014 Senate—Committee of the Whole - Be adopted as amended
 02/26/2014 Senate—Final Action - Adopted as amended; Yea: 39 Nay: 0—SJ 1643
 02/27/2014 House—Received and Introduced—HJ 1847
 02/28/2014 House—Referred to Committee on Appropriations—HJ 1848
 05/30/2014 House—Died in House Committee
- S 1617** Concurrent Resolution by Ways and Means
State constitutional amendment; raffles by non-profit organizations.
 02/11/2014 Senate—Introduced—SJ 1570
 02/12/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1581
 05/30/2014 Senate—Died in Committee
- S 1618** Concurrent Resolution by Federal and State Affairs
Substitute for SCR 1618 by Committee on Federal and State Affairs – State constitutional amendment authorizing raffles.
 02/12/2014 Senate—Introduced—SJ 1581
 02/13/2014 Senate—Referred to Committee on Federal and State Affairs—SJ 1592
 02/26/2014 Senate—Hearing: Thursday, March 06, 2014, 10:30 AM Room 144-S

- 03/06/2014 Senate—Committee Report recommending substitute resolution be adopted by Committee on Federal and State Affairs—SJ 1676
- 03/12/2014 Senate—Committee of the Whole - Committee Report be adopted recommending substitute resolution be adopted—SJ 1710
- 03/12/2014 Senate—Committee of the Whole - Amendment by Senator Ostmeyer was adopted—SJ 1710
- 03/12/2014 Senate—Committee of the Whole - Substitute concurrent resolution be adopted as amended—SJ 1710
- 03/12/2014 Senate—Emergency Final Action - Substitute passed as amended; Yea: 35 Nay: 0—SJ 1712
- 03/14/2014 House—Received and Introduced—HJ 1902
- 03/17/2014 House—Referred to Committee on Federal and State Affairs—HJ 1911
- 03/17/2014 House—Hearing: Thursday, March 20, 2014, 9:00 AM Room 346-S
- 03/21/2014 House—Committee Report recommending resolution be adopted by Committee on Federal and State Affairs—HJ 2001
- 03/25/2014 House—Committee of the Whole - Substitute resolution be adopted—HJ 2025
- 03/26/2014 House—Final Action - Substitute adopted; Yea: 102 Nay: 19—HJ 2047
- 04/04/2014 Senate—Enrolled and presented to Secretary of State on Friday, April 04, 2014—SJ 2093

S 1619

Concurrent Resolution by Education

Supporting implementation of information technology education opportunities in Kansas schools.

- 02/13/2014 Senate—Introduced—SJ 1592
- 02/14/2014 Senate—Referred to Committee on Education—SJ 1597
- 02/14/2014 Senate—Hearing: Monday, February 17, 2014, 1:30 PM Room 144-S
- 02/19/2014 Senate—Committee Report recommending resolution be adopted as amended by Committee on Education—SJ 1616
- 02/25/2014 Senate—Committee of the Whole - Committee Report be adopted—SJ 1639
- 02/25/2014 Senate—Committee of the Whole - Be adopted as amended
- 02/26/2014 Senate—Final Action - Adopted as amended; Yea: 39 Nay: 0—SJ 1644
- 02/27/2014 House—Received and Introduced—HJ 1847
- 02/28/2014 House—Referred to Committee on Education—HJ 1848
- 03/17/2014 House—Hearing: Tuesday, March 18, 2014, 1:00 PM Room 112-N
- 03/20/2014 House—Committee Report recommending resolution be adopted by Committee on Education—HJ 1947
- 05/30/2014 House—Died on House Calendar

S 1620

Concurrent Resolution by Federal and State Affairs

Port authority; creation in Stafford, Kansas.

- 03/05/2014 Senate—Introduced—SJ 1672
- 03/06/2014 Senate—Referred to Committee on Transportation—SJ 1676
- 03/12/2014 Senate—Hearing: Tuesday, March 18, 2014, 8:30 AM Room 546-S
- 03/19/2014 Senate—Committee Report recommending resolution be adopted by Committee on Transportation—SJ 1757
- 03/24/2014 Senate—Committee of the Whole - Be adopted—SJ 1838
- 03/25/2014 Senate—Final Action - Adopted; Yea: 40 Nay: 0—SJ 1846
- 03/25/2014 House—Received and Introduced—HJ 2038
- 03/26/2014 House—Referred to Committee on Transportation—HJ 2040

- 04/02/2014 House—Committee Report recommending resolution be adopted by Committee on Transportation—HJ 2090
- 04/04/2014 House—Committee of the Whole - Be adopted—HJ 2227
- 04/05/2014 House—Motion to suspend Joint Rule 4 (k) to allow consideration adopted;—HJ 2230
- 04/05/2014 House—Final Action - Adopted; Yea: 121 Nay: 0—HJ 2232
- 04/30/2014 Senate—Enrolled and presented to Secretary of State on Friday, April 11, 2014—SJ 2305
- S 1621** Concurrent Resolution by Ways and Means
Constitutional amendment establishing the budget stabilization fund and the disaster relief fund in the state treasury; transfers to and from such funds.
- 03/17/2014 Senate—Introduced—SJ 1723
- 03/18/2014 Senate—Referred to Committee on Ways and Means—SJ 1728
- 05/30/2014 Senate—Died in Committee
- S 1622** Concurrent Resolution by Senators Wagle, Bruce, Hensley
Adjournment of legislature for a time during the 2014 session.
- 03/25/2014 Senate—Introduced—SJ 1845
- 03/25/2014 Senate—Adopted without roll call—SJ 1845
- 03/25/2014 House—Received and Introduced—HJ 2038
- 03/26/2014 House—Adopted without roll call—HJ 2043
- 04/04/2014 Senate—Enrolled and presented to Secretary of State on Friday, April 04, 2014—SJ 2093
- S 1623** Concurrent Resolution by Senators Wagle, Bruce, Hensley
Adjournment of legislature for a time during the 2014 session.
- 04/06/2014 Senate—Introduced—SJ 2294
- 04/06/2014 Senate—Adopted without roll call—SJ 2295
- 04/06/2014 House—Received and Introduced
- 04/06/2014 House—Adopted without roll call
- 04/30/2014 Senate—Enrolled and presented to Secretary of State on Friday, April 11, 2014—SJ 2305

TITLE AND HISTORY OF SENATE RESOLUTIONS
INCLUDES SENATE RESOLUTIONS CARRIED OVER FROM 2013 SESSION

- S 1710** Resolution by Financial Institutions and Insurance
State partnership health insurance exchange.
02/07/2013 Senate—Introduced—SJ 125
02/08/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 135
05/30/2014 Senate—Died in Committee
- S 1772** Resolution by Senators Wagle, Bruce, Hensley
Organization of the Senate, 2014.
01/13/2014 Senate—Introduced—SJ 1490
01/13/2014 Senate—Adopted without roll call—SJ 1491
01/15/2014 Senate—Enrolled on Wednesday, January 15, 2014—SJ 1501
- S 1773** Resolution by Senators Wagle, Bruce, Hensley
Resolution amending rules of Senate.
01/13/2014 Senate—Introduced—SJ 1491
01/14/2014 Senate—Adopted without roll call—SJ 1499
01/15/2014 Senate—Enrolled on Wednesday, January 15, 2014—SJ 1501
- S 1774** Resolution by Senators Abrams, Fitzgerald
Teacher of the Year team.
01/14/2014 Senate—Introduced—SJ 1498
01/14/2014 Senate—Adopted without roll call—SJ 1498
01/15/2014 Senate—Enrolled on Wednesday, January 15, 2014—SJ 1501
- S 1775** Resolution by Senator Faust-Goudeau
49th anniversary of the Piatt plane crash.
01/16/2014 Senate—Introduced—SJ 1505
01/16/2014 Senate—Adopted without roll call—SJ 1506
01/17/2014 Senate—Enrolled on Friday, January 17, 2014—SJ 1508
- S 1776** Resolution by Senator Ostmeyer
Ms. Wheelchair Kansas.
01/29/2014 Senate—Introduced—SJ 1548
01/29/2014 Senate—Adopted without roll call—SJ 1548
02/03/2014 Senate—Enrolled on Monday, February 03, 2014—SJ 1558
- S 1777** Resolution by Senators Haley, Faust-Goudeau, Francisco, Hawk, Hensley, Kelly, Pettey
War on Poverty, 50th Anniversary.
01/29/2014 Senate—Introduced—SJ 1548
01/29/2014 Senate—Referred to Committee on Commerce—SJ 1549
05/30/2014 Senate—Died in Committee
- S 1778** Resolution by Senators Wagle, Bruce, Hensley
Assignment of seats in Senate, 2014.
02/03/2014 Senate—Introduced—SJ 1558
02/03/2014 Senate—Adopted without roll call—SJ 1558
02/10/2014 Senate—Enrolled on Monday, February 10, 2014—SJ 1568
- S 1779** Resolution by Senator McGinn
10th Anniversary of National Wear Red Day.
02/06/2014 Senate—Introduced—SJ 1560

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 02/06/2014 Senate—Adopted without roll call—SJ 1561
 02/10/2014 Senate—Enrolled on Monday, February 10, 2014—SJ 1568
- S 1780** Resolution by Senator Fitzgerald
Sporting Kansas City.
 02/10/2014 Senate—Introduced—SJ 1567
 02/10/2014 Senate—Adopted without roll call—SJ 1567
 02/12/2014 Senate—Enrolled on Wednesday, February 12, 2014—SJ 1590
- S 1781** Resolution by Senators Arpke, Abrams, Apple, Bowers, Bruce, Denning, Donovan,
 Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland,
 Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn,
 Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen,
 Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson,
 Wagle, Wolf
Historical Society and Capitol Visitor Center.
 02/11/2014 Senate—Introduced—SJ 1571
 02/11/2014 Senate—Adopted without roll call—SJ 1571
 02/12/2014 Senate—Enrolled on Wednesday, February 12, 2014—SJ 1590
- S 1782** Resolution by Senators Bruce, Abrams, Apple, Arpke, Bowers, Denning, Donovan,
 Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland,
 Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn,
 Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen,
 Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson,
 Wagle, Wolf
2015 KAMS Graduating Class.
 02/12/2014 Senate—Introduced—SJ 1581
 02/12/2014 Senate—Adopted without roll call—SJ 1582
 02/14/2014 Senate—Enrolled on Friday, February 14, 2014—SJ 1599
- S 1783** Resolution by Senators Knox, Abrams, Apple, Arpke, Bruce, Denning, Fitzgerald,
 Holmes, King, Love, Masterson, O'Donnell, Olson, Ostmeier, Petersen,
 Pilcher-Cook, Powell, Smith, Tyson
Israel's beneficial relationship with the United States and State of Kansas.
 02/18/2014 Senate—Introduced—SJ 1608
 02/18/2014 Senate—Adopted without roll call—SJ 1609
 02/19/2014 Senate—Enrolled on Wednesday, February 19, 2014—SJ 1617
- S 1784** Resolution by Senators Smith, Arpke, Love, Petersen, Wolf
**230th Anniversary of the Treaty of Paris Ratification and Wyandot Chapter of
 the Kansas Daughters of the American Revolution.**
 02/25/2014 Senate—Introduced—SJ 1634
 02/25/2014 Senate—Adopted without roll call—SJ 1635
 02/27/2014 Senate—Enrolled on Thursday, February 27, 2014—SJ 1667
- S 1785** Resolution by Senators Hawk, Bowers
4-H Citizenship in Action leadership conference.
 02/17/2014 Senate—Introduced—SJ 1602
 02/17/2014 Senate—Adopted without roll call—SJ 1603
 02/19/2014 Senate—Enrolled on Wednesday, February 19, 2014—SJ 1617
- S 1786** Resolution by Senator Abrams
Cable Telecommunications Horizon Award Program educators.
 02/17/2014 Senate—Introduced—SJ 1603
 02/17/2014 Senate—Adopted without roll call—SJ 1604
 02/19/2014 Senate—Enrolled on Wednesday, February 19, 2014—SJ 1617

- S 1787** Resolution by Senator Abrams
Milken Family Foundation Educator.
 02/17/2014 Senate—Introduced—SJ 1604
 02/17/2014 Senate—Adopted without roll call—SJ 1605
 02/19/2014 Senate—Enrolled on Wednesday, February 19, 2014—SJ 1617
- S 1788** Resolution by Senator Abrams
National Board Certified Teachers.
 02/17/2014 Senate—Introduced—SJ 1605
 02/17/2014 Senate—Adopted without roll call—SJ 1606
 02/19/2014 Senate—Enrolled on Wednesday, February 19, 2014—SJ 1617
- S 1789** Resolution by Senator Bowers
Landoll Corporation, 50th Anniversary and Ad Astra Award recipient.
 02/18/2014 Senate—Introduced—SJ 1609
 02/18/2014 Senate—Adopted without roll call—SJ 1610
 02/19/2014 Senate—Enrolled on Wednesday, February 19, 2014—SJ 1617
- S 1790** Resolution by Senator Faust-Goudeau
Strategic Partnership with Republic of Kazakhstan.
 02/19/2014 Senate—Introduced—SJ 1613
 02/19/2014 Senate—Adopted without roll call—SJ 1614
 02/24/2014 Senate—Enrolled on Monday, February 24, 2014—SJ 1632
- S 1791** Resolution by Senator Melcher
Blue Ribbon award recipient Mission Trail Elementary School.
 02/26/2014 Senate—Introduced—SJ 1641
 02/26/2014 Senate—Adopted without roll call—SJ 1642
 02/27/2014 Senate—Enrolled on Thursday, February 27, 2014—SJ 1667
- S 1792** Resolution by Senator Hawk
Social Work Awareness Month.
 03/05/2014 Senate—Introduced—SJ 1673
 03/05/2014 Senate—Adopted without roll call—SJ 1673
 03/06/2014 Senate—Enrolled on Thursday, March 06, 2014—SJ 1685
- S 1793** Resolution by Senator V. Schmidt
The Honorable Christel E. Marquardt's Retirement.
 03/11/2014 Senate—Introduced—SJ 1690
 03/11/2014 Senate—Adopted without roll call—SJ 1691
 03/13/2014 Senate—Enrolled on Thursday, March 13, 2014—SJ 1718
- S 1794** Resolution by Senators Holland, Abrams, Apple, Arpke, Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Kerschen, King, Lynn, Ostmeier, Petersen, Pettey, V. Schmidt, Tyson, Wolf
Small Business Development Center award winners.
 03/11/2014 Senate—Introduced—SJ 1692
 03/11/2014 Senate—Adopted without roll call—SJ 1693
 03/13/2014 Senate—Enrolled on Thursday, March 13, 2014—SJ 1718
- S 1795** Resolution by Senator Faust-Goudeau
TRIO Day.
 03/11/2014 Senate—Introduced—SJ 1693
 03/11/2014 Senate—Adopted without roll call—SJ 1694
 03/13/2014 Senate—Enrolled on Thursday, March 13, 2014—SJ 1718
- S 1796** Resolution by Senators Faust-Goudeau, Bruce
Kidney Awareness Day.
 03/13/2014 Senate—Introduced—SJ 1714

- 03/13/2014 Senate—Adopted without roll call—SJ 1714
 03/17/2014 Senate—Enrolled on Monday, March 17, 2014—SJ 1727
- S 1797** Resolution by Senator O'Donnell
80th Anniversary of Newman University.
 03/13/2014 Senate—Introduced—SJ 1714
 03/13/2014 Senate—Adopted without roll call—SJ 1716
 03/17/2014 Senate—Enrolled on Monday, March 17, 2014—SJ 1727
- S 1798** Resolution by Senators Hensley, Wagle
Statehouse Architect Barry Greis.
 03/19/2014 Senate—Introduced—SJ 1742
 03/19/2014 Senate—Adopted without roll call—SJ 1743
 03/21/2014 Senate—Enrolled on Friday, March 21, 2014—SJ 1828
- S 1799** Resolution by Senators V. Schmidt, Hensley, Kelly
Washburn University School of Nursing's 40th anniversary.
 03/18/2014 Senate—Introduced—SJ 1728
 03/18/2014 Senate—Adopted without roll call—SJ 1729
 03/21/2014 Senate—Enrolled on Friday, March 21, 2014—SJ 1828
- S 1800** Resolution by Senator V. Schmidt
Memorializing the life of Glen Deitcher.
 03/24/2014 Senate—Introduced—SJ 1834
 03/24/2014 Senate—Adopted without roll call—SJ 1834
 03/26/2014 Senate—Enrolled on Wednesday, March 26, 2014—SJ 1916
- S 1801** Resolution by Senator Powell
Relationship with Taiwan and Taiwan's participation in international agreements.
 03/24/2014 Senate—Introduced—SJ 1834
 03/24/2014 Senate—Adopted without roll call—SJ 1836
 03/26/2014 Senate—Enrolled on Wednesday, March 26, 2014—SJ 1916
- S 1802** Resolution by Senator Hensley
Santa Fe Trail High School women's volleyball team.
 03/24/2014 Senate—Introduced—SJ 1836
 03/24/2014 Senate—Adopted without roll call—SJ 1837
 03/26/2014 Senate—Enrolled on Wednesday, March 26, 2014—SJ 1916
- S 1803** Resolution by Senators Longbine, Francisco, Love, Masterson, Melcher, Olson
Master Teachers.
 03/25/2014 Senate—Introduced—SJ 1855
 03/25/2014 Senate—Adopted without roll call—SJ 1856
 03/26/2014 Senate—Enrolled on Wednesday, March 26, 2014—SJ 1916
- S 1804** Resolution by Senators V. Schmidt, Masterson
American Diabetes Association Alert Day.
 03/25/2014 Senate—Introduced—SJ 1856
 03/25/2014 Senate—Adopted without roll call—SJ 1857
 03/26/2014 Senate—Enrolled on Wednesday, March 26, 2014—SJ 1916
- S 1805** Resolution by Senator Ostmeyer
Welcome Home Vietnam Veterans Day.
 03/26/2014 Senate—Introduced—SJ 1908
 03/26/2014 Senate—Adopted without roll call—SJ 1909
 03/31/2014 Senate—Enrolled on Monday, March 31, 2014—SJ 1922
- S 1806** Resolution by Senators Faust-Goudeau, Haley
Equity Day at the capitol.

(SJ and HJ Nos. refer to 2013 and 2014 Senate and House Journals)

- 03/26/2014 Senate—Introduced—SJ 1909
 03/26/2014 Senate—Adopted without roll call—SJ 1911
 03/31/2014 Senate—Enrolled on Monday, March 31, 2014—SJ 1922
- S 1807** Resolution by Senators V. Schmidt, Hensley, Kelly
Mars Chocolate North America Day.
 03/26/2014 Senate—Introduced—SJ 1911
 03/26/2014 Senate—Adopted without roll call—SJ 1912
 03/31/2014 Senate—Enrolled on Monday, March 31, 2014—SJ 1922
- S 1808** Resolution by Senator V. Schmidt
Congenital Diaphragmatic Hernia Awareness Day.
 03/31/2014 Senate—Introduced—SJ 1917
 03/31/2014 Senate—Adopted without roll call—SJ 1918
 04/01/2014 Senate—Enrolled on Tuesday, April 01, 2014—SJ 1932
- S 1809** Resolution by Senator Apple
Paola Panther robotics team.
 03/31/2014 Senate—Introduced—SJ 1918
 03/31/2014 Senate—Adopted without roll call—SJ 1919
 04/01/2014 Senate—Enrolled on Tuesday, April 01, 2014—SJ 1932
- S 1810** Resolution by Senators Masterson, Kerschen, Petersen
Derby High School athletics and extracurricular activities.
 04/01/2014 Senate—Introduced—SJ 1923
 04/01/2014 Senate—Adopted without roll call—SJ 1924
 04/04/2014 Senate—Enrolled on Friday, April 04, 2014—SJ 2093
- S 1811** Resolution by Senator Lynn
Olathe North High School Battle of the Brains.
 05/01/2014 Senate—Introduced—SJ 2314
 05/01/2014 Senate—Adopted without roll call—SJ 2315
 05/02/2014 Senate—Enrolled on Friday, May 02, 2014—SJ 2936
- S 1812** Resolution by Senators Bowers, Kelly
Public Health Week.
 04/01/2014 Senate—Introduced—SJ 1925
 04/01/2014 Senate—Adopted without roll call—SJ 1925
 04/04/2014 Senate—Enrolled on Friday, April 04, 2014—SJ 2093
- S 1813** Resolution by Senator Lynn
Olathe Northwest Raven Dance team's third consecutive national title.
 04/01/2014 Senate—Introduced—SJ 1926
 04/01/2014 Senate—Adopted without roll call—SJ 1927
 04/04/2014 Senate—Enrolled on Friday, April 04, 2014—SJ 2093
- S 1814** Resolution by Senators Love, Apple, Bruce, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kerschen, King, LaTurner, Longbine, Masterson, O'Donnell, Olson, Ostmeier, Petersen, Pettey, V. Schmidt, Wagle, Wolf
Parkinson's Awareness Month.
 04/01/2014 Senate—Introduced—SJ 1927
 04/01/2014 Senate—Adopted without roll call—SJ 1928
 04/04/2014 Senate—Enrolled on Friday, April 04, 2014—SJ 2093
- S 1815** Resolution by Senator Petersen
Wichita South High School women's basketball team.
 04/02/2014 Senate—Introduced—SJ 1934
 04/02/2014 Senate—Adopted without roll call—SJ 1934

- 04/04/2014 Senate—Enrolled on Friday, April 04, 2014—SJ 2093
- S 1816** Resolution by Senator Hensley
Marais des Cygnes Valley High School boys' basketball team.
 04/02/2014 Senate—Introduced—SJ 1935
 04/02/2014 Senate—Adopted without roll call—SJ 1935
 04/04/2014 Senate—Enrolled on Friday, April 04, 2014—SJ 2093
- S 1817** Resolution by Senators Francisco, Holland
2014 Boys and Girls Club Kansas Youth of the Year.
 04/02/2014 Senate—Introduced—SJ 1935
 04/02/2014 Senate—Adopted without roll call—SJ 1936
 04/04/2014 Senate—Enrolled on Friday, April 04, 2014—SJ 2093
- S 1818** Resolution by Senator Ostmeyer
Norton Community High School wrestling team.
 04/02/2014 Senate—Introduced—SJ 1936
 04/02/2014 Senate—Adopted without roll call—SJ 1937
 04/04/2014 Senate—Enrolled on Friday, April 04, 2014—SJ 2093
- S 1819** Resolution by Senator Ostmeyer
Hoxie High School women's basketball team.
 04/02/2014 Senate—Introduced—SJ 1937
 04/02/2014 Senate—Adopted without roll call—SJ 1938
 04/04/2014 Senate—Enrolled on Friday, April 04, 2014—SJ 2093
- S 1820** Resolution by Senators Haley, Faust-Goudeau, Hensley
50th Anniversary of the Civil Rights Act of 1964.
 04/04/2014 Senate—Introduced—SJ 2009
 04/04/2014 Senate—Adopted without roll call—SJ 2009
 04/30/2014 Senate—Enrolled on Wednesday, April 09, 2014—SJ 2305
- S 1821** Resolution by Senator Haley
Prescription Drug Abuse.
 04/05/2014 Senate—Introduced—SJ 2096
 04/05/2014 Senate—Adopted without roll call—SJ 2097
 04/30/2014 Senate—Enrolled on Wednesday, April 09, 2014—SJ 2305
- S 1822** Resolution by Senator Hensley
Santa Fe Trail High School girls' basketball.
 04/05/2014 Senate—Introduced—SJ 2097
 04/05/2014 Senate—Adopted without roll call—SJ 2097
 04/30/2014 Senate—Enrolled on Wednesday, April 09, 2014—SJ 2305
- S 1823** Resolution by Senator Pettey
J.C. Harmon High School's 20/20 Leadership Program.
 04/30/2014 Senate—Introduced—SJ 2299
 04/30/2014 Senate—Adopted without roll call—SJ 2300
 05/01/2014 Senate—Enrolled on Thursday, May 01, 2014—SJ 2701
- S 1824** Resolution by Senators Abrams, King
Erie High School's design for NASA's new Orion spacecraft.
 04/30/2014 Senate—Introduced—SJ 2300
 04/30/2014 Senate—Adopted without roll call—SJ 2301
 05/01/2014 Senate—Enrolled on Thursday, May 01, 2014—SJ 2701
- S 1825** Resolution by Senator Fitzgerald
Employer Support of the Guard and Reserve.
 04/30/2014 Senate—Introduced—SJ 2301
 04/30/2014 Senate—Adopted without roll call—SJ 2302

- 05/01/2014 Senate—Enrolled on Thursday, May 01, 2014—SJ 2701
- S 1826** Resolution by Senators Bruce, Arpke, Bowers, Denning, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Kelly, Kerschen, Longbine, Love, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Pettey, V. Schmidt, Shultz, Smith, Tyson, Wolf
- FHSU President Hammond's retirement.**
04/30/2014 Senate—Introduced—SJ 2302
04/30/2014 Senate—Adopted without roll call—SJ 2303
05/01/2014 Senate—Enrolled on Thursday, May 01, 2014—SJ 2701
- S 1827** Resolution by Senators Wagle, Bruce, Hensley
- Assignment of seats in the Senate, 2014.**
04/30/2014 Senate—Introduced—SJ 2303
04/30/2014 Senate—Adopted without roll call—SJ 2304
05/01/2014 Senate—Enrolled on Thursday, May 01, 2014—SJ 2701
- S 1828** Resolution by Senators Kelly, Hensley, V. Schmidt
- Outstanding Speech and Debate Educator.**
05/01/2014 Senate—Introduced—SJ 2307
05/01/2014 Senate—Adopted without roll call—SJ 2308
05/02/2014 Senate—Enrolled on Friday, May 02, 2014—SJ 2936
- S 1829** Resolution by Senators Hensley, Kelly, V. Schmidt
- Shirley Johannsen's 50 years of service at State Street Elementary School.**
05/01/2014 Senate—Introduced—SJ 2308
05/01/2014 Senate—Adopted without roll call—SJ 2309
05/02/2014 Senate—Enrolled on Friday, May 02, 2014—SJ 2936
- S 1830** Resolution by Senators Hensley, Kelly, V. Schmidt
- Commending and congratulating Ken Darting on his record and retirement.**
05/01/2014 Senate—Introduced—SJ 2309
05/01/2014 Senate—Adopted without roll call—SJ 2310
05/02/2014 Senate—Enrolled on Friday, May 02, 2014—SJ 2936
- S 1831** Resolution by Senator V. Schmidt
- Stroke Awareness Month.**
05/01/2014 Senate—Introduced—SJ 2311
05/01/2014 Senate—Adopted without roll call—SJ 2311
05/02/2014 Senate—Enrolled on Friday, May 02, 2014—SJ 2936
- S 1832** Resolution by Senator King
- Recognizing Frank Bellamy's authorship of the Pledge of Allegiance.**
05/01/2014 Senate—Introduced—SJ 2311
05/01/2014 Senate—Adopted without roll call—SJ 2312
05/02/2014 Senate—Enrolled on Friday, May 02, 2014—SJ 2936
- S 1833** Resolution by Senator McGinn
- Underdiagnosis of Lyme disease.**
05/01/2014 Senate—Introduced—SJ 2312
05/01/2014 Senate—Adopted without roll call—SJ 2313
05/02/2014 Senate—Enrolled on Friday, May 02, 2014—SJ 2936
- S 1834** Resolution by Senator Holland
- Dr. Long's retirement from Baker University.**
05/02/2014 Senate—Introduced—SJ 2702
05/02/2014 Senate—Adopted without roll call—SJ 2703
05/30/2014 Senate—Enrolled on Monday, May 05, 2014—SJ 2940

- S 1835** Resolution by Senators Haley, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Kerschen, Love, McGinn, Olson, Ostmeyer, Pettey, Shultz
Commemorating the 60th anniversary of Brown v. Board
 05/02/2014 Senate—Introduced—SJ 2704
 05/02/2014 Senate—Adopted without roll call—SJ 2704
 05/30/2014 Senate—Enrolled on Monday, May 05, 2014—SJ 2940
- S 1836** Resolution by Senators Hensley, Kelly, V. Schmidt
Memorializing the life of Dr. Robert C. Harder.
 05/02/2014 Senate—Introduced—SJ 2705
 05/02/2014 Senate—Adopted without roll call—SJ 2706
 05/30/2014 Senate—Enrolled on Monday, May 05, 2014—SJ 2940
- S 1837** Resolution by Senators Hensley, Kelly, V. Schmidt
William Minner's retirement from the Kansas Human Rights Commission.
 05/02/2014 Senate—Introduced—SJ 2706
 05/02/2014 Senate—Adopted without roll call—SJ 2707
 05/30/2014 Senate—Enrolled on Monday, May 05, 2014—SJ 2940
- S 1838** Resolution by Senator McGinn
Hesston High School boys' basketball team.
 05/02/2014 Senate—Introduced—SJ 2775
 05/02/2014 Senate—Adopted without roll call—SJ 2776
 05/30/2014 Senate—Enrolled on Monday, May 05, 2014—SJ 2940
- S 1839** Resolution by Senator McGinn
Hesston High School girls' basketball team.
 05/02/2014 Senate—Introduced—SJ 2776
 05/02/2014 Senate—Adopted without roll call—SJ 2777
 05/30/2014 Senate—Enrolled on Monday, May 05, 2014—SJ 2940
- S 1840** Resolution by Senators Wagle, Hensley
Congratulating and commending Kenneth Wilke on his retirement.
 05/30/2014 Senate—Introduced—SJ 2938
 05/30/2014 Senate—Adopted without roll call—SJ 2939
 05/30/2014 Senate—Enrolled on Friday, May 30, 2014

FINAL
SENATE CALENDAR

No. 60

JANUARY 13, 2014 THROUGH ADJOURNMENT MAY 30, 2014

**NUMERICAL SCHEDULE OF SENATE BILLS
CARRIED OVER FROM 2013 SESSION**

2 Died, H Com	42 Died, H Com	94 Died, Com
3 Died, Com	43 Died, Com	95 Died, Com
4 Died, Com	44 Died, Com	97 Died, Com
5 Died, Com	H Sub	98 Died, H Com
6 Died, Com	45 Died, H Gen Ord	99 Vetoed,
7 Died, H Com	46 Died, H Com	Sustained
8 Died, H Com	47 Died, Com	101 Died, Com
9 Died, Com	48 Died, Com	103 Died, Com
10 Died, H Com	50 Died, Com	104 Died, H Com
11 Died, Com	53 Died, Com	105 Died, Com
12 Died, Com	54 Signed,	106 Stricken, Cal
13 Died, Com	Pub 4/24/14	107 Died, H Com
14 Died, Com	55 Died, Com	108 Died, Com
15 Died, Com	H Sub	109 Died, Com
17 Died, Com	60 Stricken, H Cal	110 Died, Com
H Sub	63 Signed, St Bk	112 Died, Com
18 Died, H Com	65 Died, Com	114 Died, Com
H Sub	66 Died, Com	115 Died, Com
19 Stricken, H Cal	67 Died, Com	116 Died, Com
H Sub	71 Died, Com	117 Died, H Com
22 Died, H Com	72 Died, H Com	119 Died, Com
29 Died, Com	76 Died, Com	121 Died, H Com
30 Died, Com	77 Died, Com	123 Died, Com
31 Died, Com	78 Stricken, Cal	125 Died, H Com
32 Died, Com	79 Stricken, Cal	126 Died, Com
33 Died, Com	80 Died, H Com	127 Died, Com
34 Died, H Com	H Sub	130 Died, Com
35 Died, H Com	84 Died, Conf Com	131 Died, Com
S Sub	86 Died, Com	132 Died, Com
36 Died, H Com	87 Stricken, Cal	133 Died, Com
38 Died, Com	89 Died, Com	134 Died, Com
39 Died, Com	90 Died, Com	137 Died, Com
H Sub	91 Died, H Com	138 Died, Com
40 Signed, St Bk	93 Died, Com	140 Died, Com

141 Died, H Com	181 Died, H Com	217 Died, Com
143 Died, Com	182 Died, Com	H Sub
144 Died, Com	183 Died, Com	218 Killed, House
145 Died, Com	184 Died, Com	CCR, Not Adopted
146 Died, Com	185 Died, Com	219 Died, Com
H Sub	186 Died, Com	220 Died, Com
147 Died, Conf Com	188 Died, Com	221 Died, Com
148 Died, Com	189 Stricken, Cal	222 Died, H Com
150 Died, Com	190 Died, Com	223 Died, Com
151 Died, Com	191 Died, Com	224 Died, Com
152 Died, H Com	192 Died, Com	225 Died, Com
153 Died, Com	193 Died, Com	H Sub
154 Died, Com	194 Died, Com	226 Died, H Com
155 Died, Com	195 Died, Com	227 Died, Com
156 Died, Com	196 Died, Com	228 Died, Com
157 Died, Com	197 Died, Com	229 Died, Com
158 Died, Com	198 Died, Com	230 Died, Com
159 Died, Com	200 Died, Com	H Sub
160 Died, Com	201 Died, Com	231 Signed, St Bk
161 Died, Com	Sub	232 Stricken, Cal
162 Stricken, Cal	202 Died, Gen Ord	233 Died, Com
Sub	203 Died, H Com	234 Stricken, Cal
165 Died, H Com	204 Died, Com	235 Died, H Com
H Sub	205 Died, Com	236 Died, Com
167 Died, H Com	206 Died, Com	237 Died, Com
169 Died, Com	207 Died, Com	238 Died, Com
170 Died, Com	208 Died, Com	239 Died, Com
172 Died, Com	209 Died, Com	240 Died, Com
173 Died, Com	210 Died, H Com	241 Died, Com
174 Died, Com	211 Died, Com	242 Died, Com
175 Died, Com	212 Stricken, Cal	243 Died, Com
176 Died, H Com	213 Died, Com	244 Died, Com
178 Died, Com	Sub	H Sub
179 Died, Com	214 Died, H Com	245 Signed,
180 Died, Com	215 Died, Com	Pub 5/22/14
		247 Died, Com

**NUMERICAL SCHEDULE OF SENATE BILLS
2014 SESSION**

248 Signed, St Bk	286 Signed, St Bk	326 Died, Com
249 Died, Com	287 Died, H Com	327 Died, Com
250 Died Com	288 Stricken, H Cal	328 Died, Com
251 Died, Com	289 Died, Com	329 Signed, St Bk
252 Died, Com	290 Died, Com	330 Died, Com
253 Died, Com	291 Died, Com	331 Died, Com
254 Signed, St Bk	292 Died, Com	332 Died, Com
255 Stricken, H Cal	293 Died, Com	333 Died, Com
256 Signed, St Bk	294 Died, Com	334 Died, H Com
257 Died, Com	295 Died, H Com	335 Died, H Com
258 Signed, St Bk	296 Died, Com	336 Died, Com
259 Died, Gen Ord	297 Died, Com	337 Died, H Com
260 Died, Com	Sub	338 Died, Com
261 Died, Com	298 Died, H Com	339 Died, H Com
262 Died, Com	299 Died, H Com	340 Died, Com
263 Signed, St Bk	300 Died, Com	341 Died, Com
264 Died H Com	301 Died, H Com	342 Died, Com
265 Signed, St Bk	302 Died, Com	Sub
266 Signed, St Bk	303 Stricken, H Cal	343 Died, H Com
267 Signed, St Bk	304 Died, Com	344 Signed,
268 Signed, St Bk	305 Died, Com	Pub 4/24/14
269 Died, H Com	306 Signed, St Bk	345 Died, Com
270 Stricken, H Cal	307 Died, Com	346 Died, H Gen Ord
271 Signed, St Bk	308 Signed, St Bk	347 Died, Com
272 Signed, St Bk	309 Signed, St Bk	348 Stricken, H Cal
H Sub	310 Signed, St Bk	349 Signed, St Bk
273 Signed, St Bk	311 Signed, St Bk	350 Died, Com
274 Signed,	312 Died, H Com	351 Signed, St Bk
Pub 5/22/14	313 Stricken, Cal	352 Died, H Gen Ord
275 Died, Com	314 Died, Com	353 Died, Com
276 Died, H Gen Ord	315 Died, H Com	354 Died, H Com
277 Died, Com	316 Died, H Com	355 Died, H Com
278 Signed, St Bk	317 Died, Com	356 Died, Com
279 Died, Com	318 Died, Com	357 Signed, St Bk
280 Died, Com	319 Died, Com	358 Died, Com
281 Died, Com	320 Killed, Fin Act	359 Signed, St Bk
282 Died, Com	321 Signed, St Bk	360 Died, H Gen Ord
283 Died, Com	322 Died, Com	361 Died, Com
284 Signed, St Bk	323 Killed, Fin Act	362 Died, H Com
285 Signed,	324 Died, Com	363 Died, Com
Pub 4/24/14	325 Died, Com	364 Stricken, Cal

365 Stricken, Cal	395 Died, Com	424 Signed, St Bk
366 Died, H Com	396 Died, H Com	425 Died, Com
367 Signed, St Bk	397 Died, Com	426 Died, Com
368 Died, Com	398 Died, Com	427 Died, Com
369 Died, Com	399 Died, Com	428 Died, Com
370 Died, H Com	400 Died, Com	429 Died, Com
371 Signed, St Bk	401 Died, Com	430 Died, Com
372 Signed, St Bk	402 Signed, St Bk	431 Died, Gen Ord
373 Died, Com	H Sub	432 Died, Com
374 Died, Com	403 Stricken, H Cal	433 Died, Com
375 Died, H Com	404 Died, Com	434 Died, Com
376 Died, Com	405 Died, H Com	435 Died, Com
377 Died, Com	406 Died, Com	436 Died, Com
378 Died, Com	407 Died, Com	437 Died, Com
379 Died, H Com	408 Died, Com	438 Died, Com
380 Died, H Com	409 Died, Gen Ord	439 Died, Gen Ord
381 Died, Gen Ord	410 Died, H Com	440 Died, Com
382 Died, Com	411 Died, Gen Ord	441 Died, Com
383 Died, Com	412 Died, Gen Ord	442 Died, Com
384 Died, Com	413 Died, H Com	443 Died, Com
385 Died, Gen Ord	414 Died, Com	444 Died, Com
386 Died, Com	415 Died, Gen Ord	445 Died, Com
387 Died, Com	416 Died, Gen Ord	446 Died, Com
388 Died, Com	417 Died, Com	447 Died, H Com
389 Died, Com	418 Died, Com	448 Died, H Com
390 Died, Com	419 Died, Com	449 Died, Com
391 Died, Com	420 Died, Com	450 Died, Com
392 Died, H Com	421 Died, Com	451 Died, Com
393 Stricken, Cal	422 Died, H Gen Ord	452 Died, Com
Sub	423 Signed,	453 Died, H Com
394 Died, H Com	Pub 4/24/14	454 Died Com

**NUMERICAL SCHEDULE OF
SENATE CONCURRENT RESOLUTIONS CARRIED OVER
FROM 2013 SESSION**

1601 Died, H Com	1607 Died, Com	1610 Died, Com
1602 Died, Com	1608 Died, H Com	1612 Died, Com
1605 Died, Com	1609 Died, Com	1613 Died, Com

**NUMERICAL SCHEDULE OF
SENATE CONCURRENT RESOLUTIONS 2014 SESSION**

1615 Died, Com	1619 Died, H Gen Ord	1622 Adopted & Enr
1616 Died, H Com	1620 Adopted & Enr	1623 Adopted & Enr
1617 Died, Com	1621 Died, Com	
Sub		
1618 Adopted & Enr		

**NUMERICAL SCHEDULE OF
SENATE RESOLUTIONS CARRIED OVER
FROM 2013 SESSION**

1710 Died, Com

**NUMERICAL SCHEDULE OF SENATE RESOLUTIONS
2014 SESSION**

1772 Adopted & Enr	1795 Adopted & Enr	1818 Adopted & Enr
1773 Adopted & Enr	1796 Adopted & Enr	1819 Adopted & Enr
1774 Adopted & Enr	1797 Adopted & Enr	1820 Adopted & Enr
1775 Adopted & Enr	1798 Adopted & Enr	1821 Adopted & Enr
1776 Adopted & Enr	1799 Adopted & Enr	1822 Adopted & Enr
1777 Died, Com	1800 Adopted & Enr	1823 Adopted & Enr
1778 Adopted & Enr	1801 Adopted & Enr	1824 Adopted & Enr
1779 Adopted & Enr	1802 Adopted & Enr	1825 Adopted & Enr
1780 Adopted & Enr	1803 Adopted & Enr	1826 Adopted & Enr
1781 Adopted & Enr	1804 Adopted & Enr	1827 Adopted & Enr
1782 Adopted & Enr	1805 Adopted & Enr	1828 Adopted & Enr
1783 Adopted & Enr	1806 Adopted & Enr	1829 Adopted & Enr
1784 Adopted & Enr	1807 Adopted & Enr	1830 Adopted & Enr
1785 Adopted & Enr	1808 Adopted & Enr	1831 Adopted & Enr
1786 Adopted & Enr	1809 Adopted & Enr	1832 Adopted & Enr
1787 Adopted & Enr	1810 Adopted & Enr	1833 Adopted & Enr
1788 Adopted & Enr	1811 Adopted & Enr	1834 Adopted & Enr
1789 Adopted & Enr	1812 Adopted & Enr	1835 Adopted & Enr
1790 Adopted & Enr	1813 Adopted & Enr	1836 Adopted & Enr
1791 Adopted & Enr	1814 Adopted & Enr	1837 Adopted & Enr
1792 Adopted & Enr	1815 Adopted & Enr	1838 Adopted & Enr
1793 Adopted & Enr	1816 Adopted & Enr	1839 Adopted & Enr
1794 Adopted & Enr	1817 Adopted & Enr	1840 Adopted & Enr

**SENATE ACTION ON HOUSE BILLS CARRIED OVER
FROM 2013 SESSION**

Sub	2122 Died, S Com	Sub
2002 Pass Am, H Con	2125 Pass Am	2223 Pass Am, H Con
S Sub	2130 CCR adopted	S Sub
2014 Pass	S Sub	Sub
S Sub	2140 CCR adopted	2231 CCR Adopted
2023 Pass Am, H Con	S Sub	2244 Died, S Com
2035 Died, S Com	S Sub	S Sub
S Sub	2141 Died, S Gen Ord	2246 Pass Am, H Con
2037 Died, S Com	2142 Died, S Com	2255 Died, S Com
2042 Died, S Com	S Sub	2259 Died, S Com
2047 Pass Am, H Con	2143 CCR Adopted	Sub
2050 Died, S Com	S Sub	2262 Died, S Com
S Sub	2145 Died, S Com	2267 Died, S Com
Sub	S Sub	2272 Pass Am, H Con
2051 CCR Adopted	2146 Pass Am, H Con	2280 Died, S Com
2057 CCR Adopted	2148 Died, S Gen Ord	2296 CCR Adopted
S Sub	2151 Died, S Com	S Sub
2058 Died, S Gen Ord	2152 Pass Am, H Con	2298 Pass Am, H Con
2060 Pass Am	2153 Died, S Com	2303 CCR Adopted
S Sub	S Sub	2312 Pass Am, H Con
2065 Pass Am, H Con	2154 CCR Adopted	S Sub
2067 Died, S Com	S Sub	2338 CCR Adopted
S Sub	2155 Died, S Gen Ord	2343 Died, S Com
2070 Passed	Sub	2352 Died, S Com
2074 Died, S Com	2166 Died, S Com	2377 Died, S Com
2075 Died, S Com	2172 CCR Adopted	S Sub
S Sub	2179 Died, S Com	2378 Pass Am, H Con
2077 Died, S Com	S Sub	2381 Died, S Gen Ord
2086 CCR Adopted	2182 Pass Am, H Con	S Sub
2091 Died, S Com	2185 Died, S Com	2387 Passed
2094 Died, S Com	S Sub	S Sub
2099 Pass Am	2195 Died, S Gen Ord	2389 CCR Adopted
S Sub	S Sub	2396 Died, S Com
2101 Pass Am, H Con	2197 Pass Am, H Con	2398 Passed
2112 Died, S Com	2209 Died, S Com	2402 Died, S Com
2114 Died, S Gen Ord	2210 Passed	2403 Died, S Com
S Sub	2222 Died, S Com	
2118 Stricken, S Cal		

**SENATE ACTION ON HOUSE BILLS
2014 SESSION**

2417 Died, S Gen Ord	2489 Died, S Gen Ord	2577 Pass Am, H Con
2418 Pass Am, H Con	2490 CCR Adopted	2578 CCR Adopted
2419 Pass Am, H Con	2491 Pass Am, H Con	2580 CCR Adopted
2420 Pass Am, H Con	2493 Died, S Com	2582 Died, S Com
2422 Passed	2495 Died, S Com	S Sub
S Sub	2501 Passed	2588 CCR Adopted
2424 Pass Am, H Con	2502 Died, S Gen Ord	2591 Passed
2429 Died, S Com	Sub	2595 Passed
Sub	2503 Died, S Com	2596 CCR Adopted
2430 CCR Adopted	2504 Died, S Com	2597 Passed
2433 CCR Adopted	S Sub	2599 Pass Am, H Con
Sub	2506 CCR Adopted	2602 Pass Am, H Con
2436 Pass Am, H Con	2509 Died, S Gen Ord	2609 Died, S Com
2440 Passed	2510 Died, S Com	2611 Passed
Sub	2511 Died, S Gen Ord	2612 Died, S Com
2442 Passed	2514 Passed	2613 Died, S Gen Ord
2444 Pass Am, H Con	2515 CCR Adopted	Sub
2445 Passed	2516 Pass Am, H Con	2615, Died, S Com
S Sub	2518 Died, S Com	S Sub
2446 CCR Adopted	2525 Pass Am, H Con	2616 Pass Am, H Con
2447 CCR Adopted	2533 Passed	Sub
S Sub	2537 CCR Adopted	2633 Died, S Com
2448 CCR Adopted	2538 Died, S Com	2636 Pass Am, H Con
Sub	Sub	2642 Died, S Com
2451 Pass Am, H Con	2541 Died, S Com	2643 CCR Adopted
Sub	2542 Died, S Com	2648 Stricken, S Cal
2452 Pass Am, H Con	2544 Passed	2651 Died, S Com
2453 Died, S Com	2545 Died, S Com	S Sub
2455 Passed	2547 Passed	2655 Pass Am, H Con
2456 Died, S Com	2548 Passed	2656 Died, S Com
2463 Pass Am, H Con	2549 Passed	Sub
2464 Died, S Gen Ord	2550 Died, Com	2661 Died, S Com
2466 Died, S Com	2551 CCR Adopted	2662 Died, S Com
2470 Passed	2552 Pass Am, H Con	2668 Pass Am, H Con
2475 Died, S Com	2553 Passed	2669 Died, S Com
2478 Passed	2555 Stricken, S Cal	2673 CCR Adopted
2479 Pass Am, H Con	2557 Pass Am	2675 Died, S Com
2480 Pass Am, H Con	2561 Died, S Com	Sub
S Sub	2564 Passed	2681 Pass Am, H Con
2482 Pass Am, H Con	2566 Passed	2684 Died, S Gen Ord
2487 Pass Am, H Con	2568 CCR Adopted	2687 Pass Am, H Con
2488 Pass Am, H Con	2576 Pass Am, H Con	2689 Died, S Com

S Sub	2724 Passed	2744 Passed
2693 CCR Adopted	2727 Passed	2745 Died, S Com
2715 Passed	2728 Pass Am, H Con	2755 Died, S Com
2717 Died, S Com	2732 Died, S Com	2767 Died, S Com
Sub		
Sub		
2721 Pass Am, H Con		

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS
CARRIED OVER FROM 2013 SESSION**

5014 Adopted

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS
2014 SESSION**

5021 Adopted	5028 Adopted	5031 Died, S Gen Ord
5022 Adopted	5029 Adopted	5033 Adopted
5025 Adopted	5030 Adopted	

**SUMMARY OF ACTIONS ON SENATE BILLS
AND SENATE RESOLUTIONS**

Senate Bills

Senate bills introduced in the 2014 session.....	207
Senate bills carried over from 2013 session.....	<u>187</u>
TOTAL.....	394
Senate bills signed by Governor.....	40
Senate bills becoming law without Governor's signature	0
Senate bills vetoed by the Governor (SB 99)	1
Senate bills killed in Senate	2
Senate bills that died on Senate Calendar.....	24
Senate bills that died in Senate Committees.....	246
Senate bills killed in House.....	8
Senate bills that died on House Calendar.....	6
Senate bills that died in House Committees.....	64
Senate bills that died in Conference Committees.....	2
(H Sub 84, H Sub 147)	
Senate bills killed in Conference Committees.....	<u>1</u>
(H Sub 218)	
TOTAL.....	394

Senate Concurrent Resolutions

Senate concurrent resolutions introduced in 2014 session.....	9
Senate concurrent resolutions carried over from 2013.....	<u>9</u>
TOTAL.....	18
Senate concurrent resolutions adopted by both houses.....	4
Senate concurrent resolutions killed in Senate.....	0
Senate concurrent resolutions that died on Senate Calendar.....	0
Senate concurrent resolutions that died in Senate Committees..	10
Senate concurrent resolutions killed in House.....	0
Senate concurrent resolutions that died on House Calendar.....	1
Senate concurrent resolutions that died in House Committees....	<u>3</u>
TOTAL.....	18

Senate Resolutions

Senate resolutions introduced in 2014 session.....	69
Senate carried over from 2013.....	<u>1</u>
TOTAL.....	70
Senate resolutions adopted.....	68
Senate resolutions killed in Senate.....	0
Senate resolutions that died on Senate Calendar.....	0
Senate resolutions that died in Senate Committees.....	<u>2</u>
TOTAL.....	70

STATUS OF BILLS AND RESOLUTIONS

Senate bills signed by the Governor: Nos. H Sub 40, 54, 63, H Sub 231, H Sub 245, 248, 254, 256, 258, 263, 265, 266, 267, 268, 271, 272, H Sub 273, 274, 278, 284, 285, 286, 306, 308, 309, 310, 311, 321, 329, 344, 349, 351, 357, 359, 367, 371, 372, 402, 423, 424

Senate bills vetoed by Governor: No. 99

Senate bills signed by the Governor and published in Kansas register: Nos. 54, H Sub 245, 274, 285, 344, 423

Senate resolutions adopted: Nos. 1772, 1773, 1774, 1775, 1776, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840

Senate concurrent resolutions adopted by both Houses: Nos. Sub 1618, 1620, 1622, 1623

**APPOINTMENTS, COMMUNICATIONS, CONFIRMATIONS, MESSAGES
FROM THE GOVERNOR, SPECIAL EVENTS AND GUESTS
2014 SENATE JOURNAL**

APPOINTMENTS

SR 1772, relating to the organization of the Senate and appointments of the president, vice president, majority leader, minority leader, secretary and sergeant at arms, page 1490.

The Reverend Donald Davidson with St. David's Episcopal Church, Topeka, appointed to serve as Chaplain of the Senate, page 1490.

SR 1778, relating to assignments of seats of the Senate, page 1558.

SR 1827, relating to assignments of seats of the Senate, page 2304.

COMMUNICATIONS FROM STATE OFFICERS

Secretary of the Senate, Corey Carnahan, has received the following communications during the interim since adjournment of the 2013 Regular and Special Sessions of the Legislature:

Executive Directives Nos. 13-442, 13-443, 13-444, 13-445, 13-446, 13-447, 13-448, 13-449, all relating to Authorizing Expenditure of Federal funds and Authorizing Fund Transfers, page 1493.

Executive Order 13-02, declaring a drought watch or drought warning or drought emergency for the counties listed and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning, or Emergency level drought response actions assigned to them in the Operation Plan of the Governor's Drought Response Team, page 1493.

Executive Order 13-03, for governor's reward, page 1493.

Executive Order 14-01, conditional and temporary relief from Motor Carrier Rules and Regulations, page 1493.

The Johnson County Education Research Triangle Authority, Ed Eilert, Chairman, submitted the annual report concerning the financial activities of the Authority, page 1494.

The Kansas Attorney General, Derek Schmidt, submitted the 2013 Annual Report of the Kansas State Child Death Review Board, page 1494.

The Kansas Public Employees Retirement System submitted the Comprehensive Annual Financial Report for Fiscal Year 2013, page 1494.

The Kansas Department of Administration submitted the 60th Annual Financial Report of the State of Kansas for Fiscal Year 2013, page 1494.

The Kansas Department of Health and Environment provided the inspection results and recommendations for insuring proper sanitary conditions and adequate health supervision for state children's institutions as directed by KSA 65-176, page 1494.

The Pooled Money Investment Board, in compliance with KSA 75-4222(h), submitted a copy of the Annual Report of the Pooled Money Investment Board for Fiscal Year 2013, page 1494.

Kansas Corporation Commission Executive Director Kim Christiansen and Director Ryan A. Hoffman, Conservation Division, submitted the Remediation Site Status Report and the Conservation Division Abandoned Oil and Well Status Report, page 1497.

Secretary of State of the State of Kansas, Kris W. Kobach, certify that Douglas Clark Shultz, McPherson, was appointed by the Governor effective February 3, 2014, to fill the vacancy created by the resignation of Jay Scott Emler, page 1556.

Kansas Corporation Commission, Executive Director Kim Christiansen, Utilities Division Director Jeff McClanahan and Transportation Division Director Mike Hoeme, submitted the 2014 Utilities and Common Carriers Annual Report, page 1563.

Kansas Corporation Commission Executive Director Kim Christiansen and Director of the Utilities Division Jeff McClanahan, submitted the Annual Price Deregulation Report, page 1563.

President Susan Wagle appointed the following members to the Senate Select Committee on KPERS: Senator King (chair), Senator Longbine (vice-chair), and Senators Masterson, Holmes, Denning, Knox and Bowers, page 1592.

President Susan Wagle announced additional appointments to the Select Committee on KPERS: Senators Hensley and Kelly join Senators King, Longbine, Bowers, Denning, Holmes, Knox and Masterson, page 1608.

Secretary of State of the State of Kansas, Kris W. Kobach, certify that Martha J. "Molly" Baumgardner, Louisburg, was appointed by the Governor effective April 22, 2014, to fill the vacancy created by the resignation of Pat Apple, page 2298.

Kansas Human Rights Commission, Ruth Glover, Executive Director, submitted the FY 2013 Annual Report of the Kansas Human Rights Commission, page 2702.

President Susan Wagle appointed Mr. David Murfin to the Kansas Bioscience Authority, page 2938.

CONFIRMATION OF APPOINTMENTS

Consideration of confirmation of appointments, pages 1506, 1572, 1573, 1574, 1642, 2295, 2296, 2794.

MESSAGES FROM THE GOVERNOR

Submitting for confirmation: Norman Pishny, State Banking Board, Topeka; Marilyn Wilder, Kansas Human Rights Commission, Hesston; Jeffrey Leiker, State Board of Indigent Defense Services, Kansas City; Deryl Wynn, University of Kansas Hospital Authority, Kansas City; Jackie McClaskey, Secretary, Department of Agriculture, Manhattan; John Mitchell, Central Interstate Low-Level Radioactive Waste Commission, Lawrence; Jack Newman, Jr., University of Kansas Hospital Authority, Leawood; and Jaime Rogers, State Board of Indigent Defense Services, Overland Park, page 1492.

Submitting for confirmation: Terry Presta, Executive Director, Kansas Lottery Commission, Overland Park; Jay Emler, Commissioner, Kansas Corporation Commission, Lindsborg; and Ronald Wurtz, State Board of Indigent Defense Services, Topeka, page 1493.

Executive Order 14-02, concerning Conditional and Temporary Relief from Motor Carrier Rules and Regulations, page 1501.

Submitting for confirmation: Phillip Hayes, Employment Security Board of Review, Public Member, Haysville, page 1521.

Submitting for confirmation: Deryl Schuster, Commissioner, Office of the State Bank Commissioner, Wichita, page 1742.

Executive Directive No. 14-451, Authorizing Expenditure of Federal Funds and Authorizing Fund Transfers, page 1760.

Submitting for confirmation: John Bowes, Public Employee Relations Board, Topeka; Andrew Wimmer, State Board of Indigent Defense Services, Overland Park; and David Dillon, University of Kansas Hospital Authority, Cincinnati, page 1913.

Submitting for confirmation: Carroll Macke, State Civil Service Board, Kansas City; and Patton Apple, Commissioner, Kansas Corporation Commission, Louisburg, page 1913.

Veto message regarding **SB 99**, lobbyist registration, page 2297. Veto sustained, page 2315.

Executive Order No. 14-04, concerning drought conditions within the State of Kansas, page 2937.

SPECIAL EVENTS AND GUESTS

Senator Wagle introduced Dr. Mary Beth Miller, President of the Academy of Family Physicians and Chief of Staff at Cheyenne County Hospital. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session, page 1490.

Also recognized were Corey Carnahan, Secretary of the Senate; Nick Nicolay, Sergeant-at-Arms; Joyce Hladky, desk clerk; Roger Williams, Dean Glatt and Bud Weiler, doormen; and Ben McFarlane, reading clerk, page 1490.

Second Lieutenant Don Cackler will again be representing the Kansas Highway Patrol in the Senate, page 1490.

Senator Abrams recognized the 2014 Kansas Teacher of the Year team, page 1498.

Senator Haley recognized the life and legacy of Dr. Martin Luther King Jr., page 1502.

Senator Faust-Goudeau recognized Joseph Elmore, Wichita; Pastor Tony Stanley, Topeka; and Shur'dell Drath'at in recognition of Martin Luther King's life and legacy, page 1503.

Guest chaplain Reverend Dr. Bruce L. Emmert, Topeka, First United Methodist Church, page 1546.

Senator Abrams invited everyone to stand and join him in the singing of "Home on the Range," in observance of Kansas' 153rd Anniversary, page 1547.

Senator Ostmeyer introduced Ms. Wheelchair Kansas 2013, Angel Shaver of WaKeeney. Mrs. Shaver's husband and children were also present, page 1548.

Guest chaplain Senator Tom Arpke, pages 1553, 1908.

Senator Shultz introduced his wife, Lori, daughters, Abby, Anna, Bethany, and son Alex, page 1557.

Senator Lynn shared remarks on behalf of Representative Marvin Kleeb upon the death of his wife, Nancy, page 1557.

Guest chaplain Reverend Patrick Funston, St. Pauls Episcopal Church, Manhattan, page 1565.

Senator Fitzgerald introduced Sporting Kansas City team members Matt Besler and Seth Sinovic, page 1567.

Guest chaplain Reverend Laurie A. Lewis, Grace Episcopal Church, Wichita, page 1569.

Kansas State Historical Society and Jenni Chinn, Director, were recognized for providing key historical items displayed in the Kansas State Capitol Visitor Center, page 1571.

Ron Keller, Director of Programming, Fort Hays State University, and the 2015 graduates of the Kansas Academy of Mathematics and Science were congratulated and commended for the continued success of the program, page 1582.

Senator Petersen introduced and honored James Chitty for over 10,000 hours of volunteer service at the Robert J. Dole VA Medical Center. Also introduced were Diane Henderson and Rick Kennedy, page 1593.

Guest chaplain Pastor Christina Fowler, Olive Branch Chapel, Russell, page 1601.

Senators Hawk and Bowers introduced Kansas 4-H guests Audrey Diehm, Thomas Fink, Natalie McCracken, Ashlee Schneider and 4-H Sponsor Sarah Keatley, page 1603.

Senator Bowers congratulated Don Landoll, Phil Landoll, Paula Landoll-Smith, Kerry Smith and Sierra Landoll for the Landoll Corporation's 50th Anniversary and receiving the Ad Astra Award, page 1610.

Senator Faust-Goudeau introduced Selahattin Aydin, Eyyup Esen and Sydin Cayir, recognizing the importance of the strategic partnership between the United States and the Republic of Kazakhstan, page 1614.

Senator King recognized the 2014 members of Leadership Montgomery. Introduced were Gail Billman, Andrea Bray, Donald Butler, Alex Knott, Shelly Martin, Zack Schibi, Casey Starrett, Bess Stone, Tony Encarnacion, Shawn Tasset, Jaylen Lane, Rick Agston and Master Sergeant Troy Sommers, page 1618.

Senator Masterson recognized members of the Superintendent's Student Advisory Team from Andover Public Schools. Introduced were Jamie Bohannon, Noah Bohannon, Colin Williams, Greg Rasmussen, Keturah Austin, Kevin Travia, Ryan Siebuhr and Garrett Swanson, page 1633.

Senator Faust-Goudeau introduced members of the Delta Sigma Theta Sorority, in recognition of their 100th Centennial celebration. Introduced were Trudy Baker, Sandra Kay Lyons, Sue Wilson, Monique King and Debra Riley, page 1633.

Senator Smith recognized Jan English, Patricia Gates, Barbara Sass and Carolyn Clyde Dolan, of the Wyandot Chapter of the Kansas Daughters of the American Revolution, for preserving American history, page 1635.

Senator Melcher introduced Debbie Bond, Principal of Mission Trail Elementary School, page 1642.

Senator Bruce recognized members of the China Christian Council to the Kansas Statehouse. In attendance were: Long Hui, Sun Renfu, Zheng Xiaogui, and Zheng Siyuan. Council members were accompanied by Ron Yoder, Director of International Relations for the Mennonite Health Services Alliance and his wife Shirley, Kevin Reimer, CEO of Pleasant View Home in Inman, and James Kraybel, CEO of Bluestem Communities in Harvey County, page 1671.

Senator Hawk introduced Sky Westerlund, Executive Director of the Kansas Chapter of the National Association of Social Workers, Cano Agosto, Courtney Fields, Corey Lynn Gier, Jessica Trombly, Abbie Kendall, Katelyn Melgren, RayeAnn Underwood, Kyle Tomlinson and Carol Mezo, page 1673.

Guest chaplain Pastor Jim Peters, Our Savior's Lutheran Church in Topeka, page 1675.

Senator Wagle recognized group leaders of Boys and Girls Club of Kansas on their annual achievements. Introduced were: Chad McNeal, LaShanta Robinson, Danielle Sigmon, Gilbert Galindo, Innocent Anavberokhai, Kennedy Felice, Kylie Woods, Micah Raider, Antonio Vega, and Kiana Knolland, 2013 National Youth of the Year award winner for Girls and Boys Club of Kansas. Also introduced was Joyce Glasscock, Director of Government Relations, Boys and Girls Club of Kansas, page 1688.

Senator Schmidt congratulated The Honorable Christel E. Marquardt, Kansas Court of Appeals Judge on her retirement. Introduced were Philip Marquardt, Mary Jane Marquardt, Ben Marquardt, Grace Marquardt, Andrew Marquardt, Jackie Marquardt, Sarah Marquardt, Maddie Marquardt, Joel Marquardt, Gyaltsen Marquardt, Tash Marquardt, Amy English, Pam Konetzni, Susan Farley, Juli Mazachek and Betty Barber, page 1691.

Senator Holland introduced Kansas Small Business Owners, page 1693.

Senator Faust-Goudeau introduced Alan Dsouza, Lydia Santiago, Mulu Negash, Traniece Bruce and Karen Rogers for Kansas TRIO Day, page 1694.

Guest chaplain Pastor Mark Hoover, New Spring Church, Wichita, page 1699.

Senator Masterson introduced members of the Open World Leadership Center and the Friendship Force of Kansas. Guests introduced were Ankica Agic, Marija Dasic, Tamara Glisic, Iva Radic, Dina Ratkin, Tatijana Bakracli and Emese Purger-Kedmen, page 1699.

Senator Faust-Goudeau introduced Tanisha Forte, Kelly Loeb, Zelia Wiles, Elizabeth Ross, Gwen Sharpe, Harriett Herbert, Wendy Schrag, Mark Green, Eric Swim, Lesley Pratt Dyer, Chad Iseman, Elaine Bahadori, Alexandra Wilson, Wilma Moore-Black, Gail Finney, Lanna Simon, Prisca Barnes and Dr. Sharon Cranford for Kidney Awareness Day, page 1714.

Senator O'Donnell introduced Dr. Noreen Carrocci, Rosemary Niedens, Dr. Joshea Papsdorf, Dr. Kelly McFall, Jonathan Albers, Chase Blasi and Sister Charlotte O'Donnell for the 80th Anniversary of Newman University in Wichita, page 1716.

Senator Lynn recognized members of the fifth grade Girl Scout troop from Ravenwood Elementary School, Olathe. Introduced were Isabelle Davis, Erin Stenson, Heidi Savoy, Kaitlyn Savoy and Lisa Allen, troop leader. Also introduced were Nicholas Stenson and Sam Harootunian, page 1723.

Senator Schmidt introduced Dr. Jerry Farley, Dr. Cynthia Hornberger, Dr. Monica Schelbmeir, Dr. Marian Jamison, Dr. Randy Pembroke, Susan Maendele, Carrie Magill and Bill Sneed, commemorating the 40th anniversary of the Washburn University School of Nursing, page 1729.

Senator Hensley honored Barry Greis for the preservation and restoration of the Kansas State Capitol. Also introduced was his wife, Sandy, page 1743.

Vice President King recognized retired Senate Chaplain Fred Holloman and his wife Pat, page 1759.

Senator Bowers recognized retired Representative Bob Fuller and his wife, Janet, page 1759.

Senator Bowers recognized Joann Zlatnik, House Page Scheduler, and Linda Wulfkuhle, Senate Page Scheduler, page 1759.

Senator Schmidt introduced Ann Deitcher, Ellyn Deitcher Hollis, Ralph Hollis, Blair Hollis, Emily Hollis-Nelson, Kris Nelson, Logan Nelson, Ella Nelson, Gretchen Deitcher-Kitson, Justin Kitson, Molly Kitson-Cunningham, Justin Cunningham, Katrina Deitcher, Eric Deitcher, Tiffany Deitcher, Zachary Deitcher and Mason Deitcher, memorializing the life of Glen Deitcher, page 1834.

Senator Hensley introduced the Santa Fe Trail High School women's volleyball team members: Jessica Abendroth, Samantha Abendroth, Shelby Dahl, Veronica Forbes, Ashtyn Mentzer, Amber Moore, Destinee Reinhardt, Jaeden Romine, Megan Zaldivar and coaches Joy Schmidt, Ann Fawl and Heather Berckefeldt, page 1836.

Senator Faust-Goudeau recognized students and teachers from Abner Val Jean Jackson Elementary School in Wichita. Introduced were Jewelene Embers, Sally Raymond, Cathy Davis, Rhondalyn Mock, Wendy Fjordan, Avis Crosby and Shanetta Porter, page 1855.

Senator Longbine congratulated the 2014 Kansas Master Teachers: Kevin Johnson, Lucie Eusey, Bonnie Austin, John V. Bode, Lori Gunzelman, Signe Truelove, Carla Varner, Kathleen Wilhite, Maria Worthington and Michael Shonrock, page 1856.

Senator Schmidt introduced Gwen Lehleitner, recognizing American Diabetes Association Alert Day, page 1857.

Senator Ostmeyer introduced Home Vietnam Veterans Day guests Ret. Col. Lynn Rolf, Gregg Burden, Wayne Bollig, Terry Bender, Kafer Peele, Mike Devlin, Senator Steve Fitzgerald and Ed Porubsky, Senate Doorman, page 1909.

Senator Faust-Goudeau introduced for Equity Day at the Capitol guests Chiquita Cogs, James Barfield, Sherdeill Breathett, Tyrone Garner, Daphne Maxwell, Mildred Edwards, Andrea Scipio, Capri Tiner, Dr. Janet Haynes and Yasmari Rodriguez, page 1911.

Senator Schmidt introduced Congenital Diaphragmatic Hernia Awareness Day guests Tera Linenberger, David Linenberger, Megan Skaggs, William Skaggs III, David Seep, Deborah Seep, Richard Augustine, Deanna Augustine, Katherine Melcher, Kevin Melcher, Kinley Melcher, Kolton Melcher and Amber Gardner, page 1918.

Senator Apple introduced the Crossroads Regional FIRST Robotics competition team: Ben Sexton, Katie Jones, Luke Larson, Kate Sample, Cassie Olender, Bill Sample, Julie Sample, Tyler Box, Bill Hauldren, Gregg Rupp, Dave Green, Bob Hrenchir, Lisa Larson, Lyle Larson and Kelly Seyler, page 1919.

Senator Masterson introduced Derby High School guests Coach Brandon Clark, Tim Hamblin, Tanner Anderson, Cole Hansen, Luke Palmer and Caleb Arnold, page 1924.

Senator Bowers introduced National Public Health Week in Kansas guests Austin Rogers, Kate Hoppe, Jennifer Maciaszek, Olga Shakhnovich, Julia Soap, Justin Begave, Chuck Sepers, Dr. Kimathi Choma, Tanya Honderick and Bob Moser, page 1925.

Senator Lynn introduced Olathe Northwest High School Dance Team guests Brooke Allen, Hailey Bartels, Anna Brogden, Alyssa Cooper, Marissa Fields, Callie Fisher, Kate Gardner, Sara Glass, Madison Hartquist, Brittney Hugunin, Natalie Hunt, Lexi Kaminsky, Caitlin Meyer, Rachel Midyett, Alyssa Monson, Adrianna Morse, Erin O'Brien, Mallory Pittman, Lily Riederer, Jordan Rose and Coach Shannon Summers, page 1927.

Senator Love introduced Parkinson's Disease Awareness Month guests Lisa Reser, Lloyd Kurtz, J. Basil Dannebohm, Sharon Schartz, Taylor Schartz, Linda Borrer, Gayle Christy, Catherine Strecker and Rev. Pascal Klein, page 1928.

Senator Love recognized April as Parkinson's Awareness Month and introduced Lisa Reser and J. Basil Dannebohm from Ellinwood, Kansas, page 1933.

Senator Petersen honored the Wichita South High School Women's basketball team and coaches, page 1934.

Senator Hensley honored the Marais des Cygnes Valley High School boys' basketball team and coaches, page 1935.

Senator Francisco introduced Colby Wilson, Executive Director of the Boys and Girls Club of Lawrence, and Innocent Anavberokhai, 2014 Kansas Youth of the Year, page 1936.

Guest chaplain Senator Pat Apple, page 2243.

Senator Pettey introduced J.C. Harmon High School juniors and seniors for their participation in the 20/20 Leadership Program. Guests were: Bianca Jacobo, Brenda Casique, Dedric Bradley, D'Angelo Hicks, Issak Ahmedin, Keven Fajardo, Juan Tirado, Ana Simental and Rick Malone, page 2300.

Senator Abrams honored Erie High School on being selected for the final round in a competition to build and test designs for radiation shields for NASA's new Orion spacecraft. Guests introduced were Todd "Parker" Ray, Virginia Wolken, Rose Fry, Sabrina Graham, Lorena South, Madison Steenrod and Ashlyn Taylor, page 2301.

Senators recognized and honored guests of the Employer Support of the Guard and Reserve and the Kansas Committee of Employer Support of the Guard and Reserve, page 2301.

Senator Bruce congratulated and commended Dr. Edward H. Hammond on his retirement from Fort Hays State University, page 2303.

Senator Kelly congratulated Gail Naylor on receiving the 2014 Outstanding Speech/Debate/Theater Educator Award from the National Federation of State High School Associations, page 2307.

Senator Hensley congratulated Shirley Johannsen for teaching 50 years at State Street Elementary School in Topeka. Guests included Sarah Sharp, Principal, and Julie Ford, Superintendent, USD 501, page 2309.

Senator Hensley congratulated Ken Darting as head boys basketball coach at Highland Park High School in Topeka. Guests included Karen Darting, Kerry Darting, Jackie Cusic, Gene Cusic, Dr. Beryl New, Dale Cushinberry, Anita Cushinberry, Monica Augusto and Abel Sanchez, page 2310.

Senator Schmidt introduced Joan McDowd, Willie Hillmon, Norma Brockhouse and David Clafin for Stroke Awareness Month in Kansas, page 2311.

Senator King introduced Marvin and Joyce Long for recognizing Kansan Frank Bellamy's authorship of the Pledge of Allegiance, page 2312.

Senator McGinn introduced Peggy Blumhagen in support of further Lyme disease research, page 2313.

Senator Faust-Goudeau honored Wichita East High School for being recognized by US News and World Report as the top-ranked public high school in the State of Kansas. Also recognized was her daughter, Paris Cunningham, who graduated from Wichita East High School and Principal Ken Thiessen for his work at the school. Three graduates of Wichita East are serving in the Kansas Senate: Senators Faust-Goudeau, Petersen, and Shultz, page 2777.

Senator Olson congratulated Ken Wilke on his retirement from the Office of Revisor of Statutes. Guests introduced were Janet Wilke, Heather Wilke, Lance Wilke, Matthew and Julie Schwinn, page 2939.

SENATE RULES

Senate Rules, **SR 1773**, adopted, page 1499.

AUTHOR INDEX

This index includes all legislation sponsored by Senate Members, Senate Committees, Joint Committees, Select Committees and Special Committees.

Abrams, Steve

- SB 44 School districts; requirements for identification of and provision of services to students with dyslexia.
- SB 104 Creating the Kansas children's internet protection act.
- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 303 Allowing the Sedgwick county regional forensic science center to receive forfeited firearms for forensic science purposes.
- SB 358 Establishing the community defense act.
- SCR 1616 Foresight 2020 strategic plan.
- SR 1774 Teacher of the Year team.
- SR 1781 Historical Society and Capitol Visitor Center.
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- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
- SR 1786 Cable Telecommunications Horizon Award Program educators.
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- SR 1788 National Board Certified Teachers.
- SR 1794 Small Business Development Center award winners.
- SR 1824 Erie High School's design for NASA's new Orion spacecraft.

Apple, Pat

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 281 Removing redbelly and smooth earth snakes from the nongame and endangered species conservation act.
- SB 358 Establishing the community defense act.
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- SR 1809 Paola Panther robotics team.
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Arpke, Tom

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 167 Eliminating the statute of limitations for prosecutions of rape.
- SB 335 School districts; drug screening of school district employees; background checks for licensure; revocation of teaching licenses.
- SB 358 Establishing the community defense act.
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- SR 1784 230th Anniversary of the Treaty of Paris Ratification and Wyandot Chapter of the Kansas Daughters of the American Revolution.
- SR 1794 Small Business Development Center award winners.
- SR 1826 FHSU President Hammond's retirement.

Bowers, Elaine

- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 386 Insurance; prohibiting dental benefits from being reduced based solely upon where the insured seeks dental care.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1785 4-H Citizenship in Action leadership conference.
- SR 1789 Landoll Corporation, 50th Anniversary and Ad Astra Award recipient.
- SR 1794 Small Business Development Center award winners.
- SR 1812 Public Health Week.
- SR 1826 FHSU President Hammond's retirement.

Bruce, Terry

- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 250 Sentencing of certain persons to mandatory minimum term of imprisonment of 50 years ("hard 50").
- SCR 1622 Adjournment of legislature for a time during the 2014 session.
- SCR 1623 Adjournment of legislature for a time during the 2014 session.
- SR 1772 Organization of the Senate, 2014.
- SR 1773 Resolution amending rules of Senate.
- SR 1778 Assignment of seats in Senate, 2014.
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- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 251 Real-time explanation of health care benefits act.
- SB 281 Removing redbelly and smooth earth snakes from the nongame and endangered species conservation act.
- SB 335 School districts; drug screening of school district employees; background checks for licensure; revocation of teaching licenses.
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- SB 4 Amending the statute of limitations for prosecution of sexually violent offenses where the victim is under 18 years of age.
- SB 5 Business entities; restricting the use of an acquired entity's name by an acquiring entity.
- SB 6 Relating to restricted driving privileges in lieu of suspension.
- SB 13 County elections commissioners; appointment by county commission.
- SB 15 Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions.
- SB 165 Abatement of property taxes for property destroyed due to calamity.
- SB 167 Eliminating the statute of limitations for prosecutions of rape.
- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
- SB 198 Kansas Buy American Act.
- SB 248 Victim notification prior to release of certain inmates.
- SB 249 Hair braiding; board of cosmetology.
- SB 252 Court of appeals judges; requiring certain applicant information to be made available to the public.
- SB 253 Kansas protection against voter suppression act.
- SB 303 Allowing the Sedgwick county regional forensic science center to receive forfeited firearms for forensic science purposes.
- SB 360 Concerning relief from property taxation for property destroyed by disaster; agreements to pay tax by county boards.
- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SR 1775 49th anniversary of the Piatt plane crash.
- SR 1777 War on Poverty, 50th Anniversary.
- SR 1781 Historical Society and Capitol Visitor Center.
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- SR 1790 Strategic Partnership with Republic of Kazakhstan.
- SR 1794 Small Business Development Center award winners.
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- SR 1820 50th Anniversary of the Civil Rights Act of 1964.

- SR 1826 FHSU President Hammond's retirement.
- SR 1835 Commemorating the 60th anniversary of Brown v. Board.

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- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SR 1774 Teacher of the Year team.
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- SB 167 Eliminating the statute of limitations for prosecutions of rape.
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- SR 1835 Commemorating the 60th anniversary of Brown v. Board.

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- SB 9 Enacting the cannabis compassion and care act.
- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 180 Length of regular legislative session in odd-numbered years.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
- SB 190 Relating to eyewitness identifications.
- SB 198 Kansas Buy American Act.
- SB 252 Court of appeals judges; requiring certain applicant information to be made available to the public.
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- SB 13 County elections commissioners; appointment by county commission.
- SB 14 Prohibiting outside employment of certain state officials.
- SB 15 Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions.
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- SB 178 School finance; amending base state aid per pupil; increasing state prescribed percentage for local option budget for fiscal years 2014 and 2015.
- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
- SB 198 Kansas Buy American Act.

- SB 252 Court of appeals judges; requiring certain applicant information to be made available to the public.
- SB 391 Providing penalties and procedures for members of legislature who have positive test under the drug screen program.
- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SCR 1622 Adjournment of legislature for a time during the 2014 session.
- SCR 1623 Adjournment of legislature for a time during the 2014 session.
- SR 1772 Organization of the Senate, 2014.
- SR 1773 Resolution amending rules of Senate.
- SR 1777 War on Poverty, 50th Anniversary.
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- SR 1781 Historical Society and Capitol Visitor Center.
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- SR 1794 Small Business Development Center award winners.
- SR 1798 Statehouse Architect Barry Greis.
- SR 1799 Washburn University School of Nursing's 40th anniversary.
- SR 1802 Santa Fe Trail High School women's volleyball team.
- SR 1807 Mars Chocolate North America Day.
- SR 1814 Parkinson's Awareness Month.
- SR 1816 Marais des Cygnes Valley High School boys' basketball team.
- SR 1820 50th Anniversary of the Civil Rights Act of 1964.
- SR 1822 Santa Fe Trail High School girls' basketball.
- SR 1826 FHSU President Hammond's retirement.
- SR 1827 Assignment of seats in the Senate, 2014.
- SR 1828 Outstanding Speech and Debate Educator.
- SR 1829 Shirley Johannsen's 50 years of service at State Street Elementary School.
- SR 1830 Commending and congratulating Ken Darting on his record and retirement.
- SR 1835 Commemorating the 60th anniversary of Brown v. Board.
- SR 1836 Memorializing the life of Dr. Robert C. Harder.
- SR 1837 William Minner's retirement from the Kansas Human Rights Commission.
- SR 1840 Congratulating and commending Kenneth Wilke on his retirement.

Holland, Tom

- SB 12 Governmental ethics; two year restriction on lobbying by former state officers or employees.
- SB 13 County elections commissioners; appointment by county commission.
- SB 15 Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions.
- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1794 Small Business Development Center award winners.
- SR 1814 Parkinson's Awareness Month.
- SR 1817 2014 Boys and Girls Club Kansas Youth of the Year.

- SR 1834 Dr. Long's retirement from Baker University.
 SR 1835 Commemorating the 60th anniversary of Brown v. Board.

Holmes, Mitch

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
 SB 358 Establishing the community defense act.
 SR 1781 Historical Society and Capitol Visitor Center.
 SR 1782 2015 KAMS Graduating Class.
 SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
 SR 1814 Parkinson's Awareness Month.

Kelly, Laura

- SB 12 Governmental ethics; two year restriction on lobbying by former state officers or employees.
 SB 13 County elections commissioners; appointment by county commission.
 SB 14 Prohibiting outside employment of certain state officials.
 SB 15 Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions.
 SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
 SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
 SR 1777 War on Poverty, 50th Anniversary.
 SR 1781 Historical Society and Capitol Visitor Center.
 SR 1782 2015 KAMS Graduating Class.
 SR 1794 Small Business Development Center award winners.
 SR 1799 Washburn University School of Nursing's 40th anniversary.
 SR 1807 Mars Chocolate North America Day.
 SR 1812 Public Health Week.
 SR 1826 FHSU President Hammond's retirement.
 SR 1828 Outstanding Speech and Debate Educator.
 SR 1829 Shirley Johannsen's 50 years of service at State Street Elementary School.
 SR 1830 Commending and congratulating Ken Darting on his record and retirement.
 SR 1835 Commemorating the 60th anniversary of Brown v. Board.
 SR 1836 Memorializing the life of Dr. Robert C. Harder.
 SR 1837 William Minner's retirement from the Kansas Human Rights Commission.

Kerschen, Dan

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
 SB 161 Vital statistics; concerning death and unborn child death certificates.
 SB 303 Allowing the Sedgwick county regional forensic science center to receive forfeited firearms for forensic science purposes.
 SR 1781 Historical Society and Capitol Visitor Center.
 SR 1782 2015 KAMS Graduating Class.
 SR 1794 Small Business Development Center award winners.
 SR 1810 Derby High School athletics and extracurricular activities.
 SR 1814 Parkinson's Awareness Month.

- SR 1826 FHSU President Hammond's retirement.
- SR 1835 Commemorating the 60th anniversary of Brown v. Board.

King, Jeff

- SB 8 Creating the Kansas commission on judicial appointments; specifying Senate confirmation procedure for judicial appointments.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 167 Eliminating the statute of limitations for prosecutions of rape.
- SB 250 Sentencing of certain persons to mandatory minimum term of imprisonment of 50 years ("hard 50").
- SCR 1601 Constitutional amendment revising article 3, relating to the judiciary; allowing the governor to appoint supreme court justices and court of appeals judges, subject to senate confirmation; abolishing the supreme court nominating commission.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
- SR 1794 Small Business Development Center award winners.
- SR 1814 Parkinson's Awareness Month.
- SR 1824 Erie High School's design for NASA's new Orion spacecraft.
- SR 1832 Recognizing Frank Bellamy's authorship of the Pledge of Allegiance.

Knox, Forrest

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 358 Establishing the community defense act.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.

LaTurner, Jacob

- SB 10 Open meetings; minutes required; open records; charges limited.
- SB 11 Legislators; lobbying restrictions; nepotism restrictions.
- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 148 Raffles; regulation; administrator of charitable gaming, department of revenue.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 358 Establishing the community defense act.
- SCR 1602 State constitutional amendment; term limits; legislators.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1814 Parkinson's Awareness Month.

Longbine, Jeff

- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1803 Master Teachers.

- SR 1814 Parkinson's Awareness Month.
- SR 1826 FHSU President Hammond's retirement.

Love, Garrett

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 358 Establishing the community defense act.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
- SR 1784 230th Anniversary of the Treaty of Paris Ratification and Wyandot Chapter of the Kansas Daughters of the American Revolution.
- SR 1803 Master Teachers.
- SR 1814 Parkinson's Awareness Month.
- SR 1826 FHSU President Hammond's retirement.
- SR 1835 Commemorating the 60th anniversary of Brown v. Board.

Lynn, Julia

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 281 Removing redbelly and smooth earth snakes from the nongame and endangered species conservation act.
- SB 358 Establishing the community defense act.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1794 Small Business Development Center award winners.
- SR 1811 Olathe North High School Battle of the Brains.
- SR 1813 Olathe Northwest Raven Dance team's third consecutive national title.

Masterson, Ty

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 303 Allowing the Sedgwick county regional forensic science center to receive forfeited firearms for forensic science purposes.
- SB 358 Establishing the community defense act.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
- SR 1803 Master Teachers.
- SR 1804 American Diabetes Association Alert Day.
- SR 1810 Derby High School athletics and extracurricular activities.
- SR 1814 Parkinson's Awareness Month.
- SR 1826 FHSU President Hammond's retirement.

McGinn, Carolyn

- SB 303 Allowing the Sedgwick county regional forensic science center to receive forfeited firearms for forensic science purposes.
- SR 1779 10th Anniversary of National Wear Red Day.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1826 FHSU President Hammond's retirement.
- SR 1833 Underdiagnosis of Lyme disease.
- SR 1835 Commemorating the 60th anniversary of Brown v. Board.
- SR 1838 Hesston High School boys' basketball team.
- SR 1839 Hesston High School girls' basketball team.

Melcher, Jeff

- SB 281 Removing redbelly and smooth earth snakes from the nongame and endangered species conservation act.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1791 Blue Ribbon award recipient Mission Trail Elementary School.
- SR 1803 Master Teachers.

O'Donnell, Michael

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 165 Abatement of property taxes for property destroyed due to calamity.
- SB 303 Allowing the Sedgwick county regional forensic science center to receive forfeited firearms for forensic science purposes.
- SB 358 Establishing the community defense act.
- SB 360 Concerning relief from property taxation for property destroyed by disaster; agreements to pay tax by county boards.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
- SR 1797 80th Anniversary of Newman University.
- SR 1814 Parkinson's Awareness Month.
- SR 1826 FHSU President Hammond's retirement.

Olson, Robert

- SB 95 Uniform vital statistics act; certificate of birth relating in stillbirth.
- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 281 Removing redbelly and smooth earth snakes from the nongame and endangered species conservation act.
- SB 335 School districts; drug screening of school district employees; background checks for licensure; revocation of teaching licenses.
- SB 358 Establishing the community defense act.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.

- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
- SR 1803 Master Teachers.
- SR 1814 Parkinson's Awareness Month.
- SR 1826 FHSU President Hammond's retirement.
- SR 1835 Commemorating the 60th anniversary of Brown v. Board.

Ostmeyer, Ralph

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SR 1776 Ms. Wheelchair Kansas.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
- SR 1794 Small Business Development Center award winners.
- SR 1805 Welcome Home Vietnam Veterans Day.
- SR 1814 Parkinson's Awareness Month.
- SR 1818 Norton Community High School wrestling team.
- SR 1819 Hoxie High School women's basketball team.
- SR 1826 FHSU President Hammond's retirement.
- SR 1835 Commemorating the 60th anniversary of Brown v. Board.

Petersen, Mike

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 165 Abatement of property taxes for property destroyed due to calamity.
- SB 167 Eliminating the statute of limitations for prosecutions of rape.
- SB 303 Allowing the Sedgwick county regional forensic science center to receive forfeited firearms for forensic science purposes.
- SB 358 Establishing the community defense act.
- SB 360 Concerning relief from property taxation for property destroyed by disaster; agreements to pay tax by county boards.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
- SR 1784 230th Anniversary of the Treaty of Paris Ratification and Wyandot Chapter of the Kansas Daughters of the American Revolution.
- SR 1794 Small Business Development Center award winners.
- SR 1810 Derby High School athletics and extracurricular activities.
- SR 1814 Parkinson's Awareness Month.
- SR 1815 Wichita South High School women's basketball team.

Petty, Pat

- SB 12 Governmental ethics; two year restriction on lobbying by former state officers or employees.
- SB 13 County elections commissioners; appointment by county commission.
- SB 14 Prohibiting outside employment of certain state officials.

- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
- SB 198 Kansas Buy American Act.
- SB 252 Court of appeals judges; requiring certain applicant information to be made available to the public.
- SB 281 Removing redbelly and smooth earth snakes from the nongame and endangered species conservation act.
- SB 358 Establishing the community defense act.
- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SR 1777 War on Poverty, 50th Anniversary.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1794 Small Business Development Center award winners.
- SR 1814 Parkinson's Awareness Month.
- SR 1823 J.C. Harmon High School's 20/20 Leadership Program.
- SR 1826 FHSU President Hammond's retirement.
- SR 1835 Commemorating the 60th anniversary of Brown v. Board.

Pilcher-Cook, Mary

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 281 Removing redbelly and smooth earth snakes from the nongame and endangered species conservation act.
- SB 335 School districts; drug screening of school district employees; background checks for licensure; revocation of teaching licenses.
- SB 358 Establishing the community defense act.
- SB 376 School districts; health and human sexuality education; policies and procedures.
- SCR 1612 Constitutional amendment to expressly reserve certain powers to the state of Kansas, and to the citizens of Kansas.
- SCR 1613 Making application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the constitution of the United States with respect to states' rights.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.

Powell, Larry

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 358 Establishing the community defense act.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.

- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
SR 1801 Relationship with Taiwan and Taiwan's participation in international agreements.

Pyle, Dennis

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
SB 161 Vital statistics; concerning death and unborn child death certificates.
SB 358 Establishing the community defense act.
SR 1781 Historical Society and Capitol Visitor Center.
SR 1782 2015 KAMS Graduating Class.

Schmidt, Vicki

- SB 38 Elections; advance voting; deceased voter.
SR 1781 Historical Society and Capitol Visitor Center.
SR 1782 2015 KAMS Graduating Class.
SR 1793 The Honorable Christel E. Marquardt's Retirement.
SR 1794 Small Business Development Center award winners.
SR 1799 Washburn University School of Nursing's 40th anniversary.
SR 1800 Memorializing the life of Glen Deitcher.
SR 1804 American Diabetes Association Alert Day.
SR 1807 Mars Chocolate North America Day.
SR 1808 Congenital Diaphragmatic Hernia Awareness Day.
SR 1814 Parkinson's Awareness Month.
SR 1826 FHSU President Hammond's retirement.
SR 1828 Outstanding Speech and Debate Educator.
SR 1829 Shirley Johannsen's 50 years of service at State Street Elementary School.
SR 1830 Commending and congratulating Ken Darting on his record and retirement.
SR 1831 Stroke Awareness Month.
SR 1836 Memorializing the life of Dr. Robert C. Harder.
SR 1837 William Minner's retirement from the Kansas Human Rights Commission.

Shultz, Clark

- SR 1781 Historical Society and Capitol Visitor Center.
SR 1782 2015 KAMS Graduating Class.
SR 1826 FHSU President Hammond's retirement.
SR 1835 Commemorating the 60th anniversary of Brown v. Board.

Smith, Greg

- SB 66 Requiring the collection and publication of district attorney criminal and juvenile offender caseload data.
SB 119 Legislature; job protection for persons elected or appointed to the state legislature.
SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
SB 161 Vital statistics; concerning death and unborn child death certificates.
SB 167 Eliminating the statute of limitations for prosecutions of rape.
SB 250 Sentencing of certain persons to mandatory minimum term of imprisonment of 50 years ("hard 50").

- SB 281 Removing redbelly and smooth earth snakes from the nongame and endangered species conservation act.
- SB 335 School districts; drug screening of school district employees; background checks for licensure; revocation of teaching licenses.
- SB 358 Establishing the community defense act.
- SB 376 School districts; health and human sexuality education; policies and procedures.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
- SR 1784 230th Anniversary of the Treaty of Paris Ratification and Wyandot Chapter of the Kansas Daughters of the American Revolution.
- SR 1826 FHSU President Hammond's retirement.

Tyson, Caryn

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 360 Concerning relief from property taxation for property destroyed by disaster; agreements to pay tax by county boards.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1783 Israel's beneficial relationship with the United States and State of Kansas.
- SR 1794 Small Business Development Center award winners.
- SR 1826 FHSU President Hammond's retirement.

Wagle, Susan

- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 303 Allowing the Sedgwick county regional forensic science center to receive forfeited firearms for forensic science purposes.
- SCR 1622 Adjournment of legislature for a time during the 2014 session.
- SCR 1623 Adjournment of legislature for a time during the 2014 session.
- SR 1772 Organization of the Senate, 2014.
- SR 1773 Resolution amending rules of Senate.
- SR 1778 Assignment of seats in Senate, 2014.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1798 Statehouse Architect Barry Greis.
- SR 1814 Parkinson's Awareness Month.
- SR 1827 Assignment of seats in the Senate, 2014.
- SR 1840 Congratulating and commending Kenneth Wilke on his retirement.

Wolf, Kay

- SB 281 Removing redbelly and smooth earth snakes from the nongame and endangered species conservation act.
- SR 1781 Historical Society and Capitol Visitor Center.
- SR 1782 2015 KAMS Graduating Class.
- SR 1784 230th Anniversary of the Treaty of Paris Ratification and Wyandot Chapter of the Kansas Daughters of the American Revolution.

- SR 1794 Small Business Development Center award winners.
- SR 1814 Parkinson's Awareness Month.
- SR 1826 FHSU President Hammond's retirement.

State Legislature, Senate Committees (Various)*Agriculture*

- SB 86 Plant protection; live plant dealer's licenses.
- SB 87 Establishing the Kansas equine education and promotion board.
- SB 146 Agriculture; changing the definition of "on-farm retail sales of milk or milk products."
- SB 147 Agriculture; anhydrous ammonia; permits; fees; liability insurance requirements; anhydrous ammonia fee fund.
- SB 202 Adding certain agricultural production NAICS subsectors to the definition of "qualified firm" for purposes of the high performance incentive program.
- SB 286 Extending sunset date on certain agriculture fees from July 1, 2015, to July 1, 2019.
- SB 380 Establishing the local food and farm task force.
- SB 392 Amendments to the Kansas pet animal act.

Assessment and Taxation

- SB 55 Specifying responsibility for payment of the mortgage registration fee.
- SB 72 Property and sales tax exemptions for health clubs.
- SB 78 Retention of 6.3% sales tax rate, reduction in individual income tax rates and elimination of certain deductions.
- SB 79 Income tax deductions and modifications and severance tax exemptions; basis of partner's interest and shareholder's stock; statutory clarification.
- SB 84 Sales taxation; presumptions relating to nexus.
- SB 106 Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.
 - Sub
 - SB 165 Concerning relief from property taxation for property destroyed by disaster; agreements to pay tax by county boards.
 - SB 181 Computation of amount of personal property tax on motor vehicles.
 - SB 183 Sales tax exemption for materials and services purchased by contractors for construction and remodeling of state properties and facilities.
 - SB 188 Sales tax authority for Ellis county.
 - SB 189 Income tax credit for expenditures to make dwelling or facility accessible for persons with a disability.
 - Sub
 - SB 202 Creating a sales tax exemption for certain agricultural production firms.
 - SB 212 Establishing the produced water recycling, storage and transportation equipment investment income tax credit.
 - SB 222 Loans by pooled money investment board to local taxing subdivisions for payment of refund of taxes.
 - SB 225 Allowing the board of regents to charge KAN-ED program user fees.
 - SB 229 Remittance credits for sales and use tax collection services provided by retailers.
 - SB 231 Expansion of rural opportunity zones.
 - SB 232 Earned income tax credit and homestead property tax refunds.
 - SB 234 Sales tax exemption for sales of certain machinery and equipment used for surface mining activities.
 - SB 235 Property tax exemption for certain new automobile manufacturing property.
 - SB 238 Predetermination of property classification.

- SB 265 Income definition for Homestead Refund eligibility.
- SB 266 Mineral severance tax return file date.
- SB 296 Water supply district authorization to issue refund for general obligation bonds.
- SB 297 Sales tax exemption for purchases by Reaching Out From Within, Inc.
- SB 298 Eliminating the Kansas mortgage registration fee.
 - Sub
- SB 298 Concerning the elimination of Kansas mortgage registration fee; modification of recording fees.
- SB 338 Sales tax exemption for the epilepsy foundation of Missouri and Kansas.
- SB 353 State valuation and assessment of complex industrial property by the director of property valuation.
- SB 394 Enacting the foster parents' bill of rights act and establishing the state foster care and adoption board.
- SB 410 Facilitating tax exemptions for certain donations of land or easements to the state.
- SB 411 Removing extension district taxing authority.
- SB 419 Recognizing gold and silver bullion coins issued by the federal government as legal tender in Kansas, and providing Kansas income tax deduction and sales tax exemption.
- SB 428 Capping the franchise fee at 5%.
- SB 435 Ten-year limit on property tax exemption for renewable energy resources or technologies.
 - S Sub
- HB 2058 Sales tax exemption for purchases for construction materials for Wichita children's home, the beacon, inc. and reaching out from within, inc.
 - S Sub
- HB 2378 Providing sales tax exemption for sales of certain machinery and equipment used for surface mining activities.

Commerce

- SB 31 Certain deductions from wages authorized.
- SB 93 Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings.
- SB 101 Motor-vehicle fuel; relating to retail pump labeling requirements.
- SB 262 Promoting employment across Kansas act; benefits.
- SB 292 Emerging industry investment act; treatment of certain bioscience companies.
- SB 293 Municipalities; solid waste collection; limitations.
- SB 294 Tax levy for rural housing incentive districts.
- SB 295 Tax credits for community service contributions; youth apprenticeship and entrepreneurship.
- SB 304 Enacting the municipal communication's network and private telecommunications investment safeguards act.
- SB 318 Prohibition on the application of 2,4-D and related pesticides during certain times of the year.
- SB 319 Protecting surface property owners' rights.
- SB 340 Enacting the Kansas reinvestment program act.
- SB 363 Limiting the ROZ tax credit to persons employed in for profit businesses.
- SB 371 Amending employment security law regarding disposition of penalty funds and disclosure of confidential information.

- SB 372 Amending the shared work unemployment compensation program; layoff aversion.
- SB 398 Enacting the public service protection act.
- SCR 1609 Constitutional amendment adding the economic freedom amendment prohibiting the transfer to the federal government of ownership interests in entities formed under Kansas law.
 - S Sub
- HB 2023 Enacting the public service benefits protection act.
 - S Sub
- HB 2616 Secretary of labor directed to study state enforcement of OSHA standards.

Education

- SB 103 School district; redefining at-risk pupil.
- SB 105 School districts; bullying policies.
- SB 137 School districts; adoption of plan to address bullying.
- SB 170 Counties; abatement of nuisances; procedure; disposition of motor vehicles.
- SB 172 School districts; prohibiting the use of Carnegie units for purposes of determining graduation requirements.
- SB 173 School districts; accounting for KPERS employer contributions as part of state aid to schools.
- SB 174 School finance; amendments to certain weightings.
- SB 201 Creating the school district budget law.
- SB 305 School districts; transfer of funds from capital improvement state aid to supplemental general state aid.
- SB 373 Requiring school districts and nonpublic schools to release student records.
- SCR 1608 Constitutional amendment concerning school finance; suitable provision for finance determined by the legislature.
- SCR 1619 Supporting implementation of information technology education opportunities in Kansas schools.
 - S Sub
- HB 2140 Carrying of concealed handguns by law enforcement officers.
 - S Sub
- HB 2197 Kansas state high school activities association; membership of board of directors and executive board.

Ethics and Elections

- SB 291 Legislators; per diem pay; limitation.
- SB 314 Secretary of state; political action committees prohibited.
- SB 339 Campaign finance; reports; required information.
- SB 343 Lobbying; governmental entities; reporting.
 - Sub
- SB 343 Governmental ethics; public funds used for lobbying.
- SCR 1610 Elections; term limits; attorney general, secretary of state.
- SCR 1615 State constitutional amendment; legislative session, 60 days even-numbered years.
 - S Sub
 - S Sub
- HB 2141 Municipal elections; fall, odd-numbered years; vacancies by party district conventions.

Ethics, Elections and Local Government

- SB 33 Elections; voter identification requirement.
- SB 63 Elections; voting crimes, penalties and prosecution.
- SB 65 Governmental ethics commission; membership expanded.
- SB 98 Elections; local government candidates.
- SB 99 Lobbyists defined.
- SB 108 Offices of the governor and lieutenant governor; vacancy.
- SB 130 Investments by local governments; inflation protection.
- SB 143 State treasurer, insurance commissioner; term limits.
- SB 150 State, municipalities; contracts for construction materials and other goods and merchandise; specification limitations.
- SB 151 Public officials; term limits on senators and representatives.
- SB 156 Campaign finance; increased contributions to senators.
- SB 200 Open meetings; definition.
- S Sub
- HB 2141 Concerning public funds; lobbyists.

Federal and State Affairs

- SB 29 Racial profiling data collection and reporting requirements.
- SB 30 Uniform consumer credit code and payday loans.
- SB 34 Commission on emergency planning and response, membership.
- SB 35 Alcoholic beverages; employment standards for persons serving alcoholic beverages.
- SB 36 Alcoholic beverages; samples, alcoholic liquor; clubs and drinking establishments.
- Sub
- SB 36 Alcoholic liquor; clubs and drinking establishments; samples; taxation; employment standards for servers; other..
- SB 42 Architects and engineers; immunity from liability in negligence under certain circumstances.
- SB 45 Prohibition on use of state appropriated moneys to lobby at state and local government level.
- SB 47 Amending the crime of identity theft.
- SB 48 Kansas employer e-verify accountability act.
- SB 53 Prohibiting employers from requiring employees to divulge social media content.
- SB 54 Amendments pertaining to the board of technical professions.
- SB 91 Disaster reimbursement fund; adjutant general.
- SB 94 Crimes, definition of firearm; antique firearms excluded.
- SB 97 Logan county; election of board of commissioners.
- SB 109 Lobbying; use of public funds prohibited.
- SB 112 Alcoholic liquor; authorizing the production and transportation of homemade fermented beverages.
- SB 114 Kansas expanded lottery act; minimum investment; electronic gaming machine revenue distribution.
- SB 127 Electric cooperative refund to members on death.
- SB 155 Technical professions; ethical marketing of profession services; state, local government clients.
- SB 184 Personal and family protection act; amendments.

- SB 185 Vital statistics; unborn child death certificate.
- SB 186 Personal and family protection act; public and private buildings; amendments.
- SB 191 Amending definitions relating to agricultural corporations and repealing certain agricultural corporation statutes.
- SB 192 Credit card surcharge exemption for certain educational institutions.
- SB 203 Alcoholic liquor; licensee citizenship; art organizations, complimentary drinks; clubs and drinking establishments, pitchers; coupons for drinks.
- SB 207 Concerning the regulation of motor carriers; authority to conduct spot checks.
- SB 208 Alcoholic beverages; expanding the privileges of retailer's licensees.
- SB 213 Kansas turnpike authority, speed based tolls.
 - Sub
- SB 214 Bottle rockets; wholesale; transport out of state; registration; restrictions.
- SB 215 Kansas expanded lottery act; racetrack gaming, amendments.
- SB 217 Relating to substance abuse services.
- SB 219 Child abuse investigations; department for children and families workers; training requirements.
- SB 220 Criminal code; gambling; raffles excluded.
- SB 226 Kansas fireworks act; amendments.
- SB 227 Kansas explosives safety act.
- SB 228 Clarifying the duties, responsibilities and authority of the attorney general.
- SB 237 Kansas public employee retirement system; military service discharge; return to employment.
- SB 243 Clubs and drinking establishments, other; purchase from alcoholic and wine distributors.
- SB 244 Racetrack gaming facilities; electronic gaming facility income distribution.
- SB 263 Establishing the military funeral honors fund under the adjutant general's office.
- SB 264 School districts; requiring storm shelters for certain construction projects.
- SB 274 Political action committees, legislative leadership.
- SB 275 Elections; promotions of candidates or propositions on public property; prohibitions.
- SB 276 Enacting the state sovereignty over non-migratory wildlife act.
- SB 320 Emergency medical services board authority to impose fines, investigate and issue subpoenas.
- SB 342 Exempting certain public entities from provisions of the personal and family protection act.
- SB 345 Alcoholic beverages; microbreweries eligible for manufacturer's license.
- SB 346 Alcoholic beverages; microbreweries production limits raised.
- SB 347 Fire districts detachment of territory.
- SB 349 Boiler safety act; deputy inspectors.
- SB 350 School sports head injury prevention act; definition of health care provider.
- SB 352 Requiring fingerprinting and background checks for real estate appraiser licenses.
- SB 375 Kansas lottery; sale of tickets; advertising.
- SB 381 Specifying the duties of the state fire marshal relating to regional emergency response teams for hazardous materials and search and rescue incidents.
- SB 382 Smoking regulations; casino exemption deleted.
- SB 383 Elections; certain crimes; electioneering.
- SB 384 Kansas explosive safety act.

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 - Deryl Schuster, Commissioner
 - Appointment submitted for confirmation: SJ p 1742
 - Appointment confirmed: SJ p 2296

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 - Norman Pishny
 - Appointment submitted for confirmation: SJ p 1492
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- Bowes, John
 - Public Employee Relations Board
 - Appointment submitted for confirmation: SJ 1913
 - Appointment confirmed: SJ p 2295

- Central Interstate Low-Level Radioactive Waste Commission
 - John Mitchell
 - Appointment submitted for confirmation: SJ p 1492
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 - Carroll Macke
 - Appointment submitted for confirmation: SJ 1913
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- Corporation Commission, Kansas
 - Patton Apple, Commissioner
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- Dillon, David
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- Hayes, Phillip
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