

JOURNAL
OF THE
SENATE

OF THE
STATE OF KANSAS

FOR THE

2011 Legislative Session
January 10 through June 1, 2011

HELD AT THE

STATE CAPITOL
TOPEKA, KANSAS

PAT SAVILLE, *Secretary of the Senate*

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Governor

SAM BROWNBACK, Topeka

Lieutenant Governor

JEFF COLYER, Overland Park



OFFICERS OF THE SENATE

2011 Regular Session



Stephen Morris , Hugoton.....	President
John Vratil , Leawood.....	Vice President
Jay Scott Emler , Lindsborg.....	Majority Leader
Anthony Hensley , Topeka.....	Minority Leader
Pat Saville , Topeka.....	Secretary
Jody Kirkwood , Meriden.....	Sergeant at Arms

STATE SENATORS
2011 LEGISLATIVE SESSION
Members Listed Alphabetically

Name and City	Occupation	Party	Dist.
Abrams, Steve , Arkansas City.....	Veterinarian	Rep.	32
Apple, Pat , Louisburg.....	Electrician	Rep.	12
Bruce, Terry , Hutchinson.....	Attorney	Rep.	34
Brungardt, Pete , Salina.....	Optometrist	Rep.	24
Donovan, Les , Wichita.....	Auto Dealer	Rep.	27
Emler, Jay Scott , Lindsborg.....	Attorney	Rep.	35
Faust-Goudeau, Oletha , Wichita.....	Community Activist	Dem.	29
Francisco, Marci , Lawrence.....	Space Analyst	Dem.	2
Haley, David , Kansas City.....	Public Affairs Counsel	Dem.	4
Hensley, Anthony , Topeka.....	Special Education Teacher	Dem.	19
Holland, Tom , Baldwin City.....	Information Technology Consultant	Dem.	3
Huntington, Terrie W. , Fairway.....	Retired Marketing Communication	Rep.	7
Kelly, Laura , Topeka.....	Association Management	Dem.	18
Kelsey, Dick , Goddard.....	Business Owner	Rep.	26
King, Jeff , Independence.....	Attorney	Rep.	15
Kultala, Kelly , Kansas City.....	Director of Community Outreach	Dem.	5
*Lee, Janis , Kensington.....	Rancher/Farmer	Dem.	36
Longbine, Jeff , Emporia.....	Auto Dealer	Rep.	17
Love, Garrett , Montezuma.....	Small Businessman	Rep.	38
Lynn, Julia , Olathe.....	Development Officer, Youth Front	Rep.	9
Marshall, Bob , Fort Scott.....	Retired Airline Pilot	Rep.	13
Masterson, Ty , Andover.....	Real Estate Agent/General Contractor	Rep.	16
McGinn, Carolyn , Sedgwick.....	Ag Producer/Substitute Teacher	Rep.	31
Merrick, Ray , Stilwell.....	Small Business Owner	Rep.	37
Morris, Steve , Hugoton.....	Farmer	Rep.	39
Olson, Robert (Rob) , Olathe.....	Contractor	Rep.	23
Ostmeyer, Ralph , Grinnell.....	Farmer/Rancher	Rep.	40
Owens, Tim , Overland Park.....	Attorney	Rep.	8
Petersen, Mike , Wichita.....	Industrial Electrician	Rep.	28
Pilcher-Cook, Mary , Shawnee.....	Publisher	Rep.	10
Pyle, Dennis , Hiawatha.....	Farmer	Rep.	1
Reitz, Roger , Manhattan.....	Physician	Rep.	22
*Schmidt, Allen , Hays.....	Business Development Consultant	Dem.	36
Schmidt, Vicki , Topeka.....	Pharmacist	Rep.	20
Schodorf, Jean , Wichita.....	Speech/Language Pathologist	Rep.	25
Steineger, Chris , Kansas City.....	Real Estate Investments	Rep.	6
Taddiken, Mark , Clifton.....	Farmer/Stockman	Rep.	21
Teichman, Ruth , Stafford.....	Farmer	Rep.	33
Umbarger, Dwayne , Thayer.....	Farmer/Rancher	Rep.	14
Vratil, John , Leawood.....	Attorney	Rep.	11
Wagle, Susan , Wichita.....	Business/Real Estate Investor	Rep.	30

*Allen Schmidt sworn in February 10, 2011 to replace Janis Lee, resigned.

SENATE COMMITTEE ASSIGNMENTS
2011 LEGISLATIVE SESSION
Standing Committees

- 8:30 a.m. Tues/Wed** **Agriculture (11)** **Room 159-S**
Taddiken, *Chairperson*; Teichman, *Vice Chairperson*; Abrams, Bruce, King, Love, Morris, Ostmeyer, Pyle.
Francisco, *Ranking Minority Member*; A. Schmidt.
- 10:30 a.m.** **Assessment and Taxation (11)** **Room 152-S**
Donovan, *Chairperson*; Apple, *Vice Chairperson*; Bruce, Kelsey, King, Love, Lynn, Marshall, Pyle.
Holland, *Ranking Minority Member*; Hensley.
- 8:30 a.m.** **Commerce (11)** **Room 548-S**
Wagle, *Chairperson*; Lynn, *Vice Chairperson*; Emler, Longbine, Masterson, Merrick, Olson, Schodorf, Steineger.
Holland, *Ranking Minority Member*; Faust-Goudeau.
- On Call** **Confirmation Oversight (6)**
Emler, *Chairperson*; Hensley, *Vice Chairperson*; Kelsey, Marshall, Owens, Schodorf.
- 1:30 p.m.** **Education (11)** **Room 152-S**
Schodorf, *Chairperson*; Vratil, *Vice Chairperson*; Abrams, King, Marshall, Owens, Teichman, Umbarger, Wagle.
Hensley, *Ranking Minority Member*; A. Schmidt.
- 9:30 a.m. Wed/Thur** **Ethics and Elections (9)** **Room 159-S**
Huntington, *Chairperson*; V. Schmidt, *Vice Chairperson*; Apple, Brungardt, Kelsey, Petersen, Reitz.
Faust-Goudeau, *Ranking Minority Member*; Kultala.
- 10:30 a.m.** **Federal and State Affairs (9)** **Room 144-S**
Brungardt, *Chairperson*; Reitz, *Vice Chairperson*; Abrams, Longbine, Morris, Ostmeyer, Owens.
Faust-Goudeau, *Ranking Minority Member*; Haley.
- 9:30 a.m.** **Financial Institutions and Insurance (9)** **Room 152-S**
Teichman, *Chairperson*; Masterson, *Vice Chairperson*; Longbine, Merrick, Olson, Steineger, Taddiken.
A. Schmidt, *Ranking Minority Member*; Holland.
- On Call** **Interstate Cooperation (7)**
Morris, *Chairperson*; Emler, V. Schmidt, Schodorf, Vratil.
Hensley, *Ranking Minority Member*; Holland.
- 9:30 a.m.** **Judiciary (11)** **Room 548-S**
Owens, *Chairperson*; King, *Vice Chairperson*; Bruce, Donovan, Lynn, Pilcher-Cook, Schodorf, Umbarger, Vratil.
Haley, *Ranking Minority Member*; Kelly.

- On Call** **KPERS Select (11)**
 Morris, *Chairperson*; King, *Vice Chairperson*; Huntington, Longbine, Marshall, Masterson, V. Schmidt, Teichman, Vratil.
 Kelly, *Ranking Minority Member*; Hensley.
- 9:30 a.m. Mon/Tues** **Local Government (9)** **Room 159-S**
 Reitz, *Chairperson*; Kelsey, *Vice Chairperson*; Brungardt, Huntington, Love, Marshall, Ostmeyer.
 Faust-Goudeau, *Ranking Minority Member*; Kultala.
- 8:30 a.m. Thur/Fri** **Natural Resources (11)** **Room 159-S**
 Ostmeyer, *Chairperson*; McGinn, *Vice Chairperson*; Abrams. Bruce, Love, Morris, Pilcher-Cook, Taddiken, Teichman.
 Francisco, *Ranking Minority*; A. Schmidt.
- On Call** **Organization, Calendar and Rules (9)**
 Morris, *Chairperson*; Emler, *Vice Chairperson*; Apple, Brungardt, Kelsey, McGinn, Teichman, Umbarger, Vratil.
- 1:30 p.m.** **Public Health and Welfare (9)** **Room 546-S**
 V. Schmidt, *Chairperson*; Brungardt, *Vice Chairperson*; Huntington, Kelsey, Pilcher-Cook, Reitz, Steineger.
 Kelly, *Ranking Minority Member*; Haley.
- On Call** **Reapportionment (13)**
 Owens, *Chairperson*; Umbarger, *Vice Chairperson*; Brungardt, Kelsey, McGinn, Ostmeyer, Petersen, Teichman, Vratil, Wagle.
 Hensley, *Ranking Minority Member*; Haley, Holland.
- 8:30 a.m. Tues through Fri** **Transportation (9)** **Room 152-S**
 Umbarger, *Chairperson*; Marshall, *Vice Chairperson*; Donovan, Huntington, Petersen, Reitz, V. Schmidt.
 Kultala, *Ranking Minority Member*; Hensley.
- 1:30 p.m.** **Utilities (11)** **Room 548-S**
 Apple, *Chairperson*; Petersen, *Vice Chairperson*; Bruce, Emler, Love, Masterson, Merrick, Pyle, Taddiken.
 Kultala, *Ranking Minority Member*; Francisco.
- 10:30 a.m.** **Ways and Means (13)** **Room 548-S**
 McGinn, *Chairperson*; Vratil, *Vice Chairperson*; Emler, Huntington, Masterson, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger.
 Kelly, *Ranking Minority Member*; Francisco, Kultala.

JOINT COMMITTEES OF THE SENATE AND HOUSE

Administrative Rules and Regulations

On Call (5 Senate—7 House)

V. Schmidt, *Vice Chairperson*; Faust-Goudeau, Ostmeyer, Owens, A. Schmidt.
House Members: C. Holmes, *Chairperson*; Huebert, Patton, Pauls, Trimmer, Tyson, Winn.

Arts and Cultural Resources

On Call (5 Senate—5 House)

Schodorf, *Vice Chairperson*; Faust-Goudeau, Francisco, Lynn, Umbarger.
House Members: Gordon, *Chairperson*; Carlin, Rubin, Spalding, Swanson.

Children's Issues

On Call (5 Senate—5 House)

Lynn, *Vice Chairperson*; Faust-Goudeau, Haley, Pyle, Reitz.
House Members: Kiegerl, *Chairperson*; DeGraaf, S. Gatewood, Gregory, McCray-Miller.

Corrections and Juvenile Justice Oversight

On Call (7 Senate—7 House)

Brungardt, *Vice Chairperson*; Bruce, Haley, Kelsey, Kultala, Longbine, Owens.
House Members: Colloton, *Chairperson*; Denning, D. Gatewood, Goodman, Henry, Peck, Ward.

Economic Development

On Call (5 Senate—8 House)

Wagle, *Vice Chairperson*; Faust-Goudeau, Kelly, Lynn, Marshall.
House Members: Brown, *Chairperson*; Garber, Kerschen, Schwab, Slattery, Suellentrop, Tietze, Winn.

Energy and Environmental Policy

On Call (5 Senate—6 House)

McGinn, *Vice Chairperson*; Francisco, Ostmeyer, Petersen, Taddiken.
House Members: C. Holmes, *Chairperson*; M. Holmes, Knox, Kuether, Sloan, Wetta.

Health Policy Oversight

On Call (6 Senate—6 House)

V. Schmidt, *Chairperson*; Brungardt, Haley, Kelly, Reitz, Teichman.
House Members: Landwehr, *Vice Chairperson*; Hill, Mast, Mosier, Ruiz, Ward.

Home and Community Based Services Oversight

On Call (4 Senate—5 House)

McGinn, *Chairperson*; Kelly, Kultala, Umbarger.
House Members: Bethell, *Vice Chairperson*; Ballard, Crum, Henry, Landwehr.

Information Technology

On Call (5 Senate—5 House)

Petersen, *Vice Chairperson*; Francisco, Holland, Love, V. Schmidt.
House Members: McLeland, *Chairperson*; Burgess, Calloway, Dillmore, Lane.

Kansas Security

On Call (5 Senate—5 House)

Emler, *Vice Chairperson*; Hensley, McGinn, Owens, A. Schmidt.
House Members: Goico, *Chairperson*; Frownfelter, Loganbill, Mast, O'Brien.

Legislative Budget**On Call (3 Senate—4 House)**

McGinn, *Vice Chairperson*; Kelly, Vratil.

House Members: Rhoades, *Chairperson*, Denning, Kelley.

Legislative Coordinating Council**On Call (3 Senate—4 House)**

Morris, *Vice Chairperson*; Emler, Hensley.

House Members: O'Neal, *Chairperson*, Davis, Siegfried, Vickrey.

Legislative Educational Planning**On Call (6 Senate—8 House)**

Schodorf, *Chairperson*; Francisco, Huntington, Marshall, Teichman, Vratil.

House Members: Huebert, *Vice Chairperson*, Ballard, Colloton, Donohoe, Gordon, Phelps, Pottorff, Winn.

Legislative Post Audit**On Call (5 Senate—5 House)**

Pilcher-Cook, *Vice Chairperson*; Bruce, Hensley, Kelly, Umbarger.

House Members: Grange, *Chairperson*; Burroughs, Mah, Mast, Peck.

Parole Board Oversight**On Call (3 Senate—3 House)**

Owens, *Chairperson*, Haley, Vratil.

House Members: Colloton, *Vice Chairperson*, McCray-Miller, O'Neal.

Pensions, Investments, and Benefits**On Call (5 Senate—8 House)**

Morris, *Vice Chairperson*; Emler, Hensley, Kelly, Teichman.

House Members: Schwartz, *Chairperson*; Carlson, Flaharty, M. Holmes, Johnson, Proehl, Ruiz, Williams.

Special Claims Against the State**On Call (5 Senate—8 House)**

Owens, *Vice Chairperson*; Bruce, Kultala, Masterson, Pyle.

House Members: Patton, *Chairperson*; Bruchman, Feuerborn, Grant, Hermanson, M. Holmes, Huebert, Smith.

State Building Construction**On Call (5 Senate—5 House)**

Umbarger, *Vice Chairperson*; Francisco, Kelly, Longbine, McGinn.

House Members: Pottorff, *Chairperson*; Brunk, Feuerborn, Grant, K. Wolf.

State-Tribal Relations**On Call (5 Senate—5 House)**

Brungardt, *Chairperson*; Haley, Kultala, Pyle, Vratil.

House Members: Knox, *Vice Chairperson*; Burroughs, Hermanson, Kinzer, Victors.

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

Abrams, Steve

Republican, District 32
Room 541-E
(785) 296-7381

Committee	Rank	Time	Room
Agriculture	Member	8:30 am Tues/Wed	159-S
Education	Member	1:30 pm	152-S
Federal and State Affairs	Member	10:30 am	144-S
Natural Resources	Member	8:30 am Thur/Fri	159-S

Apple, Pat

Republican, District 12
Room 224-E
(785) 296-7368

Committee	Rank	Time	Room
Utilities	Chair	1:30 pm	548-S
Assessment and Taxation	Vice Chair	10:30 am	152-S
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Organization, Calendar and Rules	Member	On Call	

Bruce, Terry

Republican, District 34
Room 135-E
(785) 296-7300

Committee	Rank	Time	Room
Agriculture	Member	8:30 am Tues/Wed	159-S
Assessment and Taxation	Member	10:30 am	152-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Judiciary	Member	9:30 am	548-S
Legislative Post Audit (Joint)	Member	On Call	
Natural Resources	Member	8:30 am Thur/Fri	159-S
Special Claims Against the State (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Brungardt, Pete

Republican, District 24
 Room 136-E
 (785) 296-7390

Committee	Rank	Time	Room
Federal and State Affairs	Chair	10:30 am	144-S
State-Tribal Relations (Joint)	Chair	On Call	
Corrections and Juvenile Justice Oversight (Joint)	Vice Chair	On Call	
Public Health and Welfare	Vice Chair	1:30 pm	546-S
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Health Policy Oversight (Joint)	Member	On Call	
Local Government	Member	9:30 am Mon/Tues	159-S
Organization, Calendar and Rules	Member	On Call	
Reapportionment	Member	On Call	

Donovan, Les

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

Committee	Rank	Time	Room
Assessment and Taxation	Chair	10:30 am	152-S
Judiciary	Member	9:30 am	548-S
Transportation	Member	8:30 am Tues thru Fri	152-S

Emler, Jay Scott

Republican, District 35
 Room 330-E
 (785) 296-2497

Majority Leader

Committee	Rank	Time	Room
Confirmation Oversight	Chair	On Call	
Kansas Security (Joint)	Vice Chair	On Call	
Organization, Calendar and Rules	Vice Chair	On Call	
Commerce	Member	8:30 am	548-S
Interstate Cooperation	Member	On Call	
Legislative Coordinating Council (Joint)	Member	On Call	
Pensions, Investments, and Benefits (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S
Ways and Means	Member	10:30 am	548-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	
Arts and Cultural Resources (Joint)	Member	On Call	
Children's Issues (Joint)	Member	On Call	
Commerce	Member	8:30 am	548-S
Economic Development (Joint)	Member	On Call	

Francisco, Marci

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

Caucus and Agenda Chair

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
Arts and Cultural Resources (Joint)	Member	On Call	
Energy and Environmental Policy (Joint)	Member	On Call	
Information Technology (Joint)	Member	On Call	
Legislative Educational Planning (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S
Ways and Means	Member	10:30 am	548-S

Haley, David

Democrat, District 4
Room 424-E
(785) 296-7376

Committee	Rank	Time	Room
Judiciary	*RM Member	9:30 am	548-S
Children's Issues (Joint)	Member	On Call	
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Federal and State Affairs	Member	10:30 am	144-S
Health Policy Oversight (Joint)	Member	On Call	
Parole Board Oversight (Joint)	Member	On Call	
Public Health and Welfare	Member	1:30 pm	546-S
Reapportionment	Member	On Call	
State-Tribal Relations (Joint)	Member	On Call	

Hensley, Anthony

Democratic Leader

Democrat, District 19
Room 345-S
(785) 296-3245

Committee	Rank	Time	Room
Confirmation Oversight	Vice Chair	On Call	
Education	*RM Member	1:30 pm	152-S
Interstate Cooperation	*RM Member	On Call	
Reapportionment	*RM Member	On Call	
Assessment and Taxation	Member	10:30 am	152-S
Kansas Security (Join)	Member	On Call	
KPERS Select	Member	On Call	
Legislative Coordinating Council (Joint)	Member	On Call	
Legislative Post Audit (Joint)	Member	On Call	
Pensions, Investments, and Benefits (Joint)	Member	On Call	
Transportation	Member	8:30 am Tues thru Fri	152-S

Holland, Tom

Democratic Whip

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

Committee	Rank	Time	Room
Assessment and Taxation	*RM Member	10:30 am	152-S
Commerce	*RM Member	8:30 am	548-S
Financial Institutions and Insurance	Member	9:30 am	152-S
Information Technology (Joint)	Member	On Call	
Interstate Cooperation	Member	On Call	
Reapportionment	Member	On Call	

Huntington, Terrie W.

Republican, District 7
Room 235-E
(785) 296-7369

Committee	Rank	Time	Room
Ethics and Elections	Chair	9:30 am Wed/Thur	159-S
KPERS Select	Member	On Call	
Legislative Educational Planning (Joint)	Member	On Call	
Local Government	Member	9:30 am Mon/Tues	159-S
Public Health and Welfare	Member	1:30 pm	546-S
Transportation	Member	8:30 am Tues thru Fri	152-S
Ways and Means	Member	10:30 am	548-S

Kelly, Laura

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

Assistant Democratic Leader

Committee	Rank	Time	Room
KPERS Select	*RM Member	On Call	
Public Health and Welfare	*RM Member	1:30 pm	546-S
Ways and Means	*RM Member	10:30 am	548-S
Economic Development (Joint)	Member	On Call	
Health Policy Oversight (Joint)	Member	On Call	
Home and Community Based Services Oversight (Joint)	Member	On Call	
Judiciary	Member	9:30 am	548-S
Legislative Budget (Joint)	Member	On Call	
Legislative Post Audit (Joint)	Member	On Call	
Pensions, Investments, and Benefits (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	

Kelsey, Dick

Republican, District 26
 Room 541-E
 (785) 296-7367

Committee	Rank	Time	Room
Local Government	Vice Chair	9:30 am Mon/Tues	159-S
Assessment and Taxation	Member	10:30 am	152-S
Confirmation Oversight	Member	On Call	
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Organization, Calendar and Rules	Member	On Call	
Public Health and Welfare	Member	1:30 pm	546-S
Reapportionment	Member	On Call	

King, Jeff

Republican, District 15
 Room 237-E
 (785) 296-7398

Committee	Rank	Time	Room
Judiciary	Vice Chair	9:30 am	548-S
KPERS Select	Vice Chair	On Call	
Agriculture	Member	8:30 am Tues/Wed	159-S
Assessment and Taxation	Member	10:30 am	152-S
Education	Member	1:30 pm	152-S

Kultala, Kelly

Democrat, District 5
 Room 124-E
 (785) 296-7357

Committee	Rank	Time	Room
Transportation	*RM Member	8:30 am Tues thru Fri	152-S
Utilities	*RM Member	1:30 pm	548-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Home and Community Based Services Oversight (Joint)	Member	On Call	
Local Government	Member	9:30 am Mon/Tues	159-S
Special Claims Against the State (Joint)	Member	On Call	
State-Tribal Relations (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Longbine, Jeff

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

Committee	Rank	Time	Room
Commerce	Member	8:30 am	548-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Federal and State Affairs	Member	10:30 am	144-S
Financial Institutions and Insurance	Member	9:30 am	152-S
KPERS Select	Member	On Call	
State Building Construction (Joint)	Member	On Call	

Love, Garrett

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

Committee	Rank	Time	Room
Agriculture	Member	8:30 am Tues/Wed	159-S
Assessment and Taxation	Member	10:30 am	152-S
Information Technology (Joint)	Member	On Call	
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

Lynn, Julia

Republican, District 9
 Room 234-E
 (785) 296-7382

Committee	Rank	Time	Room
Children's Issues (Joint)	Vice Chair	On Call	
Commerce	Vice Chair	8:30 am	548-S
Arts and Cultural Resources (Joint)	Member	On Call	
Assessment and Taxation	Member	10:30 am	152-S
Economic Development (Joint)	Member	On Call	
Judiciary	Member	9:30 am	548-S

Marshall, Bob

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

Committee	Rank	Time	Room
Transportation	Vice Chair	8:30 am Tues thru Fri	152-S
Assessment and Taxation	Member	10:30 am	152-S
Confirmation Oversight	Member	On Call	
Economic Development (Joint)	Member	On Call	
Education	Member	1:30 pm	152-S
KPERS Select	Member	On Call	
Legislative Educational Planning (Joint)	Member	On Call	
Local Government	Member	9:30 am Mon/Tues	159-S

Masterson, Ty

Republican, District 16
 Room 541-E
 (785) 296-7388

Committee	Rank	Time	Room
Financial Institutions and Insurance	Vice Chair	9:30 am	152-S
Commerce	Member	8:30 am	548-S
KPERS Select	Member	On Call	
Special Claims Against the State (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S
Ways and Means	Member	10:30 am	548-S

McGinn, Carolyn

Republican, District 31
 Room 545-S
 (785) 296-7377

Committee	Rank	Time	Room
Home and Community Based Services Oversight (Joint)	Chair	On Call	
Ways and Means	Chair	10:30 am	548-S
Energy and Environmental Policy (Joint)	Vice Chair	On Call	
Legislative Budget (Joint)	Vice Chair	On Call	
Natural Resources	Vice Chair	8:30 am Thur/Fri	159-S
Kansas Security (Joint)	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Reapportionment	Member	On Call	
State Building Construction (Joint)	Member	On Call	

Merrick, Ray

Republican, District 37
 Room 225-E
 (785) 296-7383

Committee	Rank	Time	Room
Commerce	Member	8:30 am	548-S
Financial Institutions and Insurance	Member	9:30 am	152-S
Utilities	Member	1:30 pm	548-S

Morris, Stephen

Republican, District 39
 Room 333-E
 (785) 296-2419

President

Committee	Rank	Time	Room
Interstate Cooperation	Chair	On Call	
KPERS Select	Chair	On Call	
Legislative Coordinating Council (Joint)	Chair	On Call	
Organization, Calendar and Rules	Chair	On Call	
Pensions, Investments, and Benefits (Joint)	Vice Chair	On Call	
Agriculture	Member	8:30 am Tues/Wed	159-S
Federal and State Affairs	Member	10:30 am	144-S
Natural Resources	Member	8:30 am Thur/Fri	159-S

Olson, Robert “Rob”

Republican, District 23
 Room 441-E
 (785) 296-7358

Committee	Rank	Time	Room
Commerce	Member	8:30 am	548-S
Financial Institutions and Insurance	Member	9:30 am	152-S

Ostmeyer, Ralph

Republican, District 40
 Room 225-E
 (785) 296-7399

Committee	Rank	Time	Room
Natural Resources	Chair	8:30 am Thur/Fri	159-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture	Member	8:30 am Tues/Wed	159-S
Energy and Environmental Policy (Joint)	Member	On Call	
Federal and State Affairs	Member	10:30 am	144-S
Local Government	Member	9:30 am Mon/Tues	159-S
Reapportionment	Member	On Call	

Owens, Thomas C. (Tim)

Republican, District 8
 Room 559-S
 (785) 296-7353

Committee	Rank	Time	Room
Judiciary	Chair	9:30 am	548-S
Parole Board Oversight (Joint)	Chair	On Call	
Reapportionment	Chair	On Call	
Special Claims Against the State (Joint)	Vice Chair	On Call	
Administrative Rules and Regulations (Joint)	Member	On Call	
Confirmation Oversight	Member	On Call	
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	152-S
Federal and State Affairs	Member	10:30 am	144-S
Kansas Security (Joint)	Member	On Call	

Petersen, Mike

Republican, District 28
 Room 224-E
 (785) 296-7355

Committee	Rank	Time	Room
Information Technology (Joint)	Vice Chair	On Call	
Utilities	Vice Chair	1:30 pm	548-S
Energy and Environmental Policy (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Reapportionment	Member	On Call	
Transportation	Member	8:30 am Tues thru Fri	152-S

Pilcher-Cook, Mary

Republican, District 10
 Room 237-E
 (785) 296-7362

Committee	Rank	Time	Room
Legislative Post Audit (Joint)	Vice Chair	On Call	
Judiciary	Member	9:30 am	548-S
Natural Resources	Member	8:30 am Thur/Fri	159-S
Public Health and Welfare	Member	1:30 pm	546-S

Pyle, Dennis

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

Committee	Rank	Time	Room
Agriculture	Member	8:30 am Tues/Wed	159-S
Assessment and Taxation	Member	10:30 am	152-S
Children's Issues (Joint)	Member	On Call	
Special Claims Against the State (Joint)	Member	On Call	
State-Tribal Relations (Joint)	Member	On Call	
Utilities	Member	1:30 pm	548-S

Reitz, Roger

Republican, District 22
 Room 223-E
 (785) 296-7360

Committee	Rank	Time	Room
Local Government	Chair	9:30 am Mon/Tues	159-S
Federal and State Affairs	Vice Chair	10:30 am	144-S
Children's Issues (Joint)	Member	On Call	
Ethics and Elections	Member	9:30 am Wed/Thur	159-S
Health Policy Oversight (Joint)	Member	On Call	
Public Health and Welfare	Member	1:30 pm	546-S
Transportation	Member	8:30 am Tues thru Fri	152-S

Schmidt, Allen

Democrat, District 36
 Room 125-E
 (785) 296-7366

Committee	Rank	Time	Room
Financial Institutions and Insurance	*RM Member	9:30 am	152-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture	Member	8:30 am Tues/Wed	159-S
Education	Member	1:30 pm	152-S
Kansas Security (Joint)	Member	On Call	
Natural Resources	Member	8:30 am	159-S

Schmidt, Vicki

Republican, District 20
 Room 552-S
 (785) 296-7374

Assistant Majority Leader

Committee	Rank	Time	Room
Health Policy Oversight (Joint)	Chair	On Call	
Public Health and Welfare	Chair	1:30 pm	546-S
Administrative Rules and Regulations (Joint)	Vice Chair	On Call	
Ethics and Elections	Vice Chair	9:30 am Wed/Thur	159-S
Information Technology (Joint)	Member	On Call	
Interstate Cooperation	Member	On Call	
KPERS Select	Member	On Call	
Transportation	Member	8:30 am Tues thru Fri	152-S
Ways and Means	Member	10:30 am	548-S

Schodorf, Jean

Republican, District 25
 Room 236-E
 (785) 296-7391

Assistant Majority Whip

Committee	Rank	Time	Room
Education	Chair	1:30 pm	152-S
Legislative Educational Planning (Joint)	Chair	On Call	
Arts and Cultural Resources (Joint)	Vice Chair	On Call	
Commerce	Member	8:30 am	548-S
Confirmation Oversight	Member	On Call	
Interstate Cooperation	Member	On Call	
Judiciary	Member	9:30 am	548-S
Ways and Means	Member	10:30 am	548-S

Steiniger, Chris

Republican, District 6
 Room 58-A
 (785) 296-7375

Committee	Rank	Time	Room
Commerce	Member	8:30 am	548-S
Financial Institutions and Insurance	Member	9:30 am	152-S
Public Health and Welfare	Member	1:30 pm	546-S

Taddiken, Mark

Republican, District 21
 Room 223-E
 (785) 296-7371

Committee	Rank	Time	Room
Agriculture	Chair	8:30 am Tues/Wed	159-S
Energy and Environmental Policy (Joint)	Member	On Call	
Financial Institutions and Insurance	Member	9:30 am	152-S
Natural Resources	Member	8:30 am Thur/Fri	159-S
Utilities	Member	1:30 pm	548-S
Ways and Means	Member	10:30 am	548-S

Teichman, Ruth

Republican, District 33
 Room 236-E
 (785) 296-7394

Committee	Rank	Time	Room
Financial Institutions and Insurance	Chair	9:30 am	152-S
Agriculture	Vice Chair	8:30 am Tues/Wed	159-S
Education	Member	1:30 pm	152-S
Health Policy Oversight (Joint)	Member	On Call	
KPERS Select	Member	On Call	
Legislative Educational Planning (Joint)	Member	On Call	
Natural Resources	Member	8:30 am Thur/Fri	159-S
Organization, Calendar and Rules	Member	On Call	
Pensions, Investments, and Benefits (Joint)	Member	On Call	
Reapportionment	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Umbarger, Dwayne

Republican, District 14
 Room 441-E
 (785) 296-7389

Committee	Rank	Time	Room
Transportation	Chair	8:30 am Tues thru Fri	152-S
Reapportionment	Vice Chair	On Call	
State Building Construction (Joint)	Vice Chair	On Call	
Arts and Cultural Resources (Joint)	Member	On Call	
Education	Member	1:30 pm	152-S
Home and Community Based Services Oversight (Joint)	Member	On Call	
Judiciary	Member	9:30 am	548-S
Legislative Post Audit (Joint)	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Vratil, John

Republican, District 11
 Room 341-E
 (785) 296-7361

Vice President

Committee	Rank	Time	Room
Education	Vice Chair	1:30 pm	152-S
Ways and Means	Vice Chair	10:30 am	548-S
Interstate Cooperation	Member	On Call	
Judiciary	Member	9:30 am	548-S
KPERS Select	Member	On Call	
Legislative Budget (Joint)	Member	On Call	
Legislative Educational Planning (Joint)	Member	On Call	
Organization, Calendar and Rules	Member	On Call	
Parole Board Oversight (Joint)	Member	On Call	
Reapportionment	Member	On Call	
State-Tribal Relations (Joint)	Member	On Call	

Wagle, Susan

Republican, District 30
 Room 135-E
 (785) 296-7386

Committee	Rank	Time	Room
Commerce	Chair	8:30 am	548-S
Economic Development (Joint)	Vice Chair	On Call	
Education	Member	1:30 pm	152-S
Reapportionment	Member	On Call	

**Constitutional Provisions
Governing
the
Kansas Legislature**



State of Kansas

KANSAS CONSTITUTIONAL PROVISIONS CONCERNING LEGISLATIVE POWERS

Article 2.—LEGISLATIVE

§ 1. Legislative power.—The legislative power of this state shall be vested in a house of representatives and senate.

§ 2. Senators and representatives.—The number of representatives and senators shall be regulated by law, but shall not exceed one hundred twenty-five representatives and forty senators. Representatives and senators shall be elected from single-member districts prescribed by law. Representatives shall be elected for two year terms. Senators shall be elected for four year terms. The terms of representatives and senators shall commence on the second Monday of January of the year following election.

§ 3. Compensation of members of legislature.—The members of the legislature shall receive such compensation as may be provided by law or such compensation as is determined according to law.

§ 4. Qualifications of members.—During the time that any person is a candidate for nomination or election to the legislature and during the term of each legislator, such candidate or legislator shall be and remain a qualified elector who resides in his or her district.

§ 5. Eligibility and disqualification of members.—No member of congress and no civil officer or employee of the United States or of any department, agency, or instrumentality thereof shall be eligible to be a member of the legislature. Any member of the legislature who accepts any appointment or election contrary to the foregoing shall be disqualified as a member of the legislature.

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

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

§ 8. Organization and sessions.—The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of regular sessions held in even-numbered years shall not exceed ninety calendar days. Such sessions may be extended beyond ninety calendar days by an affirmative vote of two-thirds of the members elected to each house. Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

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

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

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

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

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

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

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

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

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

§ 14. Approval of bills; vetoes.—(a) Within ten days after passage, every bill shall be signed by the presiding officers and presented to the governor. If the governor approves a bill, he shall sign it. If the governor does not approve a bill, the governor shall veto it by returning the bill, with a veto message of the objections, to the house of origin of the bill. Whenever a veto message is so received, the message shall be entered in the journal and in not more than thirty calendar days (excluding the day received), the house of origin shall reconsider the bill. If two-thirds of the members then elected (or appointed) and qualified shall vote to pass the bill, it shall be sent, with the veto message, to the other house, which shall in not more than thirty calendar days (excluding the day received) also reconsider the bill, and if approved by two-thirds of the members then elected (or appointed) and qualified, it shall become a law, notwithstanding the governor's veto.

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

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

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

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

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

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

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

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

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

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

§ 22. Legislative immunity.—For any speech, written document or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest—except for treason, felony or breach of the peace—in going to, or returning from, the place of meeting, or during the continuance of the session;

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

2009-2012

Amended

January 2011

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RULES OF THE SENATE
2009-2012

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. 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 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 nine 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. Each of the other six members shall be selected separately by the majority political party of the Senate.

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. Reapportionment.....	13
15. Transportation.....	9
16. Utilities.....	11
17. Ways and Means.....	13

The Committee on Organization, Calendar and Rules shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons 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 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 subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

For the purpose of considering committee member appointments, and appointments of chairpersons, vice-chairpersons and ranking minority members, and for such other purposes as may be authorized by law, by the joint rules of the senate and the house of representatives or by rules of the senate for closed meetings, the Committee on Organization, Calendar and Rules may close its meetings.

The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. 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.

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 at a later meeting. 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 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.

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 2/3 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 shall be duly purged.

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. Caucuses May Be Closed. Caucuses of Senate majority and minority parties 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 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 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 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. 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 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 Arise 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.

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 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 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.

Rule 54. Changing Order on Calendar. Not more than one bill 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 five 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. 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. 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.

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 having 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 Director of Legislative Administrative Services may discharge any 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 the affirmative vote of a majority 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 mailed to each Senator 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 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 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).

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

2011-2012

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

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

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

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

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

(b) *Presiding officer at joint sessions; record of joint session; rules applicable.* The speaker of the house of representatives shall preside at all joint sessions of the senate

and house of representatives, and the clerk of the house of representatives shall keep a record of the proceedings thereof and shall enter the record of each such session in the journal of the house of representatives. The rules of the house of representatives and the joint rules of the two houses, insofar as the same may be applicable shall be the rules for joint sessions of the two houses.

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

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

(b) *Concurrence by house of origin; concurrence prior to taking action on conference committee report by other house; final action; effect of failure of motion to concur.* The house of origin of any bill or concurrent resolution may concur in any amendments made by the other house, except that if the bill or concurrent resolution has been referred to a conference committee such action may only be taken prior to the taking of final action upon the conference committee report upon such bill or concurrent resolution by the other house. A vote in the house of origin of any bill or concurrent resolution on a motion to concur in amendments to such bill or concurrent resolution by the other house shall be considered action on the final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has been appointed and action has not been taken upon the report of such committee by the other house and such motion fails, the bill or concurrent resolution shall not be deemed to have been killed thereby, but if the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has not been appointed and such motion fails, the bill or concurrent resolution shall be deemed to be killed.

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

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

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

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

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

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

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

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

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

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

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

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on January 31, 2011, during the 2011 regular session and on January 30, 2012, during the 2012 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 9, 2011, during the 2011 regular session and on February 8, 2012, during the 2012 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 7, 2011, during the 2011 regular session and on February 6, 2012, during the 2012 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 11, 2011, during the 2011 regular session and on February 10, 2012, during the 2012 regular session.

(e) *House of origin bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 25, 2011, during the 2011 regular session and on February 24, 2012, during the 2012 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by either house, not the house of origin of such bill, after the hour of adjournment on March 23, 2011, during the 2011 regular session and March 21, 2012, during the 2012 regular session.

(g) *Exceptions to limitation of (d), (e) and (f); procedure.* Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by

resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

(h) *Deadline which falls on day neither house in session; effect.* In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.

(i) *Bills introduced in odd-numbered years after deadlines; effect.* Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.

(j) *Modification of schedule of deadlines for introduction and consideration of bills; procedure.* In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified of each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule to the contrary.

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the Legislature after April 2, 2011, during the 2011 regular session and after March 31, 2012, during the 2012 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702 and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

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

SENATE JOURNAL

PROCEEDINGS

OF

The Senate

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2011 REGULAR SESSION

January 10 through June 1, 2011

PAT SAVILLE, *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 1801.....	Senate Resolution No. 1801
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 and begins with page 1, continuing through the 2-year biennium.

Under the section "History of Bills" HJ page numbers refer to the separate House Journal for 2011.

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 10, 2011 — 2:00 p.m.

In accordance with the provisions of the constitution of the State of Kansas and by virtue of his office as President of the Senate, Senator Stephen Morris declared the 2011 Senate to be in session.

President Morris introduced as guest chaplain, Senator Dick Kelsey who delivered the invocation:

Heavenly Father,

We come before you with thanksgiving for the opportunity each of us has been given to serve the people of Kansas.

You have promised in James that if any man lacks wisdom, let him ask of God who will give us wisdom liberally. Lord, we need your wisdom as we take on the challenges facing our state.

Enable each of us to serve with humility and grace. Teach us to disagree agreeably and not to make issues of policy personal issues.

As stress often leads to health problems, help each of us maintain good health.

Bless the new administration and our colleagues in the House as we together seek the best solutions to the problems that confront our State.

We give you the glory of the things you enable us to accomplish.

In Christ Name,
Amen

The Pledge of Allegiance was led by President Stephen Morris.

President Morris introduced Stephen Jones, a third year law student at Washburn University, who will again be the Senate reader.

COMMUNICATIONS FROM STATE OFFICERS

STATE OF KANSAS
SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

STATE OF KANSAS
SECRETARY OF STATE

I, CHRIS BIGGS, Secretary of State of the State of Kansas, do hereby certify that the following persons were elected members of the Senate of the State of Kansas for the remainder of the unexpired four year term ending on the second Monday of January, A.D. 2013.

District 7
District 17

Terrie W. Huntington
Jeff Longbine

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 1st day of December, A.D. 2010.

CHRIS BIGGS
Secretary of State

I, CHRIS BIGGS, Secretary of State of the State of Kansas, do hereby certify that Raymond Merrick, Stilwell, was appointed by the Governor effective January 10, 2011, for the unexpired term, Thirty Seventh Senatorial District, to fill the vacancy created by the resignation of Jeff Colyer.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 1st day of December, A.D. 2010.

CHRIS BIGGS
Secretary of State

STATE OF KANSAS
SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

I, CHRIS BIGGS, Secretary of State of the State of Kansas, do hereby certify that Jeff King, Independence, was appointed by the Governor effective January 10, 2011, for the unexpired term, Fifteenth Senatorial District, to fill the vacancy created by the resignation of Derek Schmidt.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 23rd day of December, A.D. 2010.

CHRIS BIGGS
Secretary of State

STATE OF KANSAS
SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

I, CHRIS BIGGS, Secretary of State of the State of Kansas, do hereby certify that Robert Olson, Olathe, was appointed by the Governor effective January 10, 2011, for the unexpired term, Twenty Third Senatorial District, to fill the vacancy created by the resignation of Karin Brownlee.

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

CHRIS BIGGS
Secretary of State

SECRETARY OF STATE
STATE OF KANSAS

To all to whom these presents shall come, Greetings:

I, CHRIS BIGGS, Secretary of State of the State of Kansas, do hereby certify that Garrett Love, Montezuma, was appointed by the Governor effective January 5, 2011, for the unexpired term, Thirty Eighth Senatorial District, to fill the vacancy created by the resignation of Tim Huelskamp.

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

CHRIS BIGGS
Secretary of State

President Morris introduced the Honorable Marla Luckert, Justice of the Kansas Supreme Court, who administered the Oath of Office to the newly elected and appointed senators: Jeff Longbine, Garrett Love, Ray Merrick and Robert "Rob" Olson.

OATH OF OFFICE
STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

We, and each of us, do solemnly swear and affirm that we will support the

constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of the office of the Senator of the state of Kansas, So help us God.

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

Marla J. Luckert
Justice of the Supreme Court

President Morris asked Senators to join him in welcoming the new Senators.

The roll was called with thirty-seven senators present as follows:
Senators King, Schmidt and Teichman were excused.

District

- 1 Dennis D. Pyle
- 2 Marci Francisco
- 3 Tom Holland
- 4 David Haley
- 5 Kelly Kultala
- 6 Chris Steineger
- 7 Terrie W. Huntington
- 8 Thomas C. (Tim) Owens
- 9 Julia Lynn
- 10 Mary Pilcher-Cook
- 11 John Vratil
- 12 Pat Apple
- 13 Bob Marshall
- 14 Dwayne Umbarger
- 15 Jeff King
- 16 Ty Masterson
- 17 Jeff Longbine
- 18 Laura Kelly
- 19 Anthony Hensley
- 20 Vicki Schmidt

District

- 21 Mark Taddiken
- 22 Roger P. Reitz
- 23 Robert “Rob” Olson
- 24 Pete Brungardt
- 25 Jean Kurtis Schodorf
- 26 Dick Kelsey
- 27 Leslie D. “Les” Donovan, Sr.
- 28 Mike Petersen
- 29 Oletha Faust-Goudeau
- 30 Susan Wagle
- 31 Carolyn McGinn
- 32 Steve E. Abrams
- 33 Ruth Teichman
- 34 Terry Bruce
- 35 Jay Emler
- 36 Janis K. Lee
- 37 Ray Merrick
- 38 Garrett Love
- 39 Stephen R. Morris
- 40 Ralph Ostmeyer

INTRODUCTION OF GUEST

President Morris introduced Dr. Jen Brull, President of the Kansas Academy of Family Physicians. Dr. Brull is the Academy's 63rd President and fourth woman president. She is a family physician at Prairie Star Family Practice in Plainville. She also serves on the national level, serving on the American Academy of Family Physicians' Commission on Membership and Member services. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns here in the Capitol during the session.

CAUCUS REPORT

MAJORITY PARTY CAUCUS

December 20, 2010

The members of the majority party of the Senate have met and caucused, and:

- (a) Selected the following caucus or party officers:
 - (1) Majority Leader, Jay Emler
 - (b) Selected the following named member of the Committee on Organization, Calendar and Rules:
Position No. 6, Dick Kelsey

Derek Schmidt
Chairperson

President Morris congratulated Senator Emler on his election as Majority Leader and Senator Kelsey on his election to Position 6 on the Committee on Organization, Calendar and Rules.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

On emergency motion of Senator Emler, **SR 1801** by Senators Morris, Emler and Hensley as follows, was introduced and adopted by voice vote:

SENATE RESOLUTION No. 1801—

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:

Stephen Morris, president,
John Vratil, vice president,
Jay Scott Emler, majority leader,
Anthony Hensley, minority leader,
Pat Saville, secretary,
Jody Kirkwood, sergeant at arms,

and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Emler, **SR 1802** by Senators Morris, Emler and Hensley as follows, was introduced and adopted by voice vote:

SENATE RESOLUTION No. 1802—

A RESOLUTION relating to assignment of seats of the senate.

Be it resolved by the Senate of the State of Kansas: That the permanent seats of the Senate are hereby assigned as follows: Abrams 6, Apple 29, Bruce 36, Brungardt 32, Donovan 31, Emler 2, Faust-Goudeau 21, Francisco 8, Haley 22, Hensley 39, Holland 37, Huntington 28, Kelly, 38, Kelsey 26,

King 15, Kultala 7, Lee 40, Longbine 27, Love 12, Lynn 17, Marshall 3, Masterson 35, McGinn 9, Merrick 5, Morris 1, Olson 19, Ostmeyer 13, Owens, 34, Petersen 14, Pilcher-Cooke 18, Pyle 16, Reitz 33, Schmidt 23, Schodorf 24, Steineger 20, Taddiken 4, Teichman 11, Umbarger 25, Vratil 10, and Wagle 30.

Senators Morris and Emler introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1803—

A RESOLUTION relating to rules of the Senate for 2009-2012, amending rule 7, relating to standing committees.

Be it resolved by the Senate of the State of Kansas: That rule 7 be amended to read as follows:

Rule 7. Standing Committees. There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of nine 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. Each of the other six members shall be selected separately by the majority political party of the Senate.

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.....	9 11
2. Assessment and Taxation.....	9 11
3. Commerce.....	9 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.....	9 11
13. Public Health and Welfare.....	9
14. Reapportionment.....	13
15. Transportation.....	9
16. Utilities.....	11
17. Ways and Means.....	13

The Committee on Organization, Calendar and Rules shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons 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 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 subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

For the purpose of considering committee member appointments, and appointments of chairpersons, vice-chairpersons and ranking minority members, and for such other purposes as may be authorized by law, by the joint rules of the senate and the house of representatives or by rules of the senate for closed meetings, the Committee on Organization, Calendar and Rules may close its meetings.

The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. 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.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 1, AN ACT concerning consumer transactions; relating to the Kansas retailers' sales tax act; requiring the cumulative rate to be printed on electronically printed sales receipts, by Senator Haley.

SB 2, AN ACT concerning the department of administration; relating to competitive bids; bidding procedures; requiring bidders to sign a statement certifying they will not hire former state employees except as otherwise allowed by law; amending KSA 2010 Supp. 75-3739 and repealing the existing section, by Committee on Joint Committee on Legislative Post Audit.

SB 3, AN ACT concerning water; establishing the Kansas natural resources subcabinet, by Committee on Joint Committee on Legislative Post Audit.

SB 4, AN ACT concerning the Kansas board of healing arts; relating to licensure and education of perfusionists; establishing perfusion council, by Senator Kelsey.

MESSAGES FROM THE GOVERNOR

May 25, 2010

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.

Mark Parkinson
Governor

Appointments:

Brigadier General, Kansas National Guard, Colonel Bradley Link, Derby, pursuant to the authority vested in me by KSA 48-208, effective upon the date of confirmation by the Senate.

Commissioner, State Securities Commission, Marc S. Wilson (D) Overland Park, pursuant to the authority vested in me by KSA 75-6301 effective upon the date of confirmation by the Senate, to serve at the Pleasure of the Governor.

Member, Pooled Money Investment Board, Betty Ann Corbin (R) Towanda, pursuant to the authority vested in me by KSA 75-4221a effective upon the date of confirmation by the Senate, to serve a term of four years ending March 15, 2014.

Member, Kansas, Inc. Lawrence L. McCants (R) Goodland, pursuant to the authority vested in me by KSA 74-8001 effective upon the date of confirmation by the Senate, to serve a term of four years ending January 15, 2013.

Member, Kansas, Inc. Donald P. Schnacke (R) Topeka pursuant to the authority vested in me by KSA 74-8001 effective upon the date of confirmation by the Senate, to serve a term of four years ending January 15, 2013.

Member, Kansas Human Rights Commission. Antonio Villegas (D) Kansas City, pursuant to the authority vested in me by KSA 44-1003 effective upon the date of confirmation by the Senate, to serve a term of four years ending January 15, 2013.

Member, Kansas Human Rights Commission, Clyde Howard (D) Manhattan, pursuant to the authority vested in me by KSA 44-1003 effective upon the date of confirmation by the Senate, to serve a term of four years ending January 30, 2014.

Member, Kansas Board of Regents, Timothy R. Emert (R) Topeka, pursuant to the authority vested in me by KSA 74-8001 effective upon the date of confirmation by the Senate, to serve a term of four years ending January 30, 2014.

Member, Kansas Board of Regents, Mildred Edwards (I) Topeka, pursuant to the authority vested in me by KSA 74-8001 effective upon the date of

confirmation by the Senate, to serve a term of four years ending January 30, 2014.

Member, Kansas Board of Regents, A.E. McKechnie (D) Arcadia, pursuant to the authority vested in me by KSA 74-8001 effective upon the date of confirmation by the Senate, to serve a term of four years ending January 30, 2014.

September 15, 2010

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.

Mark Parkinson
Governor

Appointments:

Brigadier General, Kansas Army National Guard, Lee Tafanelli, pursuant to the authority vested in me by KSA 48-208, effective upon the date of confirmation by the Senate.

Member, State Banking Board, Dale E. Koch, pursuant to the authority vested in me by KSA 74-3004 effective upon the date of confirmation by the Senate, to serve a three-year term expiring March 15, 2012.

Member, State Civil Service Board, Wilbert J. Leiker, pursuant to the authority vested in me by KSA 2929 effective upon the date of confirmation by the Senate, to serve a four-year term expiring March 15, 2013.

Member, Kansas Technology Enterprise Corporation, Kenneth Frahm, pursuant to the authority vested in me by KSA 74-8101 effective upon the date of confirmation by the Senate, to serve a four-year term expiring January 15, 2014.

Member, University of Kansas Hospital Authority, Robert Regnier, pursuant to the authority vested in me by KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four-year term expiring March 15, 2013.

Member, University of Kansas Hospital Authority, Charles Sunderland, pursuant to the authority vested in me by KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four-year term expiring March 15, 2013.

September 29, 2010

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.

Mark Parkinson
Governor

Appointments:

Brigadier General, Kansas Army National Guard, Victor Braden, pursuant to the authority vested in me by KSA 48-208, effective upon the date of confirmation by the Senate.

Brigadier General, Kansas Army National Guard, Eric Peck, pursuant to the authority vested in me by KSA 48-208, effective upon the date of confirmation by the Senate.

November 16, 2010

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.

Mark Parkinson
Governor

Member, Court of Tax Appeals, Trevor Wohlford (R) Lawrence, pursuant to the authority vested in me by KSA 74-2433 effective upon the date of confirmation by the Senate, to serve a term of four years ending January 15, 2013.

Chief Hearing Officer, Court of Tax Appeals, Janis Lee (D) Kensington, pursuant to the authority vested in me by KSA 74-2433 effective upon the date of confirmation by the Senate, to serve a term of four years ending January 15, 2013.

Member, Kansas Health Policy Authority, David Sanford (R) Wichita, pursuant to the authority vested in me by KSA 75-7401 effective upon the date of confirmation by the Senate, to serve a term of four years ending March 15, 2013.

Member, Kansas Human Rights Commission, Jerome Williams (R) Wichita, pursuant to the authority vested in me by KSA 44-1003 effective upon the

date of confirmation by the Senate, to serve a term of four years ending January 15, 2013.

Member, State Board of Indigent Services, James Colgan, Lenexa, pursuant to the authority vested in me by KSA 22-4519 et seq. Effective upon the date of confirmation by the Senate, to serve a term of three years ending January 15, 2012.

Member, State Board of Indigent Services, John Poertner (D) Lawrence, pursuant to the authority vested in me by KSA 22-4519 et seq. effective upon the date of confirmation by the Senate, to serve a term of three years ending January 15, 2014.

Member, State Board of Indigent Services, John Weber (R) Wichita, pursuant to the authority vested in me by KSA 22-4519 et seq. effective upon the date of confirmation by the Senate, to serve a term of four years ending January 15, 2013.

Member, Kansas Lottery Commission, Franklin Diehl (R) Lawrence, pursuant to the authority vested in me by KSA 74-8709 effective upon the date of confirmation by the Senate, to serve a term of four years ending March 15, 2012.

Member, Kansas Technology Enterprise Corporation, Kyle Elliott (R) Shawnee, pursuant to the authority vested in me by KSA 74-8101 Supp. effective upon the date of confirmation by the Senate, to serve a term of four years ending January 15, 2013.

January 5, 2011

To the Senate of the State of Kansas:

The name of the following individual is herewith withdrawn by me as the Governor of the State of Kansas, pursuant to KSA 75-4315b.

Member, State Board of Indigent Services, John Poertner

Mark Parkinson
Governor

COMMUNICATIONS FROM STATE OFFICERS

January 10, 2011

The Honorable Stephen Morris
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Morris:

As provided in K.S.A. 75-105, I have received from the Honorable Mark Parkinson, Governor of the State of Kansas, since the adjournment of the 2010 session of the legislature the following communications:

Executive Directives Nos. 10-410, 10-411, 10-412, 10-413, 10-414, 10-415, 10-416, and 10-417, all relating to Authorizing Personnel Transactions and Expenditure of Federal Funds.

Also, Executive Order No. 10-04 establishing the Commission on Graduation and Dropout Prevention and Recovery to ensure that dropping out is no longer an option and that every young Kansan will graduate prepared for life, work and/or postsecondary education/training, issued June 15, 2010.

Executive Order No. 10-05 establishing the Kansas Early Childhood Advisory Council to build on the work of the Kansas Children's Cabinet, Kansas Early Childhood Comprehensive Systems Plan and the Kansas Early Learning Coordinating Council, issued June 17, 2010.

Executive Order No. 10-06 establishing the Kansas Health Information Exchange Inc. to assist in widespread adoption and meaningful use of health information technology, ensure appropriate and secure electronic exchange and consequent use of health information to improve quality and coordination of care as a critical enabler of a high performance health care system, and to facilitate and expand the secure, electronic movement and use of health information among organizations according to nationally recognized standards, issued June 30, 2010.

Executive Order No. 10-07 continuing the moratorium on employee bonuses for fiscal year 2011 and maintain the dollar amount limit that was established in fiscal year 2006 to continue to provide for flexibility when awards are given through the State of Kansas Award and Recognition Program, issued July 1, 2010.

Executive Order No. 10-08 establishing the Kansas Broadband Advisory Task Force because of the vital importance of broadband services to economic development, Tele-Health and Tele-Medicine, E-government and education in the State of Kansas, issued July 12, 2010.

Executive Order No. 10-09 establishing the Governor's Excellence Awards, to be awarded annually, related to public health issues, issued August 27, 2010.

Executive Order No. 10-10 directing all state agency heads to increase coordination and collaboration across state agencies to provide Kansans with disabilities optimum opportunity to be competitively employed in equal

numbers to their peers without disabilities and to help Kansans with disabilities meet the human resource needs of Kansas businesses, issued August 27, 2010.

Executive Order No. 10-11 establishing the Kansas Food Security Task Force to provide advice and counsel to the Governor on issues that concern food insecurity and hunger in Kansas, issued September 1, 2010.

Executive Order No. 10-12 establishing the appropriate times for displaying the flag of the United States half-staff at state buildings, grounds, and facilities, issued September 23, 2010.

Executive Order No. 10-13 creating the Interagency Working Group for Wind Energy to promote advancement for wind energy potential and wind energy development as an important part of our state's economy, issued October 27, 2010.

These communications are on file in the office of the Secretary of the Senate and are available for review at any time by members of the legislature.

Sincerely,

Pat Saville
Secretary of the Senate

January 10, 2011

The Honorable Stephen Morris
President, Kansas State Senate
State Capitol
Topeka, KS 66612

Dear President Morris:

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

City of St. Marys, Kansas submitted information the city had assembled to request that the legislature study the viability of extending the deadline required by municipalities to annually certify their ad valorem tax (K.S.A. 79-1801) during the summer of 2011.

Kansas Department of Health and Environment submitted the Treece Relocation Assistance Project Monthly Expenditures/Income Report for the October 2010 reporting period in accordance with K.S.A. 49-512(h).

University of Kansas Hospital submitted the 2010 Annual Report.

The Governor's Task Force on Racial Profiling submitted recommendations and a final report for the 2011 legislative session.

The Kansas Public Employees Retirement System submitted the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2010.

Kansas Department of Corrections submitted the Statewide Risk Reduction Initiative Annual Report.

State Treasurer submitted a copy of the State Treasurer's FY2010 annual report.

Kansas Pooled Money Investment Board submitted a copy of the Annual Report of the Pooled Money Investment Board for Fiscal Year 2010.

State of Alabama, Office of Secretary of the Senate McDowell Lee, submitted Senate Joint Resolution 27 adopted by the Legislature of Alabama claiming sovereignty under the tenth amendment to the Constitution of the United States over certain powers, serving notice to the federal government to cease and desist certain mandates, and providing that certain federal legislation be prohibited or repealed.

Sincerely,

Pat Saville
Secretary of the Senate

REPORTS OF STANDING COMMITTEE

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:

State Board of Regents: Article 6 Section 2 of the Kansas Constitution and KSA 74-3202a

Mildred Edwards, term expires June 30, 2014

Timothy R. Emert, term expires June 30, 2014

A. E. McKechnie, term expires June 30, 2014

Pooled Money Investment Board: KSA 2010 Supp. 75-4221a
Betty Ann Corbin, term expires March 15, 2014

Kansas National Guard: KSA 48-205 and KSA 2010 Supp. 48-208:
Colonel Victor Braden, Brigadier General, serves at the pleasure of the Governor
Colonel Bradley Link, Brigadier General, serves at the pleasure of the Governor
Colonel Eric Peck, Brigadier General, serves at the pleasure of the Governor
Colonel Lee Tafanelli, Brigadier General, serves at the pleasure of the Governor

Kansas Technology Enterprise Corporation: KSA 2010 Supp. 74-8101
Kenneth Frahm, term expires January 15, 2014

State Banking Board: KSA 74-3004
Dale Koch, term expires March 15, 2012

State Civil Service Board: KSA 75-2929a
Wilbert J. Leiker, term expires March 15, 2013

University of Kansas Hospital Authority: KSA 2010 Supp. 76-3304
Robert Regnier, term expires March 15, 2013
Charles Sunderland, term expires March 15, 2013

Securities Commissioner: KSA 2010 Supp. 75-6301
Marc S. Wilson, serves at the pleasure of the Governor

Kansas Human Rights Commission: KSA 44-1003
Clyde Howard, term expires January 15, 2013
Antonio Villegas, term expires January 15, 2013

Kansas, Inc.: KSA 2010 Supp. 74-8001
Lawrence L. McCants, term expires January 15, 2013
Donald P. Schnacke, term expires January 15, 2014
By the Minority Leader of the Senate:

Kansas Health Policy Authority: KSA 2010 Supp. 75-7401
Raymond Davis, term expires March 15, 2011

POINT OF PERSONAL PRIVILEGE

Senator Hensley rose on a Point of Personal Privilege with the following remarks concerning the tragedy in Arizona.

Mr. President:

Thank you for giving me the opportunity to make a few comments about

the tragic events of this past weekend in Tucson, Arizona.

As we all know, on Saturday, Arizona Congresswoman Gabrielle Giffords was holding a “Congress on Your Corner” meeting with her constituents when she was shot in the head from behind. With miraculous medical treatment, it appears she will likely survive.

When he heard about this tragedy, the new Speaker of the House John Boehner of Ohio made this statement, “An attack on one who serves is an attack on all who serve. Acts and threats of violence against public officials have no place in our society. Our prayers are with Congresswoman Giffords, her staff, all who were injured, and their families. This is a sad day for our country.”

Today, I want to give a Kansas Senate tribute to the six people who were killed:

Gabe Zimmerman, 30 years old, a staff member of Congresswoman Giffords since her election in 2006, who dealt with constituent issues. He was engaged to be married.

Christina Taylor Green, 9, the granddaughter of former New York Yankees and Mets manager Dallas Green. She was born on Sept. 11, 2001, and was recently elected to her school student council. She was brought to the meeting by a neighbor to meet her Congresswoman.

John Roll, 63, Arizona’s chief federal trial judge was appointed to the bench by the first President Bush in 1991. Roll had gone to the event to discuss with a Giffords staffer how to clear a backlog of cases.

And, today, the United States Supreme Court, and its Chief Justice John Roberts paid their own tribute to Judge Roll.

Phyllis Schneck, 79, a snowbird from Rutherford, New Jersey, who spent eight months each year in Arizona since 2000. She was a retired librarian and homemaker who loved to knit and often made Jets and Giants aprons to sell at church fundraisers.

Dorwin Stoddard, 76, a deeply devoted Christian, he was a long-time minister at the Mountain Avenue Church of Christ. He was killed shielding his wife from gunfire. She was hit in the legs and is expected to survive.

Dorothy Morris, also 76, a retiree from Reno, Nevada, who attended the event with her husband George, a retired United Airlines pilot. He was also shot and remains in critical condition. The parents of two daughters were high school sweethearts and had been married for more than 50 years.

I know I speak for the entire Kansas Senate that our prayers are with their families, and the families of those who were injured and remain hospitalized.

It has been said the Gabby Giffords was doing what she loved most – hearing from her constituents – when this tragedy occurred. It has also been said that serving Southern Arizonans is her passion, and nothing makes her more proud than representing them in Congress.

Finally, Mr. President, we do not know what may have motivated the shooter to carry out this unthinkable act of violence. No doubt that will be sorted out by the news media in the coming days and weeks.

But, I do believe that the political discourse in this country has been extremely contentious and, at times, has gotten angrier and angrier and

moved away from being the civil discourse it needs to be.

It is never productive or wise to use political rhetoric that will incite people into hateful or dangerous actions.

We may have opponents in politics. But, we should never look at another American, or another Kansan, as our enemy.

I know that there is a longstanding tradition in the Kansas Senate to commit ourselves to doing our job, and debating the great issues of the day with honor and civility. I am very confident that tradition will continue.

All thirty-six senators present for the session supported these remarks.

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6001**, a resolution relating to the organization of the House of Representatives:

Be it resolved by the House of Representatives of the State of Kansas:

That the chief clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

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

and await the pleasure of the Senate.

Announcing the adoption of **HCR 5001**, a concurrent resolution relating to a committee to inform the Governor that the two houses of the legislature are duly organized and ready to receive communications, and the appointment of Representatives Mast, Shultz and Trimmer as members of the committee to wait upon the Governor.

Announcing adoption of **HCR 5002**, a concurrent resolution providing for joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, and the appointment of:

Mast, Shultz and Grant to escort the Governor
Bethell, Gordon and Mah to escort the Lt. Governor
Patton, Rhoades and Kuether to escort the Supreme Court
Huebert, Brunk and Kuether to escort the Senators

Announcing the adoption of **HCR 5003**, a concurrent resolution relating to the Joint Rules of the Senate and the House of Representatives.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5001, relating to a committee to inform the governor that the two

houses of the legislature are duly organized and ready to receive communications, was introduced and read by title.

On emergency motion of Senator Emler, **HCR 5001** was adopted by voice vote.

HCR 5002, providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor, was introduced and read by title.

On emergency motion of Senator Emler, **HCR 5002** was adopted by voice vote.

HCR 5003 was introduced and read by title.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Tuesday, January 11, 2011.

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 11, 2011 — 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-seven Senators present.
Senators Bruce, Haley and King were excused.
Invocation by Reverend Fred S. Hollomon:

Heavenly Father,

Once again we are faced
With a financial dilemma,
The budget must be balanced,
But the prospects are more dimmer.

Some say we must cut spending,
Others say, "Don't even try!"
Still others want to increase taxes,
Others say, "They're way too high!"

As Chaplain I'd like to paraphrase
What Benjamin Franklin once said....

"If a sparrow cannot fall
Without You seeing it fall;
Can an empire begin to rise
Without Your help at all?"

So I wonder, Lord:

If a sparrow cannot fall
Without You seeing it fall;
Can a Senate struggle and sweat
Without Your help at all?

I think not.

And I ask for Your help in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION

President Morris introduced Cindy Shepard and Mona Gambone, new members of the Secretary of the Senate's staff.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 5, AN ACT concerning the Kansas board of healing arts; relating to licensure and education of perfusionists; establishing perfusion council, by Senator Kelsey.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 1**.

Organization, Calendar and Rules: **HCR 5003**.

Public Health and Welfare: **SB 4**.

Ways and Means: **SB 2, SB 3**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SR 1803, relating to rules of the Senate for 2009-2012, amending rule 7, relating to standing committees, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Bruce, Haley, King.

The resolution was adopted.

REFERRAL OF APPOINTMENTS

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

Member, Court of Tax Appeals,

Trevor Wohlford, to serve a term of four years ending January 15, 2013.

(Committee on Assessment and Taxation)

Chief Hearing Officer, Court of Tax Appeals,

Janis Lee, to serve a term of four years ending January 15, 2013.

(Committee on Assessment and Taxation)

Member, Kansas Health Policy Authority,

David Sanford, to serve a term of four years ending March 15, 2013.

(Committee on Public Health and Welfare)

Member, Kansas Human Rights Commission,

Jerome Williams, to serve a term of four years ending January 15, 2013.

(Committee on Federal and State Affairs)

Member, State Board of Indigent Services,

James Colgan, to serve a term of three years ending January 15, 2012.

(Committee on Judiciary)

Member, State Board of Indigent Services,

John Weber, to serve a term of three years ending January 15, 2013.

(Committee on Judiciary)

Member, Kansas Lottery Commission,

Franklin Diehl, to serve a term of four years ending March 15, 2012.

(Committee on Federal and State Affairs)

Member, Kansas Technology Enterprise Corporation,

Kyle Elliot, to serve a term of four years ending January 15, 2013.

(Committee on Commerce)

On motion of Senator Emler the Senate adjourned until 2:30 p.m.
Wednesday, January 12, 2011.

Journal of the Senate

THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 12, 2011 — 2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty Senators present.

President Morris introduced as guest chaplain, Pastor Larry Latham, West Ridge Baptist Church, Topeka, who delivered the invocation.

Our Heavenly Father, Who misses no affair, we come before You in a spirit of humility. We know that we have little control over the circumstances in this world. That's why we must pray for our country, for our state and for our city.

We pray for our great country, the United State of America, that You will lead its people to instruct its government in ways that will bring Your blessing upon it.

We pray for our great state of Kansas, that You will lead its people to instruct their elected officials in ways that will bring Your blessing upon it.

We pray for our great city of Topeka, that You will lead its people to instruct their elected officials in ways that will bring Your blessing upon it.

Our country, our state and our city, needs Your help to mend fractured families, broken infrastructures, financial indebtedness, and unemployment.

Our country, our state and our city, needs Your help to mend bodies, hearts and minds from crimes of the utmost evil nature.

Our country, our state and our city needs Your help to mend the spirit of man by the Spirit of God, for the will of God.

May our meager words, to an all-sufficient God, re-verb back to the heart of man revealing truth in its purest form.

May those who have an ear hear the truth, and without fear, stand in its testimony, boldly proclaiming all that they hear.

It is in this manner by which our great nation, our great state and our great city will be blessed.

Our Heavenly Father, Who misses no affair, we come before You in a spirit of humility. We ask for your intervention, that You might impart to us a small portion of Your will; And might we use it to build a great nation, a great state and a great city.

In our Great Savior's Name, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Public Health and Welfare: **SB 5**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS CORPORATION COMMISSION

January 10, 2011

Director, Doug Louis, submitted a report on the Remediation Site Status Report and the Conservation Division Abandoned Oil & Gas Well Status Report.

DEPARTMENT OF LABOR

January 7, 2011

Jim Garner, Secretary of the Kansas Department of Labor, submitted the Unemployment Insurance Modernization (UIM) Project Progress Report released by the Kansas Department of Labor in December.

The report details the significant progress made on the UIM project to date and is available on the UIM at <http://www.dol.ks.gov>.

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

President Morris announced the Senate would recess until 6:00 p.m. for the purpose of a joint meeting with the House of Representatives to hear the State of State Address by Governor Brownback.

In compliance with **HCR 5002**, Senator McGinn and Senator Lee will escort the Governor, Senator Petersen and Senator Haley will escort the Lieutenant Governor and Senator Owens and Senator Holland will escort the Supreme Court.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Thursday, January 13, 2011.

Journal of the Senate

FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 13, 2011 — 2:30 p.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with thirty-five Senators present.

Senators King, Masterson, Morris, Schmidt and Taddiken were excused.

Vice President Vratil introduced as guest chaplain, Rev. Cecil T. Washington, Jr., Senior Pastor at the New Beginning Baptist Church, Topeka, who delivered the invocation.

In Matthew 6, verses 5 through 13; Jesus taught what Prayer should be;

Verse 5, Vertical in its Direction – God the Father is the audience

5) When you pray, don't be like those show-offs who love to stand up and pray in the meeting places and on the street corners. They do this just to look good. I can assure you that they already have their reward.

Verse 6, Personal in its Connection – Close out any distractions

6) When you pray, go into a room alone and close the door. Pray to your Father in private. He knows what is done in private, and He will reward you.

Verses 7-8, Confident in its Declaration – Know that He hears

7) When you pray, don't talk on and on as people do who don't know God. They think God likes to hear long prayers.

8) Don't be like them. Your Father knows what you need before you ask.

Then in verses 9-13, Jesus gave us this model...

9) Our Father which art in Heaven, Hallowed be Thy name.

10) Thy kingdom come. Thy will be done in earth, as it is in Heaven.

11) Give us this day our daily bread.

12) And forgive us our debts, as we forgive our debtors.

13) And lead us not into temptation, but deliver us from evil: For Thine is the Kingdom, and the power, and the glory, for ever. Amen.

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to give the following remarks:

MR. VICE PRESIDENT; GENTLE COLLEAGUES:

Realizing that a shrinking number of you have needed the patience to have had to bear my annual plea to this Chamber and the other for the last now,

seventeen (17) years, I rise with a greater sense of urgency towards a certain renewal to ask each of your considered insights and efforts to bring greater meaning and action to the commemoration of the Dr. King Holiday.

In a week where America has taken, sadly, once again taken the international stage as a purveyor of random, almost incomprehensible, violence and bloodshed.... we here in Kansas, and I, imagine all over the United States, pray for understanding and for peace in Arizona, don't we?

In a word, Mr. Vice President, in our electronic communication world, it stuns me, as a parent of four young children that email alerts from their schools now emphasize them to "Text-A-Tip" if they see or suspect erratic or aggressive behavior in a fellow student. But this is, too sadly, our world. We send them off to school to learn; to absorb knowledge so that one day they might compete in not just a U.S. but in a global employment market and take care of our country, their communities, their families and, in my case, contribute to and maybe even their Dad!

We need to do better... and I believe that with your leadership, we can do better. The principles of non-aggressive, well, certainly non-violent, dispute resolution is practiced in these chambers every year! You can make the King Holiday, this uniquely American holiday woven from the threads of our once diverse cultures and heritages into a beautiful, complex American tapestry,... we can make our Holiday mean something special to our "Text-A-Tip" children. We can, by our urgings and not tongue-in-cheek, wish a productive Dr. King Holiday to our families and especially to our constituencies who look to us for leadership; community leadership. As I've often said, the legacy of Dr. Martin Luther King, Jr. for whose birthday we commemorate is not the sole province of my religion or of yours; working out our problems through understanding and negotiation doesn't belong to only my political party or to your political party; loving our neighbor is not just my racial philosophy but on all races' philosophy... the legacy of the Dr. King Holiday belongs to us all.

The first day of session, Senator Hensley (on behalf of all of us) had this to say: "in speaking to the tragic events in Arizona and violence having no place in our society we may have opponents in politics. But we should never look at another American or another Kansan as our enemy." We in Kansas, in our leadership and by example, can espouse civility and decency. And just last night, during his first State-of-the-State address, Governor Brownback laid out his vision and his blueprint for Kansas repeating that the plan would only be possible with "Courage, Humanity and Hope." These three traits apply I submit not only to our economic conditions but to righting the trending decay in living together as Kansans. For those of us who profess to serve God; a creator of all things and of all people, for those of us who love the Lord who, I believe, loves all creatures in return regardless of gender, or culture or even speech. Our God "hates" no one.

I still believe, honestly I do, I DO, Mr. Vice President that America is the greatest nation on the face of planet Earth. Let there be peace on all of the Earth and let it begin with America... let it begin in Kansas.

Please... Have a reverent and productive King Holiday weekend.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 6, AN ACT concerning criminal procedure; relating to search incident to arrest; amending K.S.A. 22-2501 and repealing the existing section, by Committee on Judiciary.

SB 7, AN ACT concerning driving under the influence; creating the crime of refusing to submit to a test to determine the presence of alcohol or drugs; relating to testing; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 8-241, 8-285, 8-1008, 8-1009, 8-1016, 8-1017, 8-1501, 12-4413, 12-4414, 12-4415, 12-4416, 22-2908, 22-2910, 22-3610, 22-4704 and 22-4705 and K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 8-235, 8-262, 8-2,142, 8-2,144, 8-1001, 8-1012, 8-1013, 8-1014, 8-1015, 8-1020, 8-1021, 8-1022, 8-1102, 12-4104, 12-4106, 12-4516, 12-4517, 22-2802, 22-2909, 22-3717, 28-176, 60-427, 74-2012 and 74-7301 and sections 14, 48, 254, 285, 292 and 299 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2009 Supp. 21-4704, as amended by section 6 of chapter 147 of the 2010 Session Laws of Kansas, 22-2908, as amended by section 9 of chapter 101 of the 2010 Session Laws of Kansas, and 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 8-1020a, 8-1567, 21-4704 and 22-3717c, by Committee on Judiciary.

SB 8, AN ACT concerning information technology; relating to information technology projects; amending K.S.A. 2010 Supp. 75-7201 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

SB 9, AN ACT concerning the code of civil procedure; amending K.S.A. 20-3017 and 60-2003 and K.S.A. 2010 Supp. 38-2305, 60-203, 60-206, 60-209, 60-211, 60-214, 60-226, 60-235, 60-249, 60-260, 60-270, 60-310, 60-460 and 65-4902 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 38-2305a, by Committee on Judiciary.

SB 10, AN ACT concerning sales taxation; relating to countywide retailers' sales tax; Edwards county; amending K.S.A. 2010 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Ways and Means.

SB 11, AN ACT concerning school districts; relating to transportation of pupils residing on the Leavenworth military reservation, by Committee on Ways and Means.

SB 12, AN ACT concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, by Committee on Ways and Means.

SB 13, AN ACT concerning postsecondary technical education; amending K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-613, 71-614, 71-620, 71-701, 71-802, 71-1201, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4480, 72-6214, 73-1218 and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4450, 72-4466, 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222 and 76-768 and repealing

the existing sections; also repealing K.S.A. 71-613a, 71-1706, 72-4428, 72-4435, 72-4468, 72-6803 and 74-3229a and K.S.A. 2010 Supp. 72-4430, 72-4431, 72-4432, 72-4433 and 76-781, by Committee on Legislative Educational Planning Committee.

SENATE CONCURRENT RESOLUTION No. 1601—

By Senator Kelsey

A CONCURRENT RESOLUTION rescinding the action of the legislature of the state of Kansas petitioning congress to call a convention for the purpose of proposing amendments to the constitution of the United States.

WHEREAS, The legislature of the state of Kansas, in adopting senate concurrent resolution No. 1661 on April 26, 1978, applied to congress to call a convention for the purpose of proposing an amendment to the constitution of the United States to require that, in the absence of a national emergency, the total of all appropriations made by congress for a fiscal year shall not exceed the total of all estimated federal revenues for such fiscal year, and such amendment to the United States constitution could be proposed without the necessity of calling a constitutional convention which might relegate to itself the power to rewrite the United States constitution: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature rescind its action on April 26, 1978, by which it adopted senate concurrent resolution No. 1661, and

Be it further resolved: That duly attested copies of this resolution be immediately transmitted by the secretary of state to the secretary of the senate of the United States, to the clerk of the house of representatives of the United States, to each member of the congress from this state, and to the legislatures of all other states of the United States.

MESSAGES FROM THE GOVERNOR

December 28, 2010

Message to the Senate of the State of Kansas

Enclosed herewith is Executive Directive No. 10-418 for your information.

Sincerely,

MARK PARKINSON
Governor

Vice President Vratil announced Executive Directive No. 10-418, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at anytime.

January 7, 2011

Enclosed herewith is a communication pursuant to KSA 22-3703, a report submitted by JaLynn Copp, Chief Counsel, of the pardons granted by

Governor Mark Parkinson for the preceding year.

Orvel Baldrige
Convicted in 1975 of Aggravated Battery

John Manning
Convicted in 1969 of First Degree Robbery

Frederick Johnson
Convicted in 1969 of First Degree Robbery

COMMUNICATIONS FROM STATE OFFICERS

Kansas Board of Pharmacy
January 10, 2011

Debra L. Billingsley, Executive Secretary, Kansas Board of Pharmacy, submitted the report on Proposed Controlled Substances for Scheduling, Rescheduling or Deletion.

KANSAS PRESCRIPTION DRUG MONITORING PROGRAM
January 2011

The Advisory Committee of the Kansas Prescription Drug Monitoring Program submitted a Legislative Report.

Vice President Vratil announced the above reports are on file in the office of the Secretary of the Senate and are available for review at anytime.

REPORT ON ENROLLED BILLS

SR 1801, SR 1802, SR 1803 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 13, 2011.

On motion of Senator Emler, the Senate adjourned until 8:30 a.m., Friday, January 14, 2011.

Journal of the Senate

FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 14, 2011 — 8:30 a.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with twenty-two Senators present.

Senators Apple, Bruce, Brungardt, Donovan, Haley, Huntington, Kelsey, King, Love, Masterson, Morris, Ostmeyer, Owens, Pilcher-Cook, Schmidt, Schodorf, Taddiken and Wagle were excused.

Vice President Vratil introduced as guest chaplain, Rev. Leon Parker, First Baptist Church of Lyndon, who delivered the invocation.

Dear God, may we recognize that it is by your grace that we have such a wonderful place to live as the state of Kansas.

We thank you for men and women who seek the will of God in the governing of this state. For any who may not be seeking your will, may they be influenced by those who are. Please help us each to know that when we know the truth, the truth is that which sets us free.

In the absolute truth that you have laid before us in your Word, may we not hesitate to carry out those truths. In our search for wisdom, may we be guided by the truth of your recorded word which instructs us to “seek first the kingdom of God and His righteousness and all these things shall be added unto you.”

Thank you God for hearing us. Thank you for blessing and we pray these things in the name of our blessed Savior, Jesus Christ.

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 14, AN ACT concerning the Kansas uninsurable health insurance plan act; pertaining to lifetime limits; pertaining to participation in plan by certain children; amending K.S.A. 2010 Supp. 40-2122 and 40-2124 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 15, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurers; amending K.S.A. 2010 Supp. 40-2c01 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 16, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2011, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by

Committee on Ways and Means.

SB 17, AN ACT concerning elections; relating to campaign finance; amending K.S.A. 25-4153 and repealing the existing section, by Committee on Education.

SB 18, AN ACT concerning school districts; relating to the at-risk weighting; amending K.S.A. 2010 Supp. 72-6414 and 72-64c01 and repealing the existing sections, by Committee on Special Committee on Education.

SB 19, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2010 Supp. 72-6407, 72-6433d and 74-4939a and repealing the existing sections, by Committee on Legislative Educational Planning Committee.

SB 20, AN ACT concerning school districts; relating to at-risk pupils; amending K.S.A. 2010 Supp. 72-6407 and repealing the existing section, by Committee on Special Committee on Education.

SB 21, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2010 Supp. 72-6441, 72-6449 and 72-6451 and repealing the existing sections, by Committee on Legislative Educational Planning Committee.

SB 22, AN ACT concerning school districts; relating to the transportation weighting; amending K.S.A. 72-6411 and repealing the existing section, by Committee on Special Committee on Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 10**.

Education: **SB 8**, **SB 11**, **SB 13**.

Federal and State Affairs: **SCR 1601**.

Judiciary: **SB 6**, **SB 7**, **SB 9**, **SB 12**.

COMMUNICATIONS FROM STATE OFFICERS

January 12, 2011

KANSAS BUREAU OF INVESTIGATION

In compliance with KSA 60-4117, which requires the Kansas Bureau of Investigation (KBI) to submit a report to the Legislature each year regarding the status of the KBI State Forfeiture Fund, was submitted by Robert E. Blecha, Director.

Vice President Vratil announced the above report is on file in the office of the Secretary of the Senate and available for review at anytime.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Tuesday, January 18, 2011.

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 18, 2011 — 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty Senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I want to thank You for receiving Martin Luther King as one of Your Beloved children upon his repentance and faith in Jesus Christ. I thank You for inspiring this Baptist preacher to lead his flock to engage in non-violent protest to the demeaning racial segregation which produced inhuman treatment to black adults and children.

I thank You that in this letter he demonstrated a tolerant but explicit detail of why he could not submit to the white clergy who called on him to give segregation some time to work. His response was classic; “I have found that “wait” means “never”!”

I thank You, Lord, that toward the end of his letter he wrote, “I have no despair about the future. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom.”

Although segregation is no longer legal, You know better than any of us that there are still white people who do not care to befriend black people.

Help us, Lord, to never judge any people by the color of their skin.

I pray in the name of Jesus Christ,

AMEN

The Pledge of Allegiance was lead by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 23, AN ACT concerning juvenile offenders; relating to jury trials; amending K.S.A. 2010 Supp. 38-2344 and 38-2357 and repealing the existing sections, by Committee on Judiciary.

SB 24, AN ACT concerning domestic relations; relating to recodification of certain domestic relations matters; amending K.S.A. 20-164, 20-165, 20-302b, 23-4,118, 60-1606, 60-1613 and 60-1620 and K.S.A. 2010 Supp. 12-5005, 60-1629 and 60-3107 and repealing the existing sections; also repealing K.S.A. 23-101, 23-201, 60-1608, 60-1611, 60-1612 and 60-1616 and K.S.A.

2010 Supp. 60-1610, by Committee on Judiciary.

SB 25, AN ACT concerning alcoholic beverages; authorizing issuance of special event retailers' license for sales of cereal malt beverage; amending K.S.A. 2010 Supp. 41-2703 and repealing the existing section, by Committee on Federal and State Affairs.

SB 26, AN ACT concerning the state lottery; relating to security audits; background investigation requirements; amending K.S.A. 74-8707 and repealing the existing section, by Committee on Joint Committee on Legislative Post Audit.

SB 27, AN ACT concerning school districts; relating to the program weighting; amending K.S.A. 2010 Supp. 72-6413 and repealing the existing section, by Committee on Education.

SB 28, AN ACT concerning interest earnings raised by the Johnson county education research triangle authority sales tax; amending K.S.A. 19-5003 and repealing the existing section, by Committee on Legislative Education Planning Committee.

SB 29, AN ACT concerning controlled substances; amending K.S.A. 65-4107, 65-4109 and 65-4111 and K.S.A. 2010 Supp. 65-4105 and 65-4113 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 30, AN ACT concerning 911 emergency services; prepaid wireless fees, collection and distribution; amending K.S.A. 2010 Supp. 12-5322, 12-5324, 12-5331 and 75-5133 and repealing the existing sections, by Committee on Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 18**, **SB 19**, **SB 20**, **SB 21**, **SB 22**.

Ethics and Elections: **SB 17**.

Financial Institutions and Insurance: **SB 14**, **SB 15**.

Ways and Means: **SB 16**.

MESSAGE FROM THE GOVERNOR

January 12, 2011

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

Secretary, Department of Agriculture, Dale Rodman (R) Horseshoe Bay, pursuant to the authority vested in me by KSA 74-560, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Secretary, Department of Commerce, Pat George (R) Dodge City, pursuant to the authority vested in me by KSA 74-5002a, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Secretary, Department of Labor, Karin Brownlee (R) Olathe, pursuant to the authority vested in me by KSA 75-5701, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Secretary, Department of Revenue, Nick Jordan (R), Shawnee, pursuant to the authority vested in me by KSA 75-5101, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Secretary, Department of Administration, Dennis Taylor, (R) Topeka, pursuant to the authority vested in me by KSA 75-3702a, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Commissioner, Securities Commission, Aaron Jack (R) Topeka, pursuant to the authority vested in me by KSA 75-6301, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Adjutant General, Lee Tafanelli, pursuant to the authority vested in me by KSA 48-203 and KSA 75-4315a, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT OF ADMINISTRATION

January 13, 2011

Kent E. Olson, Director, Division of Accounts and Reports, submitted the 57th Annual Financial Report of the State of Kansas for the fiscal year ended June 30, 2010. The report is available on line at <http://da.ks.gov/ar/finrpt>.

KANSAS CORPORATION COMMISSION

January 14, 2011

As directed by the 2008 Legislature in KSA 66-1250 through 1254, Commissioners Thomas E. Wright, Chairman; Joseph F. Harkins and Ward Loyd submitted a report to the Legislature concerning the availability of Broadband services in the State of Kansas.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

January 10, 2011

In accordance with KSA 32-844 and 32-845, J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, submitted a report regarding land acquisition and renewals.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1804—

A RESOLUTION congratulating and commending Tad Felts for being inducted into the Kansas Association of Broadcasters Kansas Broadcasting Hall of Fame.

WHEREAS, Tad Felts, a Phillipsburg radio broadcaster, was inducted by the Kansas Association of Broadcasters into the KAB Kansas Broadcasting Hall of Fame in a ceremony in Wichita on October 17, 2010. Hall of Fame inductees are selected based upon their contributions to the broadcasting profession, their broadcast career, their recognition and awards received and their exemplary participation in local, state or national activities and organizations; and

WHEREAS, Tad began his radio career in Garden City at KIUL as a sophomore in high school in 1948, working for free after school and at night. During his time at KIUL his primary duties were cleaning the floors and playing records. He then went on to Fort Hays State University in 1951, where he went to work for KAYS. Tad then went to work in Goodland in 1964 at KLOE and came to Phillipsburg in 1968 before spending two years in Idaho. He returned to Phillipsburg in 1972, where he has continued to worked for KKAN and KQMA; and

WHEREAS, Tad is the news and sports director for both KKAN and KQMA, is involved in year-round coverage of events and sports in North Central Kansas and still hosts a daily radio talk show which he began in 1972 called the TADPOLL; and

WHEREAS, Tad's coverage of the harvest in the fields, fair reports, parades, the yearly visit to New York City and Washington, D.C., with students from the area high schools, and many high school sporting events have entertained and informed listeners across North Central Kansas; and

WHEREAS, Tad has received numerous honors from both the community and profession, including three Sports Broadcaster of the Year Awards, KAB and AP news coverage, the Elmer "Carp" Carpenter Award from the Kansas High School Athletic Directors and 10 Phillips County Extension Council Outstanding Service Awards. The Kansas Association of Broadcasters has also awarded Tad the Hod Humiston Sportscaster Award for outstanding contributions to Kansas sports broadcasting and the Sonny Slater Award for contributing years of service to his community and his industry: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Tad Felts for his induction into the Kansas Association of Broadcasters Kansas Broadcasting Hall of Fame, and wish him continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Janis K. Lee.

On emergency motion of Senator Lee **SR 1804** was adopted unanimously.

Senator Lee introduced and congratulated Tad Felts for being inducted by the Kansas Association of Broadcasters into the KAB Kansas Broadcasting Hall of Fame.

Senator Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1805—

A RESOLUTION congratulating and commending the members of the 2011 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 2011 Kansas Teacher of the Year and finalists were honored at an awards banquet on November 20, 2010. 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 the ING Foundation and Target in partnership with the University of Phoenix Foundation and People to People Ambassador Programs; and

WHEREAS, The 2011 Kansas Teacher of the Year is Curtis Chandler, Wamego USD 320, and the regional finalists are Nikki M. Chamberlain, Salina USD 305; Kim A. Morrissey, Wichita USD 259; Holly R. Schreiber, De Soto USD 232; C. Dow Tate, Shawnee Mission USD 512; Jodi A. Testa, Geary County USD 475; Lu Anne Vides, El Dorado USD 490 and Linda G. Wiersma, Paola USD 368: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the 2011 Kansas Teacher of the Year Team and wish Mr. Chandler success in the national competition; and

Be it further resolved: That the Secretary of the Senate provide eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2011 Kansas Teacher of the Year Team.

On emergency motion of Senator Schodorf **SR 1805** was adopted unanimously.

Senator Pyle introduced and congratulated Mr. Curtis Chandler, 2011 Kansas Teacher of the Year from Wamego. Also congratulated were the following regional finalists: Nikki M. Chamberlain, Salina; Kim A. Morrissey, Wichita; Holly R. Schreiber, DeSoto; C. Dow Tate, Shawnee Mission; Jodi A. Testa, Geary County; LuAnne Vides, El Dorado and Linda G. Wiersma, Paola.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** 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:

State Court of Tax Appeals, Judge: K.S.A. 2010 Supp. 74-2433

Trevor Wohlford, serves a term ending January 15, 2013

State Court of Tax Appeals, Chief Hearing Officer: K.S.A 2010 Supp. 74-2433

Janis Lee, serves a term ending January 15, 2013

Committee on **Judiciary** 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 Indigent Defense Services: K.S.A. 22-4519

John Robert Weber, term expires January 15, 2013

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

James Colgan, term expires January 15, 2012

On motion of Senator Emler the Senate adjourned until 2:30 p.m. Wednesday, January 19, 2011.

Journal of the Senate

SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 19, 2011 — 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty Senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Senators are in session
Three months of the year.
But they serve all twelve months.
(We need to make that clear.)

Most of them have other jobs.
Some are way out west;
And all the ones I know
Do their very best.

Most of them have families
Who also need attention,
And problems rear their head
Too numerous to mention.

Add to that the criticisms
All of them endure.
Some critics have no limit
To raise the temperature.

I know the critics have a right
To make their feelings known,
But I think we'd all be better off
If we prayed more than we groaned.

Bless all the Senators, Lord,
Give them a portion of Your grace.
Strengthen and encourage them
To make our state a better place.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 31, AN ACT concerning campaign finance; relating to electioneering communication; establishing certain reporting requirements, by Committee on Ethics and Elections.

SB 32, AN ACT concerning school districts; relating to at-risk pupils; amending K.S.A. 2010 Supp. 72-6414 and repealing the existing section, by Special Committee on Education.

SB 33, AN ACT concerning school districts; enacting the school sports head injury prevention act, by Committee on Public Health and Welfare.

SB 34, AN ACT concerning driver's licenses; relating to habitual violators; motorized bicycles; amending K.S.A. 8-286 and 8-288 and K.S.A. 2010 Supp. 8-235 and 8-287 and repealing the existing sections, by Committee on Judiciary.

SB 35, AN ACT concerning civil procedure; relating to attorney-client privilege and work-product protection; amending K.S.A. 60-426 and K.S.A. 2010 Supp. 60-3003 and repealing the existing sections, by Committee on Judiciary.

SB 36, AN ACT concerning civil procedure; relating to exemption from creditors for certain retirement plans; amending K.S.A. 60-2308 and repealing the existing section, by Committee on Judiciary.

SB 37, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; payment of fines; employment of county and city prisoners; amending K.S.A. 22-4603 and section 244 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2009 Supp. 21-4603d, as amended by section 7 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 21-4603d, by Committee on Judiciary.

SB 38, AN ACT concerning children; relating to permanency; priority of certain orders; amending K.S.A. 2010 Supp. 38-1116, 38-1121, 38-2201, 38-2203, 38-2262, 38-2284, 38-2304 and 60-1610 and repealing the existing sections, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 27**, **SB 28**.

Federal and State Affairs: **SB 25**, **SB 26**.

Judiciary: **SB 23**, **SB 24**.

Public Health and Welfare: **SB 29**.

Utilities: **SB 30**.

REFERRAL OF APPOINTMENTS

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

Adjutant General:

Lee Tafanelli, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

(Federal and State Affairs)

Department of Administration, Secretary:

Dennis Taylor, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

(Ways and Means)

Department of Agriculture, Secretary:

Dale Rodman, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

(Agriculture)

Department of Commerce, Secretary:

Pat George, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

(Commerce)

Department of Labor, Secretary:

Karin Brownlee, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

(Commerce)

Department of Revenue, Secretary:

Nick Jordan, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

(Assessment and Taxation)

Securities Commission, Commissioner:

Aaron Jack, effective upon the date of confirmation by the Senate to serve at the pleasure of the Governor.

(Financial Institutions and Insurance)

COMMUNICATIONS FROM STATE OFFICERS**KANSAS HEALTH POLICY AUTHORITY**

January 13, 2011

In compliance with KSA 75-6509, Mike Michael, Deputy Director, State Employee Health Plan, submitted a compact disc (cd) containing the Kansas State Employees Health Care Commission 2010 Annual Report.

The President announced the compact disc is on file in the office of the Secretary of the Senate and available for review at any time.

On motion of Senator Emler, the Senate recessed until 3:10 p.m.

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

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor and Senate Minority Leader were considered.

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

State Board of Regents:

A.E. McKechnie, term expires June 30, 2014

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Board of Regents:

Timothy R. Emert, term expires June 30, 2014

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Board of Regents:

Mildred Edwards, term expires June 30, 2014

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas National Guard, Brigadier General:

Colonel Victor Braden, serves 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas National Guard, Brigadier General:

Colonel Bradley Link, serves 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas National Guard, Brigadier General:

Colonel Eric Peck, serves 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas National Guard, Brigadier General:

Colonel Lee Tafarielli, serves 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Technology Enterprise Corporation:

Kenneth Frahm, term expires January 15, 2014

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Banking Board:

Dale Koch, term expires March 15, 2012

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Civil Service Board:

Wilbert J. Leiker, term expires March 15, 2013

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

University of Kansas Hospital Authority:

Charles Sunderland, term expires March 15, 2013

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

University of Kansas Hospital Authority:

Robert Regnier, term expires March 15, 2013

On roll call, the vote was: Yeas 26, Nays 5, Present and Passing 9, Absent or Not Voting 0.

Yeas: Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Lee, Longbine, Marshall, Masterson, McGinn, Morris, Owens, Reitz, Schmidt, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Merrick, Olson, Pilcher-Cook, Pyle.

Present and Passing: Bruce, Donovan, Kelsey, Love, Lynn, Ostmeyer, Petersen, Taddiken, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Human Rights Commission:

Clyde Howard, term expires January 15, 2013

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Securities Commissioner:

Marc S. Wilson, serves 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Human Rights Commission:

Antonio Villegas, term expires January 15, 2013

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick,

Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas, Inc.:

Lawrence L. McCants, term expires January 15, 2013

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas, Inc.:

Donald P. Schnacke, term expires January 15, 2014

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Board of Indigent Defense Services:

James Colgan, term expires January 15, 2012

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Board of Indigent Defense Services:

John Weber, term expires January 15, 2013

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King,

Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Court of Tax Appeals:

Trevor Wohlford, Judge, term expires January 15, 2013

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Governor

On the appointment to the:

Pooled Money Investment Board:

Betty Ann Corbin, term expires March 15, 2014

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

By the Minority Leader of the Senate:

On the appointment to the:

Kansas Health Policy Authority:

Raymond Davis, term expires March 15, 2011

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The appointment was confirmed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Bruce introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1806—

A RESOLUTION recognizing January 21, 2011, as Dentist Appreciation Day.

WHEREAS, the 10th Kansas Mission of Mercy Dental Project will be held on January 21 and 22 of 2011 in Hutchinson, Kansas; and

WHEREAS, the Kansas Mission of Mercy held its first Kansas Mission of Mercy Dental Project in Garden City in February 2003, and since then, has held eight other projects in Garden City, Kansas City, Pittsburg, Wichita, Salina, Topeka, Manhattan, and Independence; and

WHEREAS, the Kansas Mission of Mercy Dental Project was created to provide free dental care to low-income patients across Kansas; and

WHEREAS, the Kansas Mission of Mercy Dental Project provides cleanings, fillings and extractions, and other dental services at no cost to both children and adults; and

WHEREAS, at the nine Kansas Mission of Mercy Dental Projects to date, 521 Kansas dentists have volunteered and provided free dental care; and

WHEREAS, through the nine Kansas Mission of Mercy Dental Projects, Kansas dentists have treated more than 17,500 patients with free dental care valued at more than \$8.5 million; and

WHEREAS, the Kansas Mission of Mercy Dental Project has been integral to the creation of a nationwide dental Mission of Mercy effort; and

WHEREAS, the Kansas Mission of Mercy Dental Project is a project of the Kansas Dental Charitable Foundation; and

WHEREAS, the Kansas Dental Association founded the Kansas Dental Charitable Foundation in 2002 as a 501(c)(3) foundation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby recognize January 21, 2011, as Dentist Appreciation Day to honor the charitable spirit of Kansas dentists who have given countless hours to provide free dental care through the Kansas Mission of Mercy Dental Projects.

Be it further resolved: That the Secretary of the Senate shall send six enrolled copies of this resolution to Senator Bruce.

On emergency motion of Senator Bruce **SR 1806** was adopted unanimously.

In recognition of January 21, 2011 as Dentist Appreciation Day, Senator Bruce introduced the following dentists; Max McReynolds, Humboldt, Statewide KMOM Chairman; Jeff Stasch, Garden City, KMOM Founder; Jon Tilton, Wichita, KMOM Founder and Dave Hammell, KDA President.

Senator Owens introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1807—

A RESOLUTION urging the Government of Turkey to uphold and safeguard religious and human rights without compromise; case its discrimination of the Ecumenical Patriarchate; grant the Ecumenical Patriarch appropriate international recognition; ecclesiastic succession and the right to train clergy of all nationalities; and respect the property rights and human rights of the Ecumenical Patriarchate.

WHEREAS, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States; and

WHEREAS, Since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims; and

WHEREAS, This religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government; and

WHEREAS, The Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals and from the millions of Orthodox Christians living in Turkey at the turn of the 20th century and due to the continued policies during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today; and

WHEREAS, The Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy; and

WHEREAS, The Turkish government has confiscated nearly 94% of the Ecumenical Patriarchate's properties and has placed a 42% tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate; and

WHEREAS, The European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005; and

WHEREAS, The European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law and respect for and protection of minorities and human rights; and

WHEREAS, The Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union; and

WHEREAS, Orthodox Christians in Kansas and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

WHEREAS, The Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or "offikion," by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish government officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we urge the Government of Turkey to uphold and safeguard religious and human rights without compromise; cease its discrimination of the Ecumenical Patriarchate; grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession and the right to train clergy of all nationalities; and respect the property rights and human rights of the Ecumenical Patriarchate; and

Be it further resolved: That the Secretary of the Senate is directed to provide an enrolled copy of this resolution to the President of the United States, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States and to the members of the Kansas Congressional Delegation.

REPORTS OF STANDING COMMITTEES

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 such appointment:

By the Governor:

Member, Kansas Health Policy Authority: K.S.A. 2010 Supp 75-7401

David Sanford, serves a term ending March 15, 2013

REPORT OF ENROLLED BILLS

SR 1804, SR 1805 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 19, 2011.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Thursday, January 20, 2011.

Journal of the Senate

EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 20, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with twenty-eight senators present.

Senators Brungardt, Donovan, Faust-Goudeau, Haley, Holland, Kultala, Masterson, Owens, Pilcher-Cook, Schmidt, Steineger and Taddiken were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

This year five Senators

Begin their first session.

All five have given me

A favorable impression.

Senator Olson represents

District twenty-three.

I pray for his success.

I'm sure we all agree.

Senator King represents

District fifteen.

I pray he will have

The best year he has seen.

Senator Love represents

District thirty-eight.

I pray he will be successful

As he starts to legislate.

Senator Longbine represents

District seventeen.

I pray this year will be

Beyond his wildest dreams.

Senator Merrick represents

District thirty-seven.

I pray that this session

Will almost seem like heaven.

Lord, remind all five of them that You are their best Friend.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 39, AN ACT concerning criminal procedure; relating to sex offenders; amending K.S.A. 22-4903 and K.S.A. 2010 Supp. 8-243, 8-255, 22-4902, 22-4904 and 22-4913 and sections 285 and 299 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Senator Olson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Education: **SB 32**.

Ethics and Elections: **SB 31**.

Judiciary: **SB 34**, **SB 35**, **SB 36**, **SB 37**, **SB 38**; **SR 1807**.

Public Health and Welfare: **SB 33**.

COMMUNICATIONS FROM STATE OFFICERS

JOHNSON COUNTY EDUCATION RESEARCH TRIANGLE

January 18, 2011

In accordance with the requirements of KSA 19-5005(e), the Johnson County Research Triangle Authority's Annual Report concerning the financial activities of the Authority was submitted by Ed Eilert, Chairman. Included in the report were the Authority's Financial Statements, the Agreed-Upon-Procedures Report and the required communication/management letter.

The Vice President announced the above report 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 1806 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 20, 2011.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, January 21, 2011.

Journal of the Senate

NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 21, 2011, 8:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with twenty-three senators present.

Senators Abrams, Apple, Bruce, Brungardt, Donovan, Faust-Goudeau, Haley, King, Longbine, Lynn, Marshall, Masterson, Owens, Schmidt, Schodorf, Steineger and Taddiken were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Sometimes I think a Senator's job could be described in Army rankings:

They spend a lot of time in GENERAL orders.

They have to deal with MAJOR problems.

Sometimes they feel like they are enduring CORPORAL punishment.

At home they have to attend to PRIVATE matters.

As they enter their third week, I pray O God, that You will give them....

Knowledge to deal with GENERAL orders

Wisdom to deal with MAJOR problems

Patience to endure CORPORAL punishment

Time to deal with PRIVATE matters

And above all, always report to You, O God, our COMMANDER-IN-CHIEF.

I pray in the Name of Jesus Christ.

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 40, AN ACT concerning counties; relating to bidding requirements on certain contracts; amending K.S.A. 2010 Supp. 19-214 and repealing the existing section, by Senator Reitz.

SB 41, AN ACT concerning the Kansas private and out-of-state postsecondary educational institution act; relating to fees; amending K.S.A. 2010 Supp. 74-32,181 and repealing the existing section; also repealing K.S.A. 2010 Supp. 74-32,181a, by Committee on Legislative Education Planning.

SB 42, AN ACT concerning the Kansas technology enterprise corporation; pertaining to the abolishing thereof; pertaining to the transfer of the powers and duties thereof to the department of commerce and the board of regents; amending K.S.A. 74-5001a, 74-8102, 74-8103, 74-8106, 74-8107, 74-8108, 74-8108a, 74-8109, 74-8110, 74-8111, 74-8316, 74-8317, 74-8318, 74-8319, 74-8401, 75-2935b, 75-3208 and 76-770 and K.S.A. 2010 Supp. 74-520a, 74-5005, 74-50,133, 74-50,151, 74-50,156, 74-8101, 74-8104, 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-99b03, 74-99b04, 74-99b09, 74-99b63, 74-99b66, 74-99c03 and 75-2935 and repealing the existing sections; also repealing K.S.A. 74-5050 and 74-8105, by Committee on Commerce.

SB 43, AN ACT concerning certain public officers and employees; relating to the use of unexpended campaign funds; amending K.S.A. 25-4142 and K.S.A. 2010 Supp. 25-4143 and 25-4157a and repealing the existing sections, by Committee on Ethics and Elections.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Judiciary: **SB 39**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS HIGHWAY PATROL

January 13, 2011

Pursuant to KSA 60-4117, Ernest E. Garcia, Superintendent, submitted a report regarding the Kansas Highway Patrol state forfeiture funds.

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

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Monday, January 24, 2011.

Journal of the Senate

TENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 24, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-seven senators present.
Senators Marshall, Olson and Schmidt were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I came to Topeka to make a difference.
I came to make a difference in my district and my state.
I may not make a big splash, but I can make some ripples.
I may not make a lot of friends, but I can make a lot of noise.
I may not make Who's Who, but I can tell them What's What.
I may never make Washington, but I can make Topeka know I'm here.
I may not always make sense, but I can make a difference.

But I am fully aware O God, that I will never make a difference in the lives of others, until I let You make a difference in me.

Please do it in the Name of Jesus Christ.

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 44, AN ACT concerning domestic relations; relating to marital property; amending K.S.A. 23-201 and repealing the existing section, by Committee on Judiciary.

SB 45, AN ACT concerning trusts; relating to certification of trust; amending K.S.A. 58a-1013 and repealing the existing section, by Committee on Judiciary.

SB 46, AN ACT concerning civil procedure; relating to electronic filing; amending K.S.A. 60-2601 and 60-2601a and repealing the existing sections, by Committee on Judiciary.

SB 47, AN ACT concerning the uniform trust code; relating to modification or termination of noncharitable trust by consent; creditor claims against settlor; amending K.S.A. 58a-505 and K.S.A. 2010 Supp. 58a-411 and repealing the existing sections; also repealing K.S.A. 33-101 and 58a-818, by Committee on Judiciary.

SB 48, AN ACT concerning probate; relating to payment of claims; filing of wills; order in which assets are appropriated; amending K.S.A. 59-103 and 59-1405 and K.S.A. 2010 Supp. 59-618a and repealing the existing sections, by Committee on Judiciary.

SB 49, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; employer and employee contributions; benefits; amending K.S.A. 74-4915 and 74-4919 and K.S.A. 2010 Supp. 74-4914d, 74-4920, 74-49,205 and 74-49,210 and repealing the existing sections, by Committee on Joint Committee on Pensions, Investments, and Benefits.

SB 50, AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2010 Supp. 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5303, 12-5305, 12-5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2010 Supp. 12-5301, 12-5302, 12-5304, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360, by Committee on Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 42** (Separately).

Education: **SB 41**.

Ethics and Elections: **SB 43**.

Local Government: **SB 40**.

Ways and Means: **SB 42** (Separately).

MESSAGES FROM THE GOVERNOR

January 24, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Reorganization Order No. 34 and the Governor's Message for that ERO for your information.

Governor's Message
Executive Reorganization Order No. 34
By Governor Sam Brownback

January 24, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 34 to both houses of the Kansas Legislature. Simultaneously with this Order, I am

transmitting the accompanying Governor's Message.

In these difficult economic times, state government needs to get back to the basics by focusing on the things that it should rightfully be doing and doing them in the most efficient manner possible. Achieving this goal requires that we eliminate redundancies. In this spirit of streamlining government, I am ordering the consolidation of parole review functions in the executive branch by abolishing the Parole Board as established by K.S.A. 22-3701 et seq. and establishing within the Department of Corrections the Prisoner Review Board.

The Kansas Sentencing Guidelines Act became effective on July 1, 1993 requiring convicted persons to be sentenced pursuant to a determinate sentencing grid. This did away with traditional indeterminate sentencing and its provisions for parole. Since then, the numbers of inmates for whom the possibility of parole exists have dwindled both in real numbers and in the percentage of the total inmate population, thus reducing the need for a full-time, independent state agency to review parole applications.

Additionally, the Department of Corrections already collects data on each inmate up for parole. This data is then transmitted to the Parole Board and forms the basis for the review of each application. By consolidating these functions within the Department's new Prisoner Review Board staffed by existing Department employees, the process will be streamlined and cost savings will be realized immediately. My Fiscal Year 2012 Budget Report anticipates that the State of Kansas will save nearly one-half million taxpayer dollars from this consolidation alone.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a modest first step toward making state government leaner and more efficient. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals in the months and years to come.

Executive Reorganization Order No. 34
By Governor Sam Brownback
Transmitted January 24, 2011

Section 1. There is hereby established, within the Kansas department of corrections, the prisoner review board. The prisoner review board shall be administered under the supervision of the secretary of corrections. The prisoner review board shall consist of three members appointed by the secretary of corrections and all members shall serve at the pleasure of the secretary. The members of the prisoner review board shall be existing employees of the department of corrections.

Sec. 2. (a) The Kansas parole board established by K.S.A. 22-3707 is hereby abolished. The prisoner review board shall be a continuation of the Kansas parole board.

(b) All of the powers, duties and functions of the existing Kansas parole board are hereby transferred to and imposed upon the prisoner review board.

Sec. 3. (a) The prisoner review board shall be the successor in every way to the powers, duties and functions of the Kansas parole board in which the same were vested prior to the effective date of this order. Every act performed

in the exercise of such transferred powers, duties and functions by or under the authority of the prisoner review board shall be deemed to have the same force and effect as if performed by the Kansas parole board in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Whenever the Kansas parole board, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the prisoner review board.

(c) All rules and regulations, orders and directives of the Kansas parole board that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of corrections until revised, amended, revoked or nullified pursuant to law.

Sec. 4. The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas parole board are hereby transferred within the state treasury to the Kansas department of corrections and shall be used only for the purpose for which the appropriation was originally made.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The department of corrections shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions of the Kansas parole board transferred to the prisoner review board. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 21st day
of January 2011.

BY THE GOVERNOR
SAM BROWNBACK

KRIS W. KOBACH
SECRETARY OF STATE

ERIC RUCKER
ASSISTANT SECRETARY OF STATE

January 24, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-01 for your information.

Sam Brownback
Governor of the State of Kansas

The President announced Executive Order No. 11-01, creating the office of Repealer within the Kansas Department of Administration, 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 BOARD OF REGENTS

January 21, 2011

In accordance with KSA 76-717, the Kansas Board of Regents Report on the Implementation of Qualified Admissions was submitted by Gary Alexander, Vice President of Academic Affairs. The report includes the number and percentage of freshman class admissions, resident transfer student admissions and non-resident transfer student admissions.

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

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Kansas Health Policy Authority:

David Sanford, Member, term expires March 15, 2013.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Marshall, Olson, Schmidt.

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Court of Tax Appeals:

Janis Lee, Chief Hearing Officer, term expires January 15, 2013.

On roll call, the vote was: Yeas 36, Nays 0, Present and Passing 1, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Lee.

Absent or Not Voting: Marshall, Olson, Schmidt.

The appointment was confirmed.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Tuesday, January 25, 2011.

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 25, 2011, 2:30 p.m.

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

Heavenly Father,

There's an old hymn that goes like this:

“Count your blessings
Name them one by one,
And it will surprise you
What the Lord has done.”

Lord, I have discovered
This old hymn is true,
And marveled at the blessings
That have come from You.

Help us to stop dwelling
On our problems every day,
And thank You for the blessings
You have sent our way.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 51, AN ACT concerning school districts; relating to the dispensing of medication, by Senator Faust-Goudeau.

SB 52, AN ACT concerning children and minors; relating to grandparent's

custody of children; amending K.S.A. 2010 Supp. 38-2241 and repealing the existing section, by Committee on Federal and State Affairs.

SB 53, AN ACT concerning the Kansas act against discrimination; relating to sexual orientation and gender identity; amending K.S.A. 44-1001, 44-1002, 44-1004, 44-1006, 44-1009, 44-1015, 44-1016, 44-1017, 44-1027 and 44-1030 and K.S.A. 2010 Supp. 44-1005 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 54, AN ACT concerning alcoholic beverages; relating to retailer's licenses under the Kansas liquor control act; amending K.S.A. 41-304 and 41-713 and K.S.A. 2010 Supp. 41-102, 41-301, 41-303, 41-310, 41-311, 41-313, 41-317, 41-326 and 79-4108 and repealing the existing sections; also repealing K.S.A. 41-103, 41-308 and 41-711, by Committee on Federal and State Affairs.

SB 55, AN ACT concerning crimes and punishment; relating to harassment by telecommunication device; amending section 184 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section, by Committee on Judiciary.

SB 56, AN ACT concerning crimes and punishment; relating to criminal sodomy; amending section 68 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 2010 Supp. 21-3506, by Committee on Judiciary.

SB 57, AN ACT concerning school districts; relating to the calculation of the local option budget; amending K.S.A. 2010 Supp. 72-6433d and repealing the existing section, by Committee on Ways and Means.

SB 58, AN ACT designating the junction of United States highway 24 and K-7 highway as the Representative Margaret Long interchange, by Committee on Transportation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and ERO were referred to Committees as indicated:

Judiciary: **SB 44**, **SB 45**, **SB 46**, **SB 47**, **SB 48**; **ERO 34**.

KPERS Select: **SB 49**.

Utilities: **SB 50**.

MESSAGE FROM THE GOVERNOR

January 25, 2011

Message to the Senate of State of Kansas:

Enclosed herewith is Executive Reorganization Order No. 35 and the Governor's Message for that ERO for your information.

Governor's Message
Executive Reorganization Order No. 35
By Governor Sam Brownback

January 25, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 35 to

both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Our state has a long tradition of promoting full and equal citizenship for all Kansans with disabilities. First established in 1949 as the Governor's Committee on Employment of the Physically Handicapped, the Kansas Commission on Disability Concerns works to ensure that Kansans with disabilities have equal access to employment opportunities and a living environment of their choice. It partners with state, federal, and local governments as well as businesses, labor, private citizens, and non-profit organizations to enhance the employment opportunities and quality of life of all Kansans who are disabled.

It is important that those who advocate on behalf of disabled Kansans have direct access to the Governor's office so that the community's concerns are addressed and solutions to their challenges acted upon. This is why I am ordering the transfer of the Kansas Commission on Disability Concerns as established by K.S.A. 74-6701 *et seq.* from the Department of Commerce to the Office of the Governor.

I look forward to working with the Legislature and the disabled community in the months and years to come as we work to ensure that all Kansans have equal access to the quality of life that we all have come to appreciate in this state we call home.

Executive Reorganization Order No. 35
By Governor Sam Brownback
Transmitted January 25, 2011

Section 1. The commission on disability concerns is hereby transferred from the department of commerce to the office of governor and shall be a part thereof. The commission shall be advisory to the governor. The governor shall appoint an executive director of the commission. The office of governor shall provide office space and such clerical and other personnel as may be necessary for the efficient performance of the commission.

Sec. 2. Except as otherwise provided by this order, all powers, duties, and functions of the commission on disability concerns under K.S.A. 74-6701 *et seq.* and amendments thereto are hereby transferred to and imposed upon the commission.

Sec. 3. (a) The commission shall be the successor in every way to the powers, duties, and functions of the commission in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the commission shall be deemed to have the same force and effect as if performed by the commission in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) Whenever the commission or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the office of

governor, such reference or designation shall be deemed to apply to the commission attached to the office of governor.

(c) All rules and regulations, orders, and directives of the commission which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the commission until revised, amended, revoked, or nullified pursuant to law.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or re appropriated for the commission relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the office of governor and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the commission under this order shall be assumed and paid by the commission attached to the office of governor.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The division of health care finance in the department of health and environment shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to the division of health care finance in the department of health and environment. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. (a) All officers and employees of the commission who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, as well as all officers and employees of the commission who are determined by the commission and the director of health care finance in the department of health and environment to be engaged in providing administrative, technical, or other support services that are essential to the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the division of health care finance in the department of health and environment. All classified employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the commission transferred by this order

shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the commission prior to the date of transfer.

Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE IN Topeka
Under the Great Seal of the
State of Kansas this 24th day
of January 2011.

BY THE GOVERNOR
SAM BROWNBACK

KRIS W. KOBACH
SECRETARY OF STATE

ERIC RUCKER
ASSISTANT SECRETARY OF STATE

COMMUNICATIONS FROM STATE OFFICERS

January 10, 2011

In accordance with **House Substitute for Senate Bill 475** and the omnibus appropriation bill, **HB 2968**, both enacted in the 2006 session of the Kansas Legislature, Regional Economic Area Partnership (REAP) submitted the report on the expenditures of the state annual grant and local matching moneys under the program to date.

The President 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 Hensley, Morris, Emler, Abrams, Apple, Bruce, Brungardt, Donovan, Faust-Goudeau, Francisco, Haley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1808—

A RESOLUTION congratulating and commending Senator Janis K. Lee on her years of service in the Kansas legislature.

WHEREAS, Senator Janis Lee, of Kensington, is leaving the Kansas legislature after dedicating 23 years of service to the people of Kansas as a member of the Kansas Senate. She will continue to serve the state as the chief hearing officer for the Kansas State Court of Tax Appeals; and

WHEREAS, Senator Lee was elected to the Kansas Senate in 1988, after serving 10 years on the Kensington school board. She represented the Senate's 36th district, which includes Ellis, Hodgeman, Mitchell, Osborne, Pawnee, Phillips, Rush, Russell and Smith counties, as well as part of Jewell County; and

WHEREAS, During her time in the Kansas Senate, Senator Lee served as the Assistant Democratic Leader, Democratic Caucus Chairperson, and was a member of the committees on Agriculture and Natural Resources, Financial Institutions and Insurance, Governmental Organization, Education, Elections, Local Government, Public Health and Welfare, and Ways and Means. She was also the Ranking Minority Member on the Assessment and Taxation Committee, the Education Committee, and the Utilities Committee; and

WHEREAS, When she served as the ranking Democrat on the Senate Education Committee in the special session of 2005 and the regular session of 2006, Senator Lee was instrumental in the passage of a three-year school finance plan that guaranteed rural schools received their fair share of funding. She was a true champion for rural school districts and rural property taxpayers; and

WHEREAS, Senator Lee was a strong voice for improving the quality of life in rural communities in Kansas. She was born and raised on her family's farm, so she understands the importance of agriculture to the state. She still lives just a few miles away from her childhood home, where she and her husband, Lyn, operate a ranching and farming business. She has also served as a member ex-officio of the Kansas Agriculture and Rural Leadership Board; and

WHEREAS, Senator Lee is an effective and hard-working public servant whose gracious leadership will be missed by her colleagues and the people she proudly serves; and

WHEREAS, Senator Lee and her husband, Lyn, have three sons, David, Brian and Daniel: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend Senator Janis K. Lee for her many years of service to the people of the 36th district and the State of Kansas and extend our best wishes for her continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Lee.

On emergency motion of Senator Hensley **SR 1808** was adopted unanimously.

Senators Apple, Emler, Haley, Hensley, Kelly, McGinn, Morris, Ostmeyer, Schodorf, Taddiken and Vratil rose on a Point of Personal Privilege to pay tribute to Senator Lee upon her retirement of 23 years service to the Senate. Congratulations were in order for her new role as Chief Hearing Officer for the State Court of Tax Appeals. Lyn Lee, Senator Lee's husband was introduced. Senator Lee was acknowledged with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 10** be passed.

Committee on **Commerce** 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:

Kansas Technology Enterprise Corporation, Member: K.S.A. 2010 Supp. 74-8101

Kyle Elliott, serves a term ending January 15, 2013

Committee on **Federal and State Affairs** 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:

Adjutant General: K.S.A. 48-203

Lee Tapanelli, serves at the pleasure of the Governor

Kansas Lottery Commission, Member: K.S.A. 74-8709

Franklin Diehl, term expires March 15, 2012

Kansas Human Rights Commission, Member: K.S.A. 44-1003

Jerome Williams, term expires January 15, 2013

Committee on **Local Government** recommends **SB 40** be passed.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Wednesday, January 26, 2011.

Journal of the Senate

TWELFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 26, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Marshall and McGinn were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

We have a new Governor,
Sam Brownback is his name
He has his work cut out for him,
He knew it when he came.

Governors have to do their best
To keep the budget in the black;
For the next four years it's up to
Governor Sam Brownback.

Not all the Senators will agree
That the Governor is on track.
Probably no one knows that better
Than Governor Sam Brownback.

But I pray that every Senator
Will not show any slack
In doing what they believe is best
To keep our state on track.

Lord, I've prayed so many times
That nothing else compares
With keeping our Governor and Legislators
In our daily prayers.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 59, AN ACT concerning taxation; relating to delinquent or unpaid taxes and overpayment of taxes; pertaining to the rate of interest; amending K.S.A. 79-2968 and repealing the existing section, by Assessment and Taxation.

SB 60, AN ACT concerning criminal procedure; relating to appeals; amending K.S.A. 22-3601 and repealing the existing section, by Committee on Judiciary.

SB 61, AN ACT concerning income taxation; relating to credits; individual development accounts; contribution amounts; amending K.S.A. 2010 Supp. 74-50,208 and repealing the existing section, by Committee on Assessment and Taxation.

SB 62, AN ACT concerning civil procedure; relating to the Kansas standard asset seizure and forfeiture act; court costs; amending K.S.A. 2010 Supp. 60-4107 and 60-4109 and repealing the existing sections, by Committee on Judiciary.

SB 63, AN ACT concerning crimes and punishment; relating to sexual exploitation of a child; amending section 74 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 2010 Supp. 21-3516, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and ERO were referred to Committees as indicated:

Education: **SB 51**, **SB 57**.

Federal and State: **SB 53**, **SB 54**.

Judiciary: **SB 52**, **SB 55**, **SB 56**.

Transportation: **SB 58**.

Ways and Means: **ERO 35**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 42** from the Committee on **Commerce** (Separately) and the Committee on **Ways and Means** (Separately) and rereferred the bill to the Committee on **Ways and Means** (Separately) and the Committee on **Commerce** (Separately).

COMMUNICATIONS FROM STATE OFFICERS

KANSAS INSURANCE DEPARTMENT

January 25, 2011

Sandy Praeger, Commissioner of Insurance, submitted the 2010 Year Fiscal End Report on the Kansas Workers' Compensation Fund.

The Vice President 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

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1809—

A RESOLUTION congratulating KD Country 94.1 KDNS-FM and Z-96.3 KZDY-FM The Lake in Glen Elder-Beloit, Kansas, as 2010 Kansas Association of Broadcasters (KAB) Award Winners for Excellence in radio broadcasting.

WHEREAS, the KAB announced the 2010 KAB Award Winners for Excellence in radio broadcasting for the past year on October 18, 2010; and

WHEREAS, KD Country 94.1 KDNS-FM and Z-96.3 KZDY-FM The Lake in Glen Elder-Beloit, Kansas, won a total of twelve awards in the small market radio station category, five of which were 1st place awards; and

WHEREAS, KD Country 94.1 KDNS-FM earned the prestigious honor of being named the Small Market Radio Station of the Year, and also was awarded 1st Place in the following categories: Sports Play-by-Play for the station's 8-Man Division II All-Star Game coverage by Dusty Deines, Wade Gerstner, Eric Allgood, and Mike Schrant; Complete Severe Weather Coverage by Wade Gerstner; Sixty Second Commercial with Jaybird's Chicken by Wade, Mandy and Noah Gerstner; Public Service Announcement with Mitchell County Partnership for Children by Dusty Deines, Wade Gerstner and Dawn Chandler; and Editorial/Commentary "Why Saving the Big 12 was a Good Move" by Wade Gerstner; and

WHEREAS, KD Country 94.1 KDNS-FM and Z-96.3 KZDY-FM The Lake also received seven other notable awards: 2nd Place in Spot News for coverage of the Wilson Opera House Fire by Mike Schrant; 2nd Place in Public Affairs Program for Mike Schrant's interview of Beloit Police Department Chief of Police Ryan Stocker on area scams; 2nd Place in Play-by-Play sports coverage of Beloit at Norton Football Playoffs by Wade Gerstner and Todd Clover; Honorable Mention in Play-by-Play sports coverage of Beloit Girls State Basketball by Wade Gerstner; 2nd Place in Station Website, www.kdcountry94.com, by Derek Nester and Dusty Deines; Honorable Mention in Complete Newscast with Mike Schrant; and Honorable Mention in Complete Sportscast with Dusty Deines; and

WHEREAS, such honorable awards represent the diversity of the stations' broadcasts, from news, music, sports, weather and commentaries, and that this vast subject matter broadcast coverage demonstrates the high quality of audio content to local Kansas citizenry: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That KD Country 94.1 KDNS-FM and Z-96.3 KZDY-FM The Lake be congratulated for their service to Kansas communities for their excellent broadcasting, programming, and reporting; and

Be it further resolved: That the Secretary of the Senate shall be directed to send five enrolled copies of this resolution to Senator Lee.

On emergency motion of Senator Lee **SR 1809** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** 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:

Department of Revenue, Secretary: K.S.A. 2010 Supp. 75-5101

Nick Jordan, serves at the pleasure of the Governor

Committee on **Ethics and Elections** recommends **SB 17** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 14, SB 15** be passed.

Committee on **Judiciary** recommends **SR 1807** be amended on page 1, in line 2, by striking "case" and inserting "cease"; in line 4, after "recognition" by striking the semicolon and inserting a comma; and recommends adoption of the resolution.

REPORT ON ENROLLED BILLS

SR 1808 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 26, 2011.

On motion of Senator Emler the Senate adjourned until 2:30 p.m., Thursday, January 27, 2011.

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 27, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-seven senators present.
Senators Donovan and Marshall were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I'd like to confess a tendency to turn to You only in an emergency:

I work through the day
And do my own thing,
Then at night ask You to bless it.
But I know I was wrong
In not asking You first,
But then I'm too proud to confess it.

I file legislation
And push it real hard –
As for God, I couldn't care less.
Then the whole thing collapses,
And I'm down on my knees
Asking You to clean up the big mess.

Please help me to learn
To *start* with a prayer
And not wait till my plans fall apart.
For up until now
I've specialized in
Hitching the horse to the *back* of the cart!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 64, AN ACT concerning banking; allowing the obtaining of fingerprints from certain individuals for certain purposes; amending K.S.A. 9-532, 9-1722 and 9-1801 and K.S.A. 2010 Supp. 9-509 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 65, AN ACT concerning health insurance; pertaining to review of health care decisions; amending K.S.A. 40-22a13, 40-22a14 and 40-22a15 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 66, AN ACT concerning elections and campaign finance; relating to public service advertisements by candidates, by Committee on Ethics and Elections.

SB 67, AN ACT concerning gubernatorial inauguration contributions; amending K.S.A. 25-4186 and repealing the existing section; and also repealing K.S.A. 25-4188, by Committee on Ethics and Elections.

SB 68, AN ACT creating the Kansas healthy youth act, by Committee on Education.

SB 69, AN ACT concerning school districts; relating to bullying and dating violence; amending K.S.A. 2010 Supp. 72-8256 and repealing the existing section, by Committee on Education.

SB 70, AN ACT concerning school districts; relating to the school district capital improvements fund; amending K.S.A. 2010 Supp. 75-2319 and repealing the existing section, by Committee on Ways and Means.

SB 71, AN ACT concerning insurance agents and producers; relating to continuing education requirements; amending K.S.A. 2010 Supp. 40-4903 and repealing the existing section, by Committee on Financial Institutions and Insurance.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 59**, **SB 61**.

Judiciary: **SB 60**, **SB 62**, **SB 63**.

MESSAGES FROM THE GOVERNOR

January 27, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Reorganization Order No. 36 and the Governor's Message for that ERO for your information.

Governor's Message
Executive Reorganization Order No. 36
By Governor Sam Brownback

January 27, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 36 to

both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

In these difficult economic times, state government must be organized to market our state's assets to national and international visitors more effectively. The purpose of this Executive Reorganization Order is to:

- 1) Rename the Department of Wildlife and Parks as established by K.S.A. 32-801 et seq. as the Department of Wildlife, Parks and Tourism.
- 2) Abolish the Assistant Secretary of Operations position as established by K.S.A. 32-802, and in its place establish an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism.
- 3) Transfer the powers, functions, and duties of the Division of Travel and Tourism Development at the Department of Commerce as established by K.S.A. 74-5032 and K.S.A. 74-5032(a) and amendments thereto, to the Department of Wildlife, Parks and Tourism.

As I said in my State-of-the State speech, as we set the stage for economic growth in Kansas we must take greater advantage of tourism opportunities in areas such as the Flint Hills and increase hunting opportunities that already draws millions of dollars to our state year after year. The new structure will allow state government to focus our resources on this important goal more effectively and encourage innovative partnerships between the private and public sectors that can improve our state park system and encourage more visitors to discover the treasures of Kansas. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals in the months and years to come.

Sam Brownback
Governor

EXECUTIVE REORGANIZATION ORDER No. 36
By Governor Sam Brownback
Transmitted January 27, 2011

Section 1. (a) The Kansas department of wildlife and parks as established by K.S.A. 32-801 et seq. is hereby renamed the Kansas department of wildlife, parks and tourism and the secretary of wildlife and parks is hereby renamed the secretary of wildlife, parks and tourism.

(b) Except as otherwise provided by this order, the Kansas department of wildlife, parks and tourism and the secretary of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the Kansas department of wildlife and parks and the secretary of wildlife and parks in which the same were vested prior to the effective date of this order.

Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas department of wildlife, parks and tourism or the secretary of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the Kansas department of wildlife and parks or the secretary of wildlife and parks in which such powers, duties and functions were vested prior to the effective date of this order.

(c) Whenever the Kansas department of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas department of wildlife and parks, such reference or designation shall be deemed to apply to the Kansas department of wildlife, parks and tourism.

(d) Whenever the secretary of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the secretary of wildlife and parks, such reference or designation shall be deemed to apply to the secretary of wildlife, parks and tourism.

(e) All rules and regulations, orders and directives of the secretary of wildlife and parks that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.

Sec. 2. (a) The secretary of wildlife, parks and tourism shall appoint an assistant secretary for wildlife, fisheries and boating and an assistant secretary for parks and tourism. The assistant secretaries shall serve at the pleasure of the secretary of wildlife, parks and tourism. The assistant secretaries shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism with the approval of the governor. The assistant secretaries shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. The assistant secretaries shall act for and exercise the powers of the secretary of wildlife, parks and tourism to the extent authority to do so is delegated by the secretary of wildlife, parks and tourism.

(b) The position of assistant secretary for operations as established by K.S.A. 32-802 is hereby abolished.

Sec. 3. (a) There is hereby established, within the Kansas department of wildlife, parks and tourism, the division of tourism. The head of the division of tourism shall be the director of tourism, who shall be appointed by and serve at the pleasure of the secretary of wildlife, parks and tourism. The director of tourism shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism.

(b) (1) The director of tourism shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the director, to carry out the powers and duties of the division of tourism.

(2) All officers and employees of the division of tourism shall act for and exercise the powers of the director of tourism to the extent that authority to do so is delegated by the director. Subject to the provisions of this order, the director of tourism may organize the division of tourism in the manner the director of tourism deems most efficient.

Sec. 4. (a) The division of travel and tourism development of the department of commerce and the office of the director of travel and tourism development of the department of commerce that were created by K.S.A. 74-5032, and amendments thereto, are hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development under K.S.A. 74-5032 and 74-5032a, and amendments thereto, are hereby transferred to and imposed upon the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism.

Sec. 5. (a) Except as otherwise provided by this order, the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 3 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Except as otherwise provided by this order, whenever the division of travel and tourism development of the department of commerce, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the division of travel and tourism development of the department of commerce, such reference or designation shall be deemed to apply to the division of tourism of the Kansas department of wildlife, parks and tourism.

(c) Except as otherwise provided by this order, whenever the director of travel and tourism development of the department of commerce, or words of like effect, are referred to or designated by a statute, contract, or other document, and such reference or designation is in regard to any function, power or duty of the director of travel and tourism development of the department of commerce, such reference or designation shall be deemed to apply to the director of tourism of the Kansas department of wildlife, parks and tourism.

(d) All rules and regulations, orders and directives of the secretary of commerce, that are in effect on the effective date of this order and that relate

to any function, power or duty of the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law. All orders and directives of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be orders and directives of the division of tourism or the director of tourism of the Kansas department of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.

Sec. 6. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the department of commerce relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the Kansas department of wildlife, parks and tourism and shall be used for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the division of tourism of the Kansas department of wildlife, parks and tourism under this order shall be assumed and paid by the Kansas department of wildlife, parks and tourism.

Sec. 7. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The Kansas department of wildlife, parks and tourism shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 8. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 9. (a) All officers and employees of the department of commerce who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the department of

commerce who are determined by the secretary of wildlife, parks and tourism to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. All classified officers and employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the department of commerce transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the Kansas health policy authority prior to the date of transfer.

(c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the department of commerce to the division of tourism of the Kansas department of wildlife, parks and tourism established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 10. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT the Chase County
Courthouse in Cottonwood Falls
Under the Great Seal
of the State of Kansas this
26th day of January 2011.

BY THE GOVERNOR
SAM BROWNBACK

KRIS W. KOBACH
SECRETARY OF STATE

MARY DIANE MINEAR
ASSISTANT SECRETARY OF STATE

January 26, 2011

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

Secretary, Department of Transportation, Deb Miller (D) Topeka, pursuant to the authority vested in me by KSA 75-5001, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Secretary, Department of Aging, Shawn Sullivan (R) Newton, pursuant to the authority vested in me by KSA 75-5901 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Kansas Lottery Commission:

Franklin Diehl, Member, term expires March 15, 2012.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Human Rights Commission:

Jerome Williams, Member, term expires January 15, 2013.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Technology Enterprise Corporation:

Kyle Elliott, Member, term expires January 15, 2013.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Adjutant General:

Lee Tafanelli, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Department of Revenue:

Nick Jordan, Secretary, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The appointment was confirmed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** 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:

Secretary of Labor: 75-5701

Karin Brownlee, serves at the pleasure of the Governor.

Department of Commerce, Secretary: K.S.A. 74-5002a

Pat George, serves at the pleasure of the Governor.

Committee on **Federal and State Affairs** recommends **SB 26** be passed.

Also, **SB 25** be amended on page 2, in line 20, before "on" by inserting "either"; also in line 20, by striking the comma and inserting "or"; in line 21, by striking "or on a temporary basis as set forth in subsection (e)"; in line 29, by striking "license" and inserting "permit"; in line 30, by striking "license" and inserting "permit"; in line 31, by striking "unlicensed" and inserting "unpermitted"; in line 33, by striking "license" and inserting "permit"; in line 34, by striking "license" and inserting "permit"; in line 35, by striking "license" and inserting "permit"; also in line 35, by striking "a period of"; in line 36, by striking "time not to exceed three consecutive days" and inserting "the duration of the special event"; in line 37, by striking "license" and inserting "permit"; in line 38, by striking "licenses" and inserting "permits"; in line 40, by striking "license" and inserting "permit"; by striking all in lines 42 and 43;

On page 3, by striking all in lines 1 through 5 and inserting "(f) A special event retailers' permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto."; and the bill be passed as amended.

Committee on Organization, Calendar and Rules recommends HCR 5003 be amended on page 8, in line 10, by striking the first "the" and inserting "either"; in line 11, by striking "18" and inserting "23"; in line 12, by striking "16" and inserting "21"; and the concurrent resolution be adopted as amended.

REPORT ON ENROLLED BILLS

SR 1809 reported correctly enrolled, properly signed and presented to the Secretary of the Senate January 27, 2011.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, January 28, 2011.

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 28, 2011, 8:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-four senators present.

Senators Abrams, Brungardt, Donovan, Marshall and Steineger were excused.

The President introduced as guest chaplain, Chaplain (COL) Donald F. Davidson, who delivered the invocation.

Good and gracious creator we entrust to your care the men and women who serve in the Kansas National Guard here and abroad. Guard them, care for them, and be with them in their many tasks as they defend our nation and its purposes. Be with those who stand ready to care for our fellow citizens in a time of disaster, and for those who are given the responsibility of security.

We ask your special blessing this day on those elected to serve in this historic chamber. Remind them in the decisions they make of your presence with them.

Bless today our Adjutant General and his family. Give him courage and confidence to face the days ahead with your grace, and your compassion.

All this we ask in your strong name.

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were introduced and read by title:

SB 72, AN ACT concerning telecommunications; relating to price deregulation; amending K.S.A. 2010 Supp. 66-2005 and repealing the existing section, by Committee on Utilities.

SENATE CONCURRENT RESOLUTION No. 1602

By Senators Morris, Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson,

McGinn, Merrick, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook,
Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman,
Umbarger, Vratil and Wagle

A RESOLUTION congratulating the State of Kansas on the Sesquicentennial of its Admission to the Union of the United States of America.

WHEREAS, On January 29, 1861, President James Buchanan signed the bill admitting Kansas to the Union as the 34th state of the United States of America; and

WHEREAS, While on his inaugural journey to Washington, D.C. to take the oath of office, President-elect Abraham Lincoln raised the 34-star flag over Independence Hall in Philadelphia on February 22, 1861, to commemorate Kansas' entry into the Union; and

WHEREAS, On January 29, 2011, the great Sunflower State of Kansas will celebrate its 150th anniversary of statehood; and

WHEREAS, Kansas has the proud distinction of being founded for the cause of the abolition of slavery; and

WHEREAS, Kansas was inhabited long before it became a state and was named for the Kansa Native American tribe; and

WHEREAS, Kansas was at the center of the wagon trails heading west and benefited from the resulting diverse population that settled and prospered on our verdant plains; and

WHEREAS, Kansas has been at the forefront of history in striving for equality and greater rights for all peoples; and

WHEREAS, Kansas ranchers and farmers established an industry that continues to sustain the nation; and

WHEREAS, Kansas' innovative and entrepreneurial spirit has made the state a leader in aviation, education, medicine, the biosciences and energy and alternative energies; and

WHEREAS, Kansans have bravely and honorably served the country in the military since the Civil War; and

WHEREAS, Many notable Kansans have placed the state in the national spotlight, including George Washington Carver, Charles Curtis, Robert J. Dole, Amelia Earhart, Dwight D. Eisenhower, Langston Hughes, Gordon Parks and William Allen White, to name but a very few; and

WHEREAS, The people of the Sunflower State are greatly admired for their resilience, character and many accomplishments throughout the past one hundred fifty years, and congratulations and best wishes are extended to them: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the citizenry of the state of Kansas be congratulated and the state's sesquicentennial celebrated for the progress, prosperity and fulfillment of their loftiest aspirations in the century ahead.

Be it resolved by the Senate of the State of Kansas: That we recognize the historic impact of the sesquicentennial celebration and the significance of our great state to the citizens of Kansas and the United States of America.

Be it further resolved: That the Secretary of the Senate be directed to send one enrolled copy of this resolution to the Kansas Historical Society, one

enrolled copy to Senate President Morris and one enrolled copy to Speaker O'Neal of the Kansas House of Representatives.

On emergency motion of Senator Emler **SCR 1602** was adopted by voice vote.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and ERO were referred to Committees as indicated:

Education: **SB 68, SB 69, SB 70.**

Ethics and Elections: **SB 66, SB 67.**

Financial Institutions and Insurance: **SB 64, SB 65, SB 71.**

Natural Resources: **ERO 36.**

REFERRAL OF APPOINTMENTS

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

Secretary, Department of Transportation:

Deb Miller, to serve effective upon the date of confirmation by the Senate.
(Transportation)

Secretary, Department of Aging:

Shawn Sullivan, to serve effective upon the date of confirmation by the Senate.

(Public Health and Welfare)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Taddiken introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1810—

A RESOLUTION recognizing and commending Dr. John "Doc" Ferguson and the Ferguson family for preserving historical masonry tools used by Dr. John "Doc" Ferguson's grandfather, Nels Ferguson, in the construction of the Kansas state capitol in the 1870s.

WHEREAS, Dr. John "Doc" Ferguson's grandfather, Nels Ferguson, was born in Sweden in 1838 and immigrated to the United States in 1869; and

WHEREAS, Nels Ferguson utilized a collection of four masonry tools in the construction of the Kansas state capitol's west wing in 1879. These four specific masonry tools included a plumb bob, a wooden level, a hand float and a pry bar; and

WHEREAS, Since limestone was the preferred building material in Kansas during the late 19th century, the stone was quarried in Junction City and Cottonwood Falls, Kansas and transported 80 miles to Topeka, Kansas by wagon, riverboat or rail. The limestone was then carved and positioned using horse-drawn cranes; and

WHEREAS, In his work on the Kansas capitol building, Nels Ferguson used his masonry tools to place massive stones and apply mortar. The wooden level and plumb bob were used to ensure proper alignment and the

crowbar was used to leverage stones into position. The hand float was used to help with the finishing work; and

WHEREAS, Nels Ferguson died in 1939 in Kansas at 100 years old and is succeeded by five children and two grandchildren; and

WHEREAS, Dr. John "Doc" Ferguson, the grandson of Nels Ferguson, preserved Nels' four masonry tools used to construct the Kansas statehouse for more than 50 years; and

WHEREAS, Dr. John "Doc" Ferguson held an auction in his hometown of Clyde, Kansas in the summer of 2010. Auctioneer Greg Askren sold Nels Ferguson's four masonry tools to Kansas Senator Mark Taddiken and House Representative Elaine Bowers, who both represent Cloud County, Kansas in the state legislature; and

WHEREAS, The legislators later donated the masonry tool collection to the Kansas Historical Society, where they now reside in the collections of the Society's Kansas Museum of History: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That Dr. John "Doc" Ferguson and the entire Ferguson family be recognized and commended for preserving Nels Ferguson's masonry tool collection used in the construction of the Kansas statehouse, a neoclassical structure that now towers 304 feet above the Kansas prairie; and

Be it resolved by the Senate of the State of Kansas: That we recognize the historic impact of the Ferguson family's preservation of a significant part of Kansas history; and

Be it further resolved: That the Secretary of the Senate shall send one enrolled copy of this resolution to Dr. John "Doc" Ferguson, one enrolled copy to Beth Tyler, granddaughter of Nels Ferguson and one enrolled copy to the Kansas Historical Society.

On emergency motion of Senator Taddiken **SR 1810** was adopted unanimously.

INTRODUCTION OF GUESTS

President Morris introduced special guests, District Judges Nancy Parrish and Eric Yost, who were senators twenty-five years ago when Kansas was celebrating its 125th birthday.

SWEARING IN CEREMONY OF ADJUTANT GENERAL

President Stephen Morris asked Chief Justice Nuss, Brigadier General Lee Tafanelli, Mrs. Tafanelli and family to come forward for the swearing in ceremony for his appointment as Adjutant General of Kansas.

Following the ceremony, Governor Brownback and family participated in the promotion ceremony. Major General Lee E. Tanfanelli, the Adjutant General of Kansas, was then introduced to the Senate.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Monday, January 31, 2011.

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 31, 2011, 2:30 p.m.

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

Heavenly Father,

Today I want to thank You, Lord
That I live in this wonderful state.
Although I am not a native,
I moved here in fifty-eight.

When I moved to Manhattan in sixty-four,
I first saw the amazing Flint Hills.
I never cease to admire them
And I know I always will.

I don't have time to fully express
My admiration for our state.
There are so many things to be proud of;
Her history is rich and great.

I pray for our forty Senators
Who represent 70,000 each.
I pray that all of us.
Will practice what we preach.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 73, AN ACT concerning criminal procedure; relating to discovery; certain visual depictions; amending K.S.A. 2010 Supp. 22-3212 and repealing the existing section, by Committee on Judiciary.

SB 74, AN ACT concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; electronic solicitation; sexual exploitation of a child; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section, by Committee on Judiciary.

SB 75, AN ACT concerning school districts; relating to dyslexia screening, by Committee on Education.

SB 76, AN ACT concerning the state board of healing arts; relating to doctors of physical therapy and physical therapist assistants; representation of licensure, certification and credentials; amending K.S.A. 2010 Supp. 65-2901 and 65-2913 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 77, AN ACT concerning the employment security act; creating an assessment for the payment of interest on advances received from the federal government; removing the waiting week extension; pertaining to benefits; amending K.S.A. 2010 Supp. 44-704a, 44-705, 44-706, 44-710a and 44-717 and repealing the existing sections, by Committee on Commerce.

SB 78, AN ACT concerning certain appointments made by KTEC; transferring such authority to the governor; amending K.S.A. 2010 Supp. 74-520a and 74-99b04 and repealing the existing sections, by Committee on Commerce.

SB 79, AN ACT concerning setoff against debtors of the state; amending K.S.A. 2010 Supp. 75-6210 and repealing the existing section, by Committee on Judiciary.

SB 80, AN ACT concerning alcoholic beverages; relating to micro-breweries; amending K.S.A. 2010 Supp. 41-102 and 41-308b and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Utilities: **SB 72**.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF REVENUE
January 24, 2011

In compliance with KSA 79-32,262(b)(3), Nick Jordan, Secretary of Revenue, submitted the annual report providing tax credit information specific to the amount of tax credits claimed by taxpayers making investment through the Declared Disaster Capital Investment Credit program.

The President announced the above report 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 adoption of **SCR 1602**.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 11, SB 13** be passed.

Committee on **Ways and Means** 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:

Department of Administration, Secretary: K.S.A. 75-3702a

Dennis Taylor, serves at the pleasure of the Governor

REPORT ON ENROLLED BILLS

SR 1810 reported correctly enrolled, properly signed and presented to the Secretary of Senate on January 31, 2011.

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

On motion of Senator Emler, the Senate suspended operation due to a weather emergency and adjourned until Wednesday, February 2, 2011.

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 3, 2011, 2:30 p.m.

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

Heavenly Father,

You gave Solomon the wisdom he asked for. One result was the book of Proverbs. I am sharing some of them which I think are appropriate for us. The main emphasis is wisdom.

The fear of the Lord is the beginning of knowledge, but fools despise wisdom and discipline. Proverbs 1:7

Trust in the Lord with all your heart and lean not on your own understanding; in all your ways acknowledge Him and He will make your paths straight. Proverbs 3:5-6

...for wisdom is more precious than rubies, and nothing you desire can compare with her. Proverbs 8:11

The man of integrity walks securely, but he who takes crooked paths will be found out. Proverbs 10:9

A good man obtains favor from the Lord, but the Lord condemns a crafty man. Proverbs 12:2

When pride comes, then comes disgrace, but with humility comes wisdom. Proverbs 11:2.

I pray in the name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 81, AN ACT concerning children and minors; relating to adoption; amending K.S.A. 2010 Supp. 38-2270 and repealing the existing section, by Committee on Federal and State Affairs.

SB 82, AN ACT concerning racial and other profiling; amending K.S.A. 22-4606, 22-4609, 22-4610 and 22-4611 and repealing the existing sections; also repealing K.S.A. 22-4604 and 22-4608, by Committee on Federal and State Affairs.

SB 83, AN ACT concerning judges and justices; relating to the employment of retirants; amending K.S.A. 20-2622 and repealing the existing section, by Committee on Judiciary.

SB 84, AN ACT concerning children and minors; relating to permanency planning; amending K.S.A. 2010 Supp. 38-2263 and repealing the existing section, by Committee on Federal and State Affairs.

SB 85, AN ACT concerning group life insurance; removing mandatory participation requirements; amending K.S.A. 2010 Supp. 40-433 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 86, AN ACT concerning income taxation; relating to capital gains; amending K.S.A. 2010 Supp. 79-32,117 and 79-32,138 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 87, AN ACT concerning property taxation; relating to exemptions; community service organizations providing humanitarian services; amending K.S.A. 2010 Supp. 79-201 and repealing the existing section, by Committee on Assessment and Taxation.

SB 88, AN ACT concerning the healing arts; relating to naturopathic medicine; prescription, recommendation or administration of natural medicines; amending K.S.A. 2010 Supp. 65-7202 and repealing the existing section, by Committee on Public Health and Welfare.

SB 89, AN ACT concerning local health departments; relating to funding reduction; amending K.S.A. 65-242 and repealing the existing section, by Committee on Public Health and Welfare.

SB 90, AN ACT concerning the behavioral sciences regulatory board; relating to licensure; amending K.S.A. 2010 Supp. 74-7507 and repealing the existing section, by Committee on Public Health and Welfare.

SB 91, AN ACT concerning victims of sexual assault; relating to emergency contraception information, by Committee on Public Health and Welfare.

SB 92, AN ACT concerning the board of cosmetology; relating to licensing requirements; amending K.S.A. 2010 Supp. 65-1901, 65-1905 and 65-1912 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 93, AN ACT concerning law enforcement; amending K.S.A. 22-4606, 22-4608, 22-4610 and 22-4611 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 94, AN ACT concerning children and minors; relating to orders of

temporary custody; amending K.S.A. 2010 Supp. 38-2243 and repealing the existing section, by Committee on Federal and State Affairs.

SB 95, AN ACT concerning income taxation; relating to corporations; rate of taxation; amending K.S.A. 2010 Supp. 79-32,110 and repealing the existing section, by Committee on Assessment and Taxation.

SB 96, AN ACT concerning business entities; relating to resident agents, articles of incorporation and certificates of good standing; amending K.S.A. 17-6202, 17-6203, 17-7666, 17-76,121, 17-76,123, 56-1a502 and 56a-303 and K.S.A. 2010 Supp. 17-7301, 56-1a104, 56-1a504, 56a-1005 and 56a-1102 and repealing the existing sections, by Committee on Judiciary.

SB 97, AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; docket fees for expungement of records; amending Section 254 of chapter 136 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-2107, 8-2110, 22-2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, by Committee on Judiciary.

SB 98, AN ACT concerning taxation; relating to income tax, rates and elimination of tax on corporations; sales taxation, exemptions, rates and distribution of revenue and imposition of tax on certain services; eliminating food sales tax refund; amending K.S.A. 2010 Supp. 12-198, 79-32,110, 79-3602, 79-3603, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 79-3632, 79-3634, 79-3636, 79-3637 and 79-3638 and K.S.A. 2010 Supp. 79-3633, 79-3635 and 79-3639, by Committee on Assessment and Taxation.

SB 99, AN ACT concerning electronic transmission of prescription orders; establishing the electronic prescription adoption act, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 77**, **SB 78**.

Education: **SB 75**.

Federal and State Affairs: **SB 80**.

Judiciary: **SB 73**, **SB 74**, **SB 79**.

Public Health and Welfare: **SB 76**.

CHANGE OF REFERENCE

The President withdrew **SB 26** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on Federal and State Affairs.

MESSAGES FROM THE GOVERNOR

February 3, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is the corrected Executive Reorganization Order No. 35

and the corrected Governor's Message for that ERO for your information.

Corrected
Governor's Message
Executive Reorganization Order No. 35
By Governor Sam Brownback

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 35 as corrected to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Executive Reorganization Order No. 35 as corrected is the corrected version of Executive Reorganization Order No. 35 as transmitted on January 25, 2011, which contained drafting errors.

Our state has a long tradition of promoting full and equal citizenship for all Kansans with disabilities. First established in 1949 as the Governor's Committee on Employment of the Physically Handicapped, the Kansas Commission on Disability Concerns works to ensure that Kansans with disabilities have equal access to employment opportunities and a living environment of their choice. It partners with state, federal, and local governments as well as businesses, labor, private citizens, and non-profit organizations to enhance the employment opportunities and quality of life of all Kansans who are disabled.

It is important that those who advocate on behalf of disabled Kansans have direct access to the Governor's office so that the community's concerns are addressed and solutions to their challenges acted upon. This is why I am ordering the transfer of the Kansas Commission on Disability Concerns as established by K.S.A. 74-6701 *et seq.* from the Department of Commerce to the Office of the Governor.

I look forward to working with the Legislature and the disabled community in the months and years to come as we work to ensure that all Kansans have equal access to the quality of life that we all have come to appreciate in this state we call home.

Sam Brownback
Governor

Corrected
Executive Reorganization Order No. 35
By Governor Sam Brownback

Section 1. The commission on disability concerns is hereby transferred from the department of commerce to the office of governor and shall be a part thereof. The commission shall be advisory to the governor. The governor shall appoint an executive director of the commission. The office of governor shall provide office space and such clerical and other personnel as may be necessary for the efficient performance of the commission.

Sec. 2. Except as otherwise provided by this order, all powers, duties, and functions of the commission on disability concerns under K.S.A. 74-6701 *et*

seq. and amendments thereto are hereby transferred to and imposed upon the commission.

Sec. 3. (a) The commission shall be the successor in every way to the powers, duties, and functions of the commission in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the commission shall be deemed to have the same force and effect as if performed by the commission in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) Whenever the commission or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the office of governor, such reference or designation shall be deemed to apply to the commission attached to the office of governor.

(c) All rules and regulations, orders, and directives of the commission which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the commission until revised, amended, revoked, or nullified pursuant to law.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the commission relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the office of governor and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the commission under this order shall be assumed and paid by the commission attached to the office of governor.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The commission attached to the office of governor shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to the commission attached to the office of governor. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. (a) All officers and employees of the commission who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, as well as all officers and employees of the commission who are determined by the executive director of the commission attached to the office of governor to be engaged in providing administrative, technical, or other support services that are essential to the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the commission attached to the office of governor. All classified employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the commission transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the commission prior to the date of transfer.

Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 3rd day of
February 2011.

BY THE GOVERNOR:
SAM BROWNBACK

KRIS W. KOBACH
SECRETARY OF STATE

ERIC RUCKER
ASSISTANT SECRETARY OF STATE

February 3, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is the corrected Executive Reorganization Order No. 36 and the corrected Governor's Message for that ERO for your information.

Corrected
Governor's Message
Executive Reorganization Order No. 36 as Corrected
By Governor Sam Brownback

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 36 as corrected to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Executive Reorganization Order No. 36 as corrected is the corrected version of Executive Reorganization Order No. 36 as transmitted on January 27, 2011, which contained drafting errors.

In these difficult economic times, state government must be organized to market our state's assets to national and international visitors more effectively. The purpose of this Executive Reorganization Order is to:

1) Rename the Department of Wildlife and Parks as established by K.S.A. 32-801 *et seq.* as the Department of Wildlife, Parks and Tourism.

2) Abolish the Assistant Secretary of Operations position as established by K.S.A. 32-802, and in its place establish an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism.

3) Transfer the powers, functions, and duties of the Division of Travel and Tourism Development at the Department of Commerce as established by K.S.A. 74-5032 and K.S.A. 74-5032(a) and amendments thereto, to the Department of Wildlife, Parks and Tourism.

As I said in my State-of-the State speech, as we set the stage for economic growth in Kansas we must take greater advantage of tourism opportunities in areas such as the Flint Hills and increase hunting opportunities that already draws millions of dollars to our state year after year. The new structure will allow state government to focus our resources on this important goal more effectively and encourage innovative partnerships between the private and public sectors that can improve our state park system and encourage more visitors to discover the treasures of Kansas. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals in the months and years to come.

Sam Brownback
Governor

Corrected
EXECUTIVE REORGANIZATION ORDER No. 36
Governor Sam Brownback

Section 1. (a) The Kansas department of wildlife and parks as established by K.S.A. 32-801 *et seq.* is hereby renamed the Kansas department of wildlife, parks and tourism and the secretary of wildlife and parks is hereby renamed the secretary of wildlife, parks and tourism.

(b) Except as otherwise provided by this order, the Kansas department of wildlife, parks and tourism and the secretary of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the Kansas department of wildlife and parks and the secretary of wildlife and parks in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas department of wildlife, parks and tourism or the secretary of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the Kansas department of wildlife and parks or the secretary of wildlife and parks in which such powers, duties and functions were vested prior to the effective date of this order.

(c) Whenever the Kansas department of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas department of wildlife and parks, such reference or designation shall be deemed to apply to the Kansas department of wildlife, parks and tourism.

(d) Whenever the secretary of wildlife and parks, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the secretary of wildlife and parks, such reference or designation shall be deemed to apply to the secretary of wildlife, parks and tourism.

(e) All rules and regulations, orders and directives of the secretary of wildlife and parks that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.

Sec. 2. (a) The secretary of wildlife, parks and tourism shall appoint an assistant secretary for wildlife, fisheries and boating and an assistant secretary for parks and tourism. The assistant secretaries shall serve at the pleasure of the secretary of wildlife, parks and tourism. The assistant secretaries shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism with the approval of the governor. The assistant secretaries shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. The assistant secretaries shall act for and exercise the powers of the secretary of wildlife, parks and tourism to the extent authority to do so is delegated by the secretary of wildlife, parks and tourism.

(b) The position of assistant secretary for operations as established by K.S.A. 32-802 is hereby abolished.

Sec. 3. (a) There is hereby established, within the Kansas department of wildlife, parks and tourism, the division of tourism. The head of the division of tourism shall be the director of tourism, who shall be appointed by and serve at the pleasure of the secretary of wildlife, parks and tourism. The director of tourism shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife, parks and tourism.

(b) (1) The director of tourism shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the director, to carry out the powers and duties of the division of tourism.

(2) All officers and employees of the division of tourism shall act for and exercise the powers of the director of tourism to the extent that authority to do so is delegated by the director. Subject to the provisions of this order, the director of tourism may organize the division of tourism in the manner the director of tourism deems most efficient.

Sec. 4. (a) The division of travel and tourism development of the department of commerce and the office of the director of travel and tourism development of the department of commerce that were created by K.S.A. 74-5032, and amendments thereto, are hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development under K.S.A. 74-5032 and 74-5032a, and amendments thereto, are hereby transferred to and imposed upon the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism.

Sec. 5. (a) Except as otherwise provided by this order, the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be the successor in every way to the powers, duties and functions of the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 4 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism shall be deemed to have the same force and effect as if performed by the division of travel and tourism development and the director of travel and tourism development of the department of commerce in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Except as otherwise provided by this order, whenever the division of travel and tourism development of the department of commerce, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the division of travel and tourism development of the department of commerce, such reference or designation shall be deemed to apply to the division of tourism of the Kansas department of wildlife, parks and tourism.

(c) Except as otherwise provided by this order, whenever the director of travel and tourism development of the department of commerce, or words of like effect, are referred to or designated by a statute, contract, or other document, and such reference or designation is in regard to any function, power or duty of the director of travel and tourism development of the department of commerce, such reference or designation shall be deemed to

apply to the director of tourism of the Kansas department of wildlife, parks and tourism.

(d) All rules and regulations, orders and directives of the secretary of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law. All orders and directives of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, that are in effect on the effective date of this order and that relate to any function, power or duty of the division of travel and tourism development or the director of travel and tourism development of the department of commerce, shall continue to be effective and shall be deemed to be orders and directives of the division of tourism or the director of tourism of the Kansas department of wildlife, parks and tourism until revised, amended, revoked or nullified pursuant to law.

Sec. 6. (a) The balances of all funds or accounts thereof appropriated or reapportioned for the department of commerce relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the Kansas department of wildlife, parks and tourism and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the division of tourism of the Kansas department of wildlife, parks and tourism under this order shall be assumed and paid by the Kansas department of wildlife, parks and tourism.

Sec. 7. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The Kansas department of wildlife, parks and tourism shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 8. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 9. (a) All officers and employees of the department of commerce who, immediately prior to the effective date of this order, are engaged in the

exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the department of commerce who are determined by the secretary of wildlife, parks and tourism to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of tourism of the Kansas department of wildlife, parks and tourism. All classified officers and employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the department of commerce transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the department of commerce prior to the date of transfer.

(c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the department of commerce to the division of tourism of the Kansas department of wildlife, parks and tourism established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 10. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT the Capitol in Topeka
Under the Great Seal of the
State of Kansas this
3rd day of February 2011.

BY THE GOVERNOR
SAM BROWNBACK

KRIS W. KOBACH
SECRETARY OF STATE

ERIC RUCKER
ASSISTANT SECRETARY OF STATE

COMMUNICATIONS FROM STATE OFFICERS**KANSAS CORPORATION COMMISSIONERS**

February 1, 2011

The Kansas Corporation Commission submitted the 2011 Report on Price Deregulation to the Kansas Legislature.

DEPARTMENT OF REVENUE

January 31, 2011

In accordance with KSA 79-32,261(f), Nick Jordan, Secretary of Revenue, submitted an annual report providing tax credit information specific to each community college, technical college or postsecondary educational institution.

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

On motion of Senator Emler, the Senate recessed until 3:15 p.m.

CONFIRMATION OF APPOINTMENTS

By the Governor:

On the appointment to the:

Department of Labor:

Karin Brownlee, Secretary, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Department of Commerce:

Pat George, Secretary, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine,

Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 35**, **SB 38** be passed.

REPORT ON ENROLLED BILLS

SCR 1602 reported correctly enrolled, properly signed and presented to the Secretary of State on February 03, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Taddiken in the chair.

On motion of Senator Taddiken the following report was adopted:

Recommended **SB 13**, **SB 14**, **SB 15**, **SB 17**, **SB 40** be passed.

SR 1807 be amended by adoption of the committee amendments, and the resolution be adopted as amended.

HCR 5003 be amended by adoption of the committee amendments, and the resolution be adopted as amended.

SB 25 be amended by adoption of the committee amendments, be further amended by motion of Senator Brungardt on page 1, in the title, in line 2, by striking "license" and inserting "permit" and **SB 25** be passed as further amended.

SB 11 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 13**, **SB 14**, **SB 15**, **SB 17**, **SB 25** and **SB 40**; **SR 1807**; **HCR 5003** were advanced to Final Action and roll call.

SB 13, AN ACT concerning postsecondary technical education; amending K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-613, 71-614, 71-620, 71-701, 71-802, 71-1201, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4480, 72-6214, 73-1218 and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4450, 72-4466, 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222 and 76-768 and repealing the existing sections; also repealing K.S.A. 71-613a, 71-1706, 72-4428, 72-4435, 72-4468, 72-6803 and 74-3229a and K.S.A. 2010 Supp. 72-4430, 72-4431, 72-4432, 72-4433 and 76-781.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine,

Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 14, AN ACT concerning the Kansas uninsurable health insurance plan act; pertaining to lifetime limits; pertaining to participation in plan by certain children; amending K.S.A. 2010 Supp. 40-2122 and 40-2124 and repealing the existing sections.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 15, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurers; amending K.S.A. 2010 Supp. 40-2c01 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 17, AN ACT concerning elections; relating to campaign finance; amending K.S.A. 25-4153 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 25, AN ACT concerning alcoholic beverages; authorizing issuance of special event retailers' permit for sales of cereal malt beverage; amending K.S.A. 2010 Supp. 41-2703 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 40, AN ACT concerning counties; relating to bidding requirements on certain contracts; amending K.S.A. 2010 Supp. 19-214 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SR 1807, A RESOLUTION urging the Government of Turkey to uphold and safeguard religious and human rights without compromise; case its discrimination of the Ecumenical Patriarchate; grant the Ecumenical Patriarch appropriate international recognition; ecclesiastic succession and the right to train clergy of all nationalities; and respect the property rights and human rights of the Ecumenical Patriarchate.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan

The resolution was adopted, as amended.

HCR 5003, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2011-2012 biennium.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan

The resolution was adopted, as amended.

On motion of Senator Emler the Senate adjourned until 8:00 a.m., Friday, February 4, 2011.

Journal of the Senate

SEVENTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 4, 2011, 8:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-three senators present.
Senators Abrams, Brungardt, Donovan, Kelsey, Ostmeyer and Wagle were excused.

Invocation by Chaplain Fred S. Hollomon:

Our Father:

We see so many shenanigans in our society that we are often tempted to suspect everyone's motives.

We find ourselves trying so hard to read between the lines, we forget to read the lines themselves.

We try so hard to figure out what others are thinking, we don't listen to what they are saying.

Help us not to get so caught up in psychoanalysis that we fail to recognize honesty when it comes along.

After all, Lord, it's probably better to be a sucker than a cynic—although we would like Your help for us not to be either one.

In Jesus' Name

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 100, AN ACT concerning the addictions counselor licensure act; amending section 2, section 4, section 7, section 8, section 9 and section 10 of chapter 45 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Public Health and Welfare.

SB 101, AN ACT concerning homeowners associations; amending K.S.A. 2010 Supp. 58-4605 and repealing the existing section, by Committee on Ethics and Elections.

SB 102, AN ACT concerning the governmental ethics commission;

amending K.S.A. 2010 Supp. 25-4119f, 25-4145 and 46-265 and repealing the existing sections, by Committee on Ethics and Elections.

SB 103, AN ACT concerning elections; pertaining to methods of voting absentee ballots by uniformed and overseas citizens and federal service voters; amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2010 Supp. 25-1216 and repealing the existing sections, 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 86, SB 87, SB 95, SB 98.**

Federal and State Affairs: **SB 82, SB 93.**

Financial Institutions and Insurance: **SB 85.**

Judiciary: **SB 81, SB 83, SB 84, SB 94, SB 96, SB 97.**

Public Health and Welfare: **SB 88, SB 90, SB 91, SB 92, SB 99.**

Ways and Means: **SB 89.**

COMMUNICATIONS FROM STATE OFFICERS

KANSAS CORPORATION COMMISSION

February 1, 2011

In compliance with KSA 66-117b, Thomas E. Wright, Chairman, submitted the Kansas Corporation Commission annual report on Changes in Rates and Schedules.

The report can be viewed on the website at http://kcc.ks.gov/11_legis_rpt.pdf.

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

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 21** be passed.

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:

Securities Commissioner: K.S.A. 75-6301

Daniel Aaron Jack, serves at the pleasure of the Governor

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Monday, February 7, 2011.

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 7, 2011, 2:30 p.m.

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

Heavenly Father,

Last week I looked out my window
All the snow on the ground looked great.
My dream of a white Christmas
Finally happened but a little too late.

You have used the snow to teach us, Lord,
Of how You can change our lives.
When King David broke Your commandments,
You used snow to help him survive.

When King David confessed all his sins,
He recalled a prayer he loved so...
And he appealed to God through this prayer:
“Wash me and I will be white as the snow.” (Psalm 51:7b)

And the prophet Isaiah reminds us
Of something we need to know:
“Though your sins be as scarlet,
They shall be as white as snow.” (Isaiah 1:18)

Thank You, Lord, for reminding us
Of the cleansing that You provide.
Your cleansing as white as the snow
Will forever and ever abide.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 104, AN ACT concerning the Kansas tort claims act; pertaining to charitable health care providers; amending K.S.A. 2010 Supp. 75-6102 and repealing the existing section, by Committee on Judiciary.

SB 105, AN ACT concerning interest on judgments; amending K.S.A. 16-201 and 16-204 and repealing the existing sections, by Committee on Judiciary.

SB 106, AN ACT concerning consumer protection; amending K.S.A. 50-623, 50-634 and 50-636 and K.S.A. 2010 Supp. 50-624 and repealing the existing sections, by Committee on Judiciary.

SB 107, AN ACT concerning liability for medical expenses of persons in custody of law enforcement; amending K.S.A. 22-4612 and repealing the existing section, by Committee on Judiciary.

SB 108, AN ACT concerning register of deeds; relating to recording of plats; payment of taxes and assessments; amending K.S.A. 2010 Supp. 19-1207, 58-3115 and 58-3707 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 109, AN ACT concerning income taxation; relating to credits; electric vehicle charging stations, by Committee on Assessment and Taxation.

SB 110, AN ACT concerning certain appointments made by KTEC; transferring such authority to the governor; amending K.S.A. 2010 Supp. 74-99b04 and repealing the existing section, by Committee on Commerce.

SB 111, AN ACT concerning school districts; relating to special education state aid; amending K.S.A. 2010 Supp. 72-978 and repealing the existing section, by Committee on Federal and State Affairs.

SB 112, AN ACT concerning land surveyors; amending K.S.A. 19-1407, 19-1411, 19-1412, 19-1413, 19-1416, 19-1417, 19-1420, 19-1422, 19-1423, 19-1426, 19-1430, 24-106, 24-802, 25-101, 42-358, 58-2001, 58-2002, 58-2003, 58-2004, 58-2005, 58-2011, 68-104, 68-131, 68-1407 and 79-409 and K.S.A. 2010 Supp. 68-1402 and repealing the existing sections; also repealing K.S.A. 19-1403, 19-1421, 19-1432 and 68-108, by Committee on Federal and State Affairs.

SB 113, AN ACT concerning the conveyance of real estate and improvements thereon; relating to the university of Kansas hospital, by Senator Steineger.

SB 114, AN ACT concerning homeowners associations; amending K.S.A. 2010 Supp. 58-4608 and 58-4618 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 58-4610, by Committee on Ways and Means.

SB 115, AN ACT repealing K.S.A. 75-5002 and 75-5003; relating to the highway advisory commission, by Committee on Ways and Means.

SB 116, AN ACT concerning taxation; regarding tax information; disclosure of information to the state treasurer for the purpose of locating unclaimed property owners; amending K.S.A. 2010 Supp. 79-3234 and repealing the existing section, by Committee on Ways and Means.

SB 117, AN ACT concerning the Kansas health policy authority's drug utilization program; amending K.S.A. 2010 Supp. 39-7,119, 39-7,121a and 77-421 and repealing the existing sections, by Committee on Ways and Means.

SB 118, AN ACT concerning board of barbering; relating to fees; amending K.S.A. 2010 Supp. 65-1817 and repealing the existing section, by Committee on Ways and Means.

SB 119, AN ACT concerning rail service improvement program loans and grants; amending K.S.A. 2010 Supp. 75-5048 and 75-5049 and repealing the existing sections, by Committee on Ways and Means.

SB 120, AN ACT concerning requirements for the issuance of certificates of title for vessels; requiring notice, priority, release and surrender of security interests in vessels, by Committee on Transportation.

SB 121, AN ACT concerning real estate brokers and salespersons; relating to license fees; amending K.S.A. 2010 Supp. 58-3063 and repealing the existing section, by Committee on Ways and Means.

SB 122, AN ACT concerning the Kansas water office; relating to easements on state property for conservation projects, by Committee on Natural Resources.

SB 123, AN ACT concerning the department of wildlife and parks; relating to public use of cabins on state land, by Committee on Natural Resources.

SB 124, AN ACT concerning water; relating to water supply storage access and creating the lower smoky hill water supply access program, by Committee on Natural Resources.

SB 125, AN ACT concerning elections; relating to candidate filing deadlines; amending K.S.A. 25-4004 and K.S.A. 2010 Supp. 25-205 and repealing the existing sections, by Committee on Ethics and Elections.

SB 126, AN ACT concerning elections and campaign finance; relating to public service advertisements by candidates, by Committee on Ethics and Elections.

SB 127, AN ACT concerning elections; pertaining to certain primary elections; amending K.S.A. 25-2102 and K.S.A. 2010 Supp. 25-2021, 25-2108a and 71-1415 and repealing the existing sections, by Committee on Ethics and Elections.

SB 128, AN ACT concerning the presidential preference primary; amending K.S.A. 25-4502 and 25-4503 and K.S.A. 2010 Supp. 25-4501 and repealing the existing sections, by Committee on Ethics and Elections.

SB 129, AN ACT concerning elections; dealing with filling certain vacancies; amending K.S.A. 25-321 and repealing the existing section, by Committee on Ethics and Elections.

SB 130, AN ACT concerning elections; amending K.S.A. 2010 Supp. 25-205 and repealing the existing section, by Committee on Ethics and Elections.

SB 131, AN ACT concerning controlled substances; relating to methamphetamine precursors; amending K.S.A. 65-4109 and 65-4123 and K.S.A. 2010 Supp. 65-4113 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 65-16,101, 65-16,102, 65-16,103, 65-16,104, 65-16,105, 65-16,106, 65-16,107 and 65-16,108, by Committee on Public Health and

Welfare.

SB 132, AN ACT concerning dental care; increasing availability and access to dental care; enacting the Kansas comprehensive oral health initiative act; establishing the Kansas dentistry bridging loan program; amending K.S.A. 2010 Supp. 65-1456 and repealing the existing section, by Committee on Public Health and Welfare.

SB 133, AN ACT concerning health information; enacting the Kansas health information technology and exchange act; amending K.S.A. 16-1602 and repealing the existing section; also repealing K.S.A. 65-1734, 65-4970, 65-4972 and 65-4973 and K.S.A. 2010 Supp. 65-3228, 65-4971 and 65-4974, by Committee on Public Health and Welfare.

SB 134, AN ACT relating to nursing; concerning advanced practice nursing; amending K.S.A. 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, 65-1122, 65-1130, 65-1131, 65-1133, 65-1134, 65-1154, 65-1163, 74-32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468, 65-1132, 65-1626, 65-2921, 65-4101, 65-5402, 65-6112, 65-6119, 65-6120, 65-6121, 65-6123, 65-6124, 65-6129c, 65-6135, 65-6144, 72-5213, 72-8252 and 74-1106 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 65-1626d, by Committee on Public Health and Welfare.

SENATE CONCURRENT RESOLUTION No. 1603

By Committee on Judiciary

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

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 5 of article 3 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 5. Selection of justices of the supreme court. (a) Any vacancy occurring in the office of any justice of the supreme court and any position to be open thereon as a result of enlargement of the court, or the retirement or failure of an incumbent to file ~~his~~ *such justice's* declaration of candidacy to ~~succeed himself~~ *be retained in office* as hereinafter required, or failure of a justice to be elected to ~~succeed himself~~ *be retained in office*, shall be filled by appointment by the governor of one of three persons possessing the qualifications ~~of office who shall be nominated and whose names shall be submitted to the governor by the supreme court nominating commission established as hereinafter provided, with the consent of the house of representatives and the senate, of a person possessing the qualifications of office.~~

(b) ~~In event of the failure of the governor to make the~~

~~appointment within sixty days from the time the names of the nominees are submitted to him the chief justice of the supreme court shall make the appointment from such nominees. No person appointed pursuant to subsection (a) of this section shall assume the office of justice of the supreme court until the:~~

(1) House of representatives, by an affirmative vote of the majority of all members of the house of representatives then elected or appointed and qualified, consents to such appointment; and

(2) senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment.

(c) The house of representatives shall vote to consent to any such appointment not later than 30 days after such appointment is received by the house of representatives. If the house of representatives is not in session and will not be in session within the 30-day time limitation, the speaker of the house of representatives shall convene the house of representatives for the sole purpose of voting on such appointment and no other action shall be in order during such session. In the event a majority of the house of representatives vote to consent to the appointment, within 10 days after the house of representatives vote on the previous appointee, such appointee shall be forwarded to the senate to be considered by the senate. In the event of a majority of the house of representatives does not vote to consent to the appointment, the governor shall appoint another person possessing the qualifications of office and such subsequent appointment shall be considered by the house of representatives in the same procedure provided in this article.

(d) The senate shall vote to consent to any such appointment not later than 30 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 30-day time limitation, the president of the senate shall convene the senate for the sole purpose of voting on such appointment and no other action shall be in order during such session. In the event a majority of the senate does not vote to consent to the appointment, the governor shall appoint another person possessing the qualifications of office and such subsequent appointment shall be considered by the house of representatives and the senate in the same procedure as provided in this article.

(e) The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the house of representatives or the senate shall be appointed again for the same vacancy. If the house of representatives or the senate fails to vote on an appointment within the 30-day time limitation of each body, the house of representatives or the senate, as applicable, shall be deemed to have given consent to such appointment.

(e)(f) Each justice of the supreme court appointed pursuant to

provisions of subsection (a) of this section *and consented to pursuant to the provisions of subsection (c) of this section* shall hold office for an initial term ending on the second Monday in January following the first general election that occurs after the expiration of ~~twelve~~ 12 months in office. Not less than ~~sixty~~ 60 days prior to the holding of the general election next preceding the expiration of ~~his~~ *such justice's* term of office, any justice of the supreme court may file in the office of the secretary of state a declaration of candidacy for election to ~~succeed himself~~ *be retained in office*. If a declaration is not so filed, the position held by such justice shall be open from the expiration of ~~his~~ *such justice's* term of office. If such declaration is filed, ~~his~~ *such justice's* name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

"Shall _____

(Here insert name of justice.)

(Here insert the title of the court.)

be retained in office?"

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

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

~~(e) The supreme court nominating commission shall be composed as follows: One member, who shall be chairman, chosen from among their number by the members of the bar who are residents of and licensed in Kansas; one member from each congressional district chosen from among their number by the resident members of the bar in each such district; and one member, who is not a lawyer, from each congressional district, appointed by the governor from among the residents of each such district.~~

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

~~(g) No member of the supreme court nominating commission~~

~~shall, while he is a member, hold any other public office by appointment or any official position in a political party or for six months thereafter be eligible for nomination for the office of justice of the supreme court. The commission may act only by the concurrence of a majority of its members."~~

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

"Explanatory statement. The purpose of this amendment is to improve transparency to the selection process of supreme court nominees and to do away with the supreme court nominating commission. Currently, the supreme court nominating commission is composed of nine members; four nonlawyer members appointed by the governor and five lawyer members elected by licensed attorneys who are residents of Kansas. Pursuant to the amendment, the governor will appoint a qualified person, and such person's appointment would be required to be consented to by the house of representatives and the senate.

"A vote for this proposition would provide a procedure whereby the governor would appoint a person to be a supreme court justice and the house of representatives and the senate, by majority vote, would consent to the appointment of supreme court justices.

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

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the primary election in August in the year 2012 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 102, SB 103.**

Local Government: **SB 101.**

Public Health and Welfare: **SB 100.**

MESSAGE FROM THE GOVERNOR

February 3, 2011

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

Secretary, Kansas Department of Health and Environment, Robert Moser Wichita, pursuant to the authority vested in me by KSA 75-301, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

February 7, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Reorganization Order No. 37 and the Governor's Message for that ERO for your information.

Governor's Message
Executive Reorganization Order No. 37
By Governor Sam Brownback

February 7, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 37 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

As we look to grow Kansas' economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering the abolition of Kansas Inc. as established by K.S.A. 74-8001 *et seq.* Kansas' government has far too many economic development agencies and programs, many of which focus on picking winners and losers instead of creating an environment for growth. As part of the culture change that Kansans expect in state government as we retool for the 21st century economy, I am looking to consolidate these various functions and make them more accountable to voters for their successes or failures.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This reorganization order is a modest step toward making our economic development structure leaner, more efficient, more accountable, and more successful in growing the state. These means will help us get the more than 100,000 unemployed Kansans back to work and grow our state's net personal income in the years ahead. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

Executive Reorganization Order No. 37
By Governor Sam Brownback
Transmitted February 7, 2011

Sec. 1. Kansas, Inc., its board, the office of chief executive officer, and the president of Kansas, Inc., along with their powers, duties, and functions, as created pursuant to K.S.A. 74-8001 *et seq.*, and amendments thereto, are hereby abolished.

Sec. 2. (a) The secretary of administration, for the sole purpose of efficiently wrapping up and concluding the affairs of Kansas, Inc. and satisfying any outstanding liabilities or commitments of Kansas, Inc., shall be the successor in every way to the powers, duties, and functions of the Kansas, Inc., and its chief executive officer and president, hereinafter referred to as president, in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such abolished powers, duties, and functions by or under the authority of the secretary of administration shall be performed by the existing employees of the department of administration and shall be deemed to have the same force and effect as if performed by Kansas, Inc., or its president in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) In furtherance of the sole purpose set forth in Section 2(a) above, whenever Kansas, Inc., or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document, such reference or designation shall be deemed to apply to the secretary of administration.

(c) In furtherance of the sole purpose set forth in Section 2(a) above, whenever the president of Kansas Inc., or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document, such reference or designation shall be deemed to apply to the secretary of administration.

(d) In furtherance of the sole purpose set forth in Section 2(a) above, all rules and regulations, orders, and directives of Kansas, Inc., or its president which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the secretary of administration, until revised, amended, revoked or nullified pursuant to law.

(e) In furtherance of the sole purpose set forth in Section 2(a) above, all orders and directives of the Kansas, Inc., or its president in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the secretary of administration, until revised, amended or nullified pursuant to law.

Sec. 3. (a) The secretary of administration shall succeed to whatever right, title or interest that Kansas, Inc., has acquired in any real property in this state, and the secretary of administration shall hold the same for and in the name of the state of Kansas.

(b) Whenever any statute, contract, deed or other document concerns the power or authority of Kansas, Inc., or its president to acquire, hold or dispose of real property or any interest therein, the secretary of administration shall

succeed to such power or authority.

Sec. 4. The secretary of administration shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transaction, occurrence or event of Kansas Inc., or its president.

Sec. 5. (a) The balances of all funds or accounts thereof appropriated or reappropriated for Kansas, Inc., relating to the powers, duties, and functions abolished by this order are hereby transferred within the state treasury to the department of administration and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are employees of Kansas, Inc., during the period commencing on the first day of the first payroll period chargeable to fiscal year 2012 and ending in on June 30, 2011, shall be assumed and paid by the department of administration.

Sec. 6. When any conflict arises as to the disposition of any records, property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

Sec. 7. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the Constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 4th day
of February 2011.

BY THE GOVERNOR:
SAM BROWNBACK

KRIS W. KOBACH
SECRETARY OF STATE

KATHY M. SACHS
ASSISTANT SECRETARY OF STATE

February 7, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Reorganization Order No. 38 and the Governor's Message for that ERO for your information.

Governor's Message
Executive Reorganization Order No. 38
By Governor Sam Brownback
February 7, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 38 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Kansans have spoken loud and clear: they are looking for their government to be more efficient and their leaders to be more accountable. In this spirit, I am ordering that the Kansas Health Policy Authority as established by K.S.A. 2010 Supp. 75-7401 *et seq.* be reorganized into the Division of Health Care Finance within the Department of Health and Environment.

For this coming fiscal year, Kansas faces a \$550 million budget deficit, much of it related to increased caseloads in Medicaid. Left unaddressed, this growth will continue to consume future budgets and leave the state with very little room to address other priorities. While this reorganization saves \$3 million in administration costs for the next fiscal year, the larger savings will come from unifying the expertise in the KHPA with the accountability of KDHE as we implement major reforms to our Medicaid delivery model. Under the direction of the Lt. Governor and the Secretary of KDHE, the Division of Health Care Finance will be involved in redesigning Medicaid in the State of Kansas.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a major step toward making state government more efficient, more accountable, and forward looking. As we look toward a future of balancing priorities within the confines of limited state resources, this reorganization will act as a cornerstone for major and long-lasting reforms. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals.

Executive Reorganization Order No. 38
By Governor Sam Brownback
Transmitted February 7, 2011

Section 1. (a) There is hereby established, within the department of health and environment, the division of health care finance. The head of the division shall be director of health care finance, who shall be appointed by and serve at the pleasure of the secretary of health and environment. The

director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of health and environment and approved by the governor.

(b)(1) The secretary of health and environment shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the secretary and director, to carry out the powers and duties of the division of health care finance.

(2) All officers and employees of the division of health care finance shall act for and exercise the powers of the director of health care finance to the extent that authority to do so is delegated by the secretary and director. Subject to the provisions of this order, the secretary and director may organize the division of health care finance in the manner deemed most efficient.

Sec. 2. (a) The Kansas health policy authority created by K.S.A. 2010 Supp. 75-7401, and amendments thereto, is hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties, and functions of the Kansas health policy authority under K.S.A. 2010 Supp. 75-7401 *et seq.*, and amendments thereto, or any other statute, are hereby transferred to and imposed upon the department of health and environment and its division of health care finance and the secretary and the director of health care finance.

(c) Except as otherwise provided by this order, all powers, duties, and functions of any state agency, department, board, commission or council, providing services and creating systems in order to comply with the provisions of the patient protection and affordable care act, Public Law 111-148, 124 Stat. 119 (2010), and the health care and education reconciliation act of 2010, Public Law 111-152, 124 Stat. 1029 (2010), are hereby transferred to and imposed upon the department of health and environment and its division of health care finance and the secretary and the director of health care finance or their designees.

Sec. 3. (a) The department of health and environment and its division of health care finance shall be the successor in every way to the powers, duties and functions of the Kansas health policy authority in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the department of health and environment and its division of health care finance or the secretary or the director of health care finance shall be deemed to have the same force and effect as if performed by the Kansas health policy authority in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) The department of health and environment and its division of health care finance or designees appointed by the secretary or the director of health care finance shall be the successor in every way to the powers, duties, and functions of any state agency, department, board, commission or council, providing services and creating systems in order to comply with the provisions of the patient protection and affordable care act, Public Law 111-

148, and the health care and education reconciliation act of 2010, Public Law 111-152, and that are transferred pursuant to section 2 of this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the department of health and environment and its division of health care finance shall be deemed to have the same force and effect as if performed by any state agency, department, board, commission or council in which such powers, duties, and functions were vested prior to the effective date of this order.

(c) Whenever the Kansas health policy authority or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document and such reference is in regard to any of the powers, duties or functions transferred to the department of health and environment and its division of health care finance, such reference or designation shall be deemed to apply to the department of health and environment and its division of health care finance.

(d) All rules and regulations, orders and directives of the Kansas health policy authority which relate to the functions transferred by this order, and which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas health policy authority or any state agency, department, board, commission or council, relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the department of health and environment for the division of health care finance and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the department of health and environment and its division of health care finance under this order shall be assumed and paid by the division of health care finance of the department of health and environment.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The division of health care finance in the department of health and environment shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division of health care finance in the department of health and environment. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. (a) All officers and employees of the Kansas health policy authority who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the Kansas health policy authority who are determined by the director of health care finance of the department of health and environment to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of health care finance of the department of health and environment. All classified officers and employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the Kansas health policy authority transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the Kansas health policy authority prior to the date of transfer.

(c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the Kansas health policy authority abolished by this order to the division of health care finance of the department of health and environment established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 4th day
of February 2011.

BY THE GOVERNOR:
SAM BROWNBACK

KRIS W. KOBACH
SECRETARY OF STATE

KATHY M. SACHS
ASSISTANT SECRETARY OF STATE

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 8** be passed.

Committee on **Public Health and Welfare** recommends **SB 5** be amended on page 1, by striking all in lines 15 through 16; in line 17, by striking "(f)" and inserting "(e)"; in line 22, by striking "licensed physician" and inserting "person licensed to practice medicine and surgery"; in line 35, by striking "physician" and inserting "person licensed to practice medicine and surgery";

On page 2, in line 11, by striking "(g)" and inserting "(f)" in line 13, by striking "physician" and inserting "person licensed to practice medicine and surgery"; following line 14, by inserting "(g) "Perfusionist" means a person who practices perfusion as defined in this act.";

On page 3, in line 1, by striking "licensed physician" and inserting "person licensed to practice medicine and surgery"; in line 3, by striking "licensed physician" and inserting "person licensed to practice medicine and surgery";

On page 4, in line 20, by striking "24 months" and inserting "two of the last 10 years";

On page 5, in line 1, after "renewal" by inserting ", continuing education"; in line 16, after "renewal" by inserting ", continuing education";

On page 6, in line 20, by striking "\$150" and inserting "\$200"; in line 21, by striking "\$150" and inserting "\$200"; by striking all in line 25;

On page 7, in line 9, by striking "physician" and inserting "person";

On page 8, in line 26, after "thereto," by inserting "assessed costs incurred by the board in conducting any proceeding in which such licensee is the unsuccessful party"; in line 31, after "felony" by inserting "or class A misdemeanor"; following line 43, by inserting "(6) has had a license to practice perfusion revoked, suspended or limited, has been censured or has

had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country, a certified copy of the record of an action of the other jurisdiction being conclusive evidence thereof;";

And by renumbering the remaining paragraphs accordingly;

On page 9, in line 1, by striking "or" and inserting a comma; also in line 1, after "regulations" by inserting "promulgated by the board or any lawful order or directive of the board previously entered by the board"; and the bill be passed as amended.

On motion of Senator Emler the Senate was adjourned until 2:30 p.m., Tuesday, February 8, 2011.

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 8, 2011, 2:30 p.m.

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

Heavenly Father,

I've prayed about this many times:
The public's view of legislators.
They hear something bad about a few
And assume they all are traitors.

I realize that everyone
May not lump them all together;
But for thirty years I mostly hear
They all are birds of a feather.

Webster says "politicians" means
Someone engaging in government technique.
But he says that derogatively it means
Personal gain is what they seek.

Lord, I believe people have the right to
complain, to criticize and to scoff.
But help us pray more than we complain
So we'll all be better off.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 135, AN ACT concerning racketeering; enacting the Kansas racketeer influenced and corrupt organization act; amending K.S.A. 2010 Supp. 60-4104 and section 34 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-3302, by Senators Petersen and Schodorf.

SB 136, AN ACT concerning insurance; relating to the recovery of economic or noneconomic loss sustained as a result of an accident while operating an uninsured motor vehicle, by Committee on Financial Institutions and Insurance.

SB 137, AN ACT concerning the employment security law; relating to unemployment benefits for privately contracted school bus drivers; amending K.S.A. 2010 Supp. 44-706 and repealing the existing section, by Committee on Utilities.

SB 138, AN ACT concerning pharmacy; creating the pharmacy audit integrity act, by Committee on Public Health and Welfare.

SB 139, AN ACT concerning members of regional trauma councils and advisory committee on trauma; amending K.S.A. 2010 Supp. 75-5664 and 75-5665 and repealing the existing sections, by Senator Schmidt.

SB 140, AN ACT enacting the Kansas small and disadvantaged business development program act, by Committee on Commerce.

SB 141, AN ACT concerning the department of health and environment, relating to school-located influenza vaccination programs, by Committee on Public Health and Welfare.

SB 142, AN ACT concerning evidence in civil actions; expressions of apology, sympathy, commiseration or condolence not admissible as evidence of an admission of liability or as evidence of an admission against interest, by Committee on Judiciary.

SB 143, AN ACT concerning postsecondary technical education; creating the postsecondary tiered technical education state aid act; amending K.S.A. 71-601, 71-620, 72-4480 and 72-6503 and repealing the existing sections; also repealing K.S.A. 71-613, 71-613a and 71-1706 and K.S.A. 2010 Supp. 72-4430, 72-4431 and 72-4432, by Committee on Education.

SB 144, AN ACT concerning school districts; relating to transportation of pupils residing within 2½ miles of the school building; amending K.S.A. 72-6411 and K.S.A. 2010 Supp. 72-8302 and repealing the existing sections, by Committee on Education.

SB 145, AN ACT concerning certain crimes; dealing with corrupt political advertising; amending K.S.A. 2010 Supp. 25-4156 and repealing the existing section, by Committee on Ethics and Elections.

SB 146, AN ACT concerning abortion; regarding certain prohibitions on late-term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6705 and 65-6721 and K.S.A. 2010 Supp. 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713, by Senators Taddiken, Abrams, Apple, Bruce, Kelsey, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Umbarger and Wagle.

SB 147, AN ACT concerning water; relating to the Republican river

compact; disposition of moneys recovered from certain litigation; amending K.S.A. 2010 Supp. 82a-1804 and repealing the existing section, by Committee on Agriculture.

SB 148, AN ACT concerning veterinary medicine; amending K.S.A. 2010 Supp. 47-839 and repealing the existing section, by Committee on Agriculture.

SB 149, AN ACT enacting the Kansas firearms freedom act, by Senators Merrick, Abrams, Bruce, Marshall, Masterson, Olson, Ostmeyer, Petersen and Pilcher-Cook.

SB 150, AN ACT concerning cities; relating to incorporation; amending K.S.A. 15-116, 15-117 and 15-124 and repealing the existing sections, by Committee on Ways and Means.

SB 151, AN ACT concerning the highway advertising control act; amending K.S.A. 2010 Supp. 68-2232, 68-2233 and 68-2234 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills, EROs and concurrent resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 108, SB 109, SB 116.**

Commerce: **SB 110; ERO 37.**

Education: **SB 111.**

Ethics and Elections: **SB 125, SB 126, SB 127, SB 128, SB 129, SB 130.**

Federal and State Affairs: **SB 112.**

Judiciary: **SB 104, SB 105, SB 106, SB 107; SCR 1603.**

Local Government: **SB 114.**

Natural Resources: **SB 122, SB 123, SB 124.**

Public Health and Welfare: **SB 117, SB 131, SB 132, SB 133, SB 134.**

Transportation: **SB 115, SB 119, SB 120.**

Ways and Means: **SB 113, SB 118, SB 121; ERO 38.**

REFERRAL OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Secretary, Kansas Department of Health and Environment:

Robert Moser, to serve effective upon the date of confirmation by the Senate.

(Public Health and Welfare)

MESSAGE FROM THE GOVERNOR

February 8, 2011

To the Senate of the State of Kansas:

Enclosed herewith is Executive Reorganization Order No. 39 and the Governor's Message for that ERO for your information.

Governor's Message
Executive Reorganization Order No. 39
By Governor Sam Brownback
 February 8, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 39 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

As we look to grow Kansas' economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering the abolition of the Kansas Arts Commission as established by K.S.A. 74-5202, and amendments thereto, and the office of Executive Director of the Commission under K.S.A. 74-5204, and amendments thereto. Per this Executive Reorganization Order, the State Historical Society will succeed to all duties, powers, and functions of the agency. The Historical Society, as a state agency, will still be eligible to receive federal matching funds for the purpose of advancing the arts in the State of Kansas.

My FY2012 Budget Report to the Legislature details how I intend to reorganize these functions of state government. Under my plan, a new not-for-profit corporation, the Kansas Arts Foundation, Inc. will receive a direct grant from the State Historical Society to manage the programs formerly overseen by the Arts Commission. Because of their 501(c)3 status, the Foundation will be able to receive tax-deductible donations to cover the cost of implementing these programs. It is anticipated that this move will save Kansas taxpayers nearly \$600,000 next fiscal year. They will also help the Historical Society in their role as a state agency for the purpose of receiving federal grants by providing logistical and staff support for the drafting of state plans and grant proposals.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a modest step toward making our economic development structure leaner, more efficient, more accountable, and more successful in growing the state. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

Executive Reorganization Order No. 39
By Governor Sam Brownback
Transmitted February 8, 2011

Section 1. The Kansas arts commission created by K.S.A. 74-5202, and amendments thereto, and the office of executive director of the commission under K.S.A. 74-5204, and amendments thereto, are hereby abolished.

Sec. 2. (a) The state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, shall be the successor in every way to the powers, duties, and functions of the Kansas arts commission and the executive director of the commission in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the state

historical society shall be performed by existing employees of the state historical society and shall be deemed to have the same force and effect as if performed by the Kansas arts commission or the executive director of the commission in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) Whenever the Kansas arts commission or the executive director of the commission, or words of like effect, are referred to or designated by a statute, contract, or other document, such reference or designation shall be deemed to apply to the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto.

(c) All rules and regulations, orders, and directives of the Kansas arts commission or the executive director of the commission, which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, until revised, amended, revoked, or nullified pursuant to law.

Sec. 3. (a) The state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to the state historical society. Any conflict as to the proper disposition of property, or records arising under this order shall be determined by the governor, whose decision shall be final.

(b) Whenever any statute, contract, deed or other document concerns the power or authority of Kansas arts commission, or the executive director of the commission, to acquire, hold or dispose of real property or any interest therein, the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, shall succeed to such power or authority.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas arts commission relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto, and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are employees of the Kansas arts commission during the period commencing on the first day of the first payroll period chargeable to fiscal year 2012 and ending in on June 30, 2011, shall be assumed and paid by the state historical society, as a state agency, as provided in K.S.A. 75-2701, and amendments thereto.

Sec. 5. When any conflict arises as to the disposition of any property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 7th day
of February 2011.

BY THE GOVERNOR:
SAM BROWBACK

KRIS KOBACH
SECRETARY OF STATE

MARY DIANE MINEAR
ASSISTANT SECRETARY OF STATE

February 8, 2011

Message to the Senate of Kansas:

Enclosed herewith is Executive Reorganization Order No. 40 and the Governor's Message for that ERO for your information.

Governor's Message
Executive Reorganization Order No. 40
By Governor Sam Brownback

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 40 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

As we look to grow Kansas' economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering a consolidation of agriculture-related functions spread throughout state

government within the Department of Agriculture. These consolidations are as follows:

1) The Agriculture Products Development Division within the Department of Commerce as established by K.S.A. 74-50,156, and amendments thereto will be transferred to the Department of Agriculture and renamed the Marketing and Promotions Program.

2) The Kansas Animal Health Department and the Livestock Commissioner as established by K.S.A. 75-1901 et seq. will be consolidated within the Department of Agriculture as the Animal Health Division headed by the Animal Health Commissioner. The Animal Health Board will continue in existence and with members appointed by the Governor. The current Livestock Commissioner will be retained as the new Animal Health Commissioner. Thereafter, a vacancy in the position of Animal Health Commissioner will be filled by appointment by the Secretary of Agriculture from three nominations provided by the Animal Health Board.

3) The State Conservation Commission as established by K.S.A. 2-1904 will be consolidated within the Department of Agriculture as the Conservation Division. The Conservation Commission will continue in existence. The current Executive Director will be retained as the Executive Director of the Conservation Division. Thereafter, a vacancy in the position of executive director will be filled by a joint selection from the Secretary of Agriculture and the Conservation Commission.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a significant step toward making our government structure leaner, more efficient, more accountable, and more successful in growing the state. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

EXECUTIVE REORGANIZATION ORDER No. 40
By Governor Sam Brownback
Transmitted February 8, 2011

Section 1. (a) There is hereby established, within and as a part of the Kansas department of agriculture, the agriculture marketing and promotions program.

(b) (1) The secretary of agriculture shall appoint such employees as may be needed to carry out the powers and duties of the program, and all such officers and employees shall be within the classified or unclassified service.

(2) All employees shall act for and exercise the powers of the secretary of agriculture to the extent that authority to do so is delegated by the secretary of agriculture.

Sec. 2. (a) The agriculture products development division within the department of commerce created by K.S.A. 74-50,156, and amendments thereto, is hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties and functions of the agriculture products development division within the department of commerce created by K.S.A. 74-50,156, and amendments thereto, are hereby transferred to and imposed upon the agriculture marketing and promotions program within the Kansas department of agriculture created herein.

Sec. 3. (a) The agriculture marketing and promotions program within the Kansas department of agriculture shall be the successor in every way to the powers, duties and functions of the agriculture products development division within the department of commerce which were in effect prior to the effective date of this order and that are transferred pursuant to section 2. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the agriculture marketing and promotions program within the Kansas department of agriculture shall be deemed to have the same force and effect as if performed by the agriculture products development division within the department of commerce in which such powers, duties and functions were in effect prior to the effective date of this order.

(b) Whenever the agriculture products development division or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the agriculture products marketing and promotions program such reference or designation shall be deemed to apply to the program or the secretary of agriculture.

(c) All rules and regulations, orders and directives of the agriculture products development division within the department of commerce which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the agriculture marketing and promotions program within the Kansas department of agriculture transferred herein until revised, amended, revoked or nullified pursuant to law.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the agriculture products development division within the department of commerce relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the agriculture marketing and promotions program within the Kansas department of agriculture transferred herein and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to acts of the legislature, all fees, grant funds, and loan repayment funds dedicated to the agriculture products development division within the department of commerce prior to the effective date of this order shall be transferred to the agriculture marketing and promotions program within the department of agriculture.

(c) Liability for all accrued compensation or salaries of officers and employees who are transferred from the agriculture products development division within the department of commerce under this order shall be assumed and paid by the agriculture marketing and promotions program within the Kansas department of agriculture.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The agriculture marketing and promotions program within the Kansas department of agriculture shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. (a) The secretary of agriculture shall determine such employees as are necessary to enable the secretary to carry out the duties of the agriculture marketing and promotions program. All officers and employees of the agriculture products development division within the department of commerce who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, who are determined by the secretary of agriculture to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the agriculture marketing and promotions program within the Kansas department of agriculture. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees of the agriculture products development division within the department of commerce transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under

the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the agriculture products development division of the department of commerce prior to the date of transfer.

Sec. 8. (a) The division of animal health is hereby established within the Kansas department of agriculture. The division of animal health shall be a continuation of the Kansas animal health department and the animal health commissioner shall be a continuation of the livestock commissioner of the Kansas animal health department. The division shall be administered under the supervision of the secretary of agriculture, by the animal health commissioner, who shall be the chief administrative officer of the division. On the effective date of this order, the Secretary of Agriculture shall appoint the animal health commissioner. Thereafter, upon a vacancy in the office of animal health commissioner, the Kansas animal health board shall submit three nominations to the secretary of agriculture for the office of animal health commissioner, and the secretary of agriculture shall choose one of the three nominations to appoint as the animal health commissioner. The animal health commissioner shall serve at the pleasure of the secretary and the animal health board. The animal health commissioner shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor.

(b) All of the powers, duties and functions of the existing Kansas animal health department and the existing livestock commissioner of the Kansas animal health department are hereby transferred to and imposed upon the animal health division within the Kansas department of agriculture and the animal health commissioner, respectively.

(c) The secretary of agriculture shall appoint such employees as may be needed to carry out the powers and duties of the program, and all such officers and employees shall be within the classified or unclassified service.

Sec. 9. The Kansas animal health department and the office of livestock commissioner as established by K.S.A. 75-1901, and amendments thereto, are hereby abolished.

Sec. 10. (a) The animal health commissioner of the Kansas department of agriculture shall be the successor in every way to the powers, duties and functions of the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Whenever the Kansas animal health department or the livestock commissioner of the Kansas animal health department, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the animal health division of the Kansas department of agriculture or the animal health commissioner under the secretary of agriculture.

(c) All rules and regulations, orders and directives of the livestock commissioner of the Kansas animal health department that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the animal health division of the Kansas department of agriculture until revised, amended, revoked or nullified pursuant to law, by the secretary of agriculture.

(d) Before any proposed rules and regulations of the animal health commissioner of the division of animal health of the department of agriculture are submitted to the secretary of administration or the attorney general pursuant to K.S.A. 77-420, and amendments thereto:

(1) The animal health commissioner shall submit such rules and regulations to the animal health board; and

(2) the animal health board shall review and make recommendations to the animal health commissioner and the secretary of agriculture regarding such proposed rules and regulations.

Sec. 11. (a) The Kansas animal health board, created by K.S.A. 74-4001, and amendments thereto, is hereby continued in existence within the animal health division of the department of agriculture with respect to powers, duties and functions of the Kansas animal health department that are transferred under this order. Persons who are members of the Kansas animal health board on the effective date of this order shall continue to hold such offices under the conditions and limitations provided under K.S.A. 74-4001, and amendments thereto.

(b) The Kansas pet animal advisory board, created by K.S.A. 47-1725, and amendments thereto, is hereby continued in existence within the animal health division of the department of agriculture with respect to powers, duties and functions of the Kansas animal health department that are transferred under this order. Persons who are members of the Kansas pet animal advisory board on the effective date of this order shall continue to hold such offices under the conditions and limitations provided under K.S.A. 47-1725, and amendments thereto.

Sec. 12. The Kansas department of agriculture shall succeed to all property, property rights and records of the Kansas animal health department and the livestock commissioner of the Kansas animal health department.

Sec. 13. (a) On the effective date of this order, the balances of all funds or accounts thereof appropriated or reappropriated for the Kansas animal health department are hereby transferred within the state treasury to the Kansas department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to acts of the legislature, all fees and grant funds dedicated to animal health programs shall remain dedicated to animal health programs on and after the effective date of this order.

Sec. 14. (a) (1) The secretary of agriculture in consultation with the animal health commissioner shall determine such employees as are necessary to enable the secretary to carry out the duties of the animal health division. The livestock commissioner of the animal health department shall become the animal health commissioner of the animal health division of the Kansas department of agriculture on the effective date of this order. All other officers and employees of the Kansas animal health department who, immediately prior to such date, were engaged in the performance of powers, duties and functions for the Kansas animal health department and who are, in the opinion of the secretary of agriculture in consultation with the animal health commissioner, necessary to perform the powers, duties and functions of the Kansas animal health department that are transferred under this order, shall become officers and employees of the department of agriculture and are hereby transferred to the Kansas department of agriculture on the effective date of this order.

(2) All classified employees transferred under this subsection (a) shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees of the Kansas animal health department transferred under this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the Kansas animal health department prior to the date of transfer.

(c) Liability for accrued compensation or salaries of each officer and employee who is transferred from the Kansas animal health department to the Kansas department of agriculture under this order shall be assumed and paid by the Kansas department of agriculture on the effective date of this order.

Sec. 15. (a) On the effective date of this order, the division of conservation is hereby established within the Kansas department of agriculture. The division of conservation shall be a continuation of the state conservation commission and the executive director of conservation shall be a continuation of the executive director of the state conservation commission. The division shall be administered under the supervision of the secretary of agriculture by the executive director of the division of conservation, who shall be the chief administrative officer of the division. The executive director of the division of conservation shall be jointly appointed by the secretary of agriculture and the state conservation commission and shall serve at the pleasure of the secretary and the state conservation commission. The

executive director of the division of conservation shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor.

(b) All of the powers, duties and functions of the existing state conservation commission and the existing executive director of the state conservation commission are hereby transferred to and imposed upon the conservation division of the Kansas department of agriculture and the executive director of the conservation division, respectively.

Sec. 16. (a) The conservation division of the department of agriculture shall be the successor in every way to the powers, duties and functions of the state conservation commission and the executive director of the state conservation commission in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the state conservation commission and the executive director of the state conservation commission in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Whenever the state conservation commission or the executive director of the state conservation commission, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the conservation division within the department of agriculture or the executive director of the conservation division under the secretary of agriculture.

(c) All rules and regulations, orders and directives of the state conservation commission or the executive director of the state conservation commission that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the conservation division of the Kansas department of agriculture until revised, amended, revoked or nullified pursuant to law by the secretary of agriculture.

Sec. 17. The state conservation commission established by K.S.A. 2-1904, and amendments thereto, is hereby continued in existence within the conservation division within the department of agriculture with respect to the powers, duties and functions of the state conservation commission that are transferred under this order. Persons who are members of the board shall continue to hold such offices under the conditions and limitations in effect on the effective date of this order.

Sec. 18. The Kansas department of agriculture shall succeed to all property, property rights and records of the state conservation commission and the executive director of the state conservation commission.

Sec. 19. (a) On the effective date of this order, the balances of all funds or accounts thereof appropriated or reappropriated for the state conservation commission are hereby transferred within the state treasury to the Kansas department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to acts of the legislature, all fees and grant funds dedicated to conservation programs shall remain dedicated to conservation programs on and after the effective date of this order.

Sec. 20. (a) (1) The executive director of the conservation commission shall become the executive director of the conservation division of the Kansas department of agriculture on the effective date of this order. All other officers and employees of the state conservation commission who, immediately prior to such date, were engaged in the performance of powers, duties and functions for the state conservation commission and who are, in the opinion of the secretary of agriculture in consultation with the executive director, necessary to perform the powers, duties and functions of the state conservation commission that are transferred under this order, shall become officers and employees of the department of agriculture and are hereby transferred to the Kansas department of agriculture on the effective date of this order.

(2) The secretary of agriculture in consultation with the executive director shall determine such officers and employees as are necessary to enable the secretary to carry out the duties of the division of conservation.

(3) All classified employees transferred under this subsection (a) shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees of the state conservation commission transferred by this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the state conservation commission prior to the date of transfer.

(c) Liability for accrued compensation or salaries of each officer and employee who is transferred to the Kansas department of agriculture under this order shall be assumed and paid by the Kansas department of agriculture on the effective date of this order.

Sec. 21. (a) No suit, action, or other proceeding, judicial or administrative, that is lawfully commenced or that could have been lawfully commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action that is commenced or that could have been commenced by the state shall abate by the taking effect of this order.

Sec. 22. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 7th day
of February 2011.

BY THE GOVERNOR
SAM BROWNBACK

KRIS KOBACH
SECRETARY OF STATE

MARY DIANE MINEAR
ASSISTANT SECRETARY OF STATE

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF COMMERCE

February 7, 2011

In accordance with KSA 12-17,169(c), Pat George, Secretary of Commerce, submitted the annual report for projects funded with special obligation bond or STAR bonds.

The President 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

Senator Steineger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1811—

A RESOLUTION to create the Kansan-Turkish Friendship Network.

WHEREAS, The Republic of Turkey is a democratic, secular, unitary, constitutional republic; and

WHEREAS, The Republic of Turkey and the United States of America are long-standing allies. Both nations cherish freedom, democracy and human rights; and

WHEREAS, In its alliances with the United States, the Republic of Turkey has demonstrated its commitment to world peace and liberty, as well as its tolerance of others in secular and religious venues; and

WHEREAS, The Republic of Turkey has a very diverse culture. It blends elements of the Oğuz Turkic, Anatolian, Ottoman and western cultures and traditions, which began with the westernization of the Ottoman State and continues today; and

WHEREAS, The Republic of Turkey was a founding member of the United Nations; and

WHEREAS, The architecture and archaeological riches of the Republic of Turkey are known worldwide; and

WHEREAS, The Republic of Turkey has one of the world's fastest growing economies. It is the world's 15th largest economy and Europe's sixth largest economy. It is to be commended on its contributions to the global economy; and

WHEREAS, It is in the best interest of the state of Kansas to further cultivate the good relationship between Kansas, the Republic of Turkey and other Turkic Nations; and

WHEREAS, It is beneficial to the state of Kansas to value the positive relationships with the allies of the state and to acknowledge their contributions. We recognize the value of our positive relationship with the Republic of Turkey and the importance of the contributions made by this ally: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That in pursuit of this noble goal, we create the Kansan-Turkish Friendship Network. The purpose of this bipartisan leadership network is to focus on Kansan-Turkish relations and issues that concern Turkish Americans in Kansas, as well as promote the cultural, educational, academic, political and economic relations between Kansans and the Turkish people by coordinating hospitality, cultural and educational events and exchanges to facilitate and strengthen the development of those relationships.

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Steineger.

On emergency motion of Senator Steineger **SR 1811** was adopted unanimously.

Senator Steineger introduced the following guests representing the Kansan-Turkish Friendship Network: Fehmi Husrev Kutlu, Fatos Gurkan and Dr. Mithat Ekiei. The Senate welcomed them with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** 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 of Transportation:

Deb Miller, serves at the pleasure of the Governor.

REPORT ON ENGROSSED BILLS

SB 25 reported correctly engrossed February 8, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, 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:

Recommended **SB 11**, **SB 21**, **SB 35**, **SB 38** be passed.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Wednesday, February 9, 2011.

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 9, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senator Donovan was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As a Kansas Senator
I want to do my best
To represent my district
(And make a few requests)

Help me be a model
For my children and my spouse
That they will be proud of me
At work or in our house.

I want to use my talents, Lord
To accomplish while I'm here
All my responsibilities
Whether foggy or very clear.

Help me live up to
The standards You have set.
Let me never settle for
Things that I regret.

Constantly remind me, Lord,
That You are watching me,
And that you're expecting me
To be the best that I can be.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 152, AN ACT concerning wildlife; relating to hunting; amending K.S.A. 2010 Supp. 32-1002 and repealing the existing section, by Committee on Natural Resources.

SB 153, AN ACT concerning the low-income family postsecondary savings account incentive program; amending K.S.A. 2010 Supp. 75-650 and repealing the existing section, by Committee on Ways and Means.

SB 154, AN ACT concerning abstracters; relating to license fees; amending K.S.A. 58-2801 and repealing the existing section, by Committee on Ways and Means.

SB 155, AN ACT concerning school districts; relating to the assessed valuation of certain school districts, by Committee on Ways and Means.

SB 156, AN ACT concerning the Kansas arts commission; transferring the charge, care, management and control of the Hiram Price Dillon House to the commission; authorizing an agreement for the receipt, administration and investment of certain moneys for the benefit of the commission; prescribing certain powers, duties and functions for the commission; amending K.S.A. 75-3682 and K.S.A. 2010 Supp. 41-719 and 75-3683 and repealing the existing sections, by Joint Committee on State Building Construction.

SB 157, AN ACT concerning employment; relating to misclassification of employees; amending K.S.A. 2010 Supp. 44-766 and repealing the existing section, by Committee on Commerce.

SB 158, AN ACT concerning civil actions; relating to damages; enacting the full and fair noneconomic damages act; amending K.S.A. 60-3702 and repealing the existing section, by Committee on Utilities.

SB 159, AN ACT concerning crimes, punishment and criminal procedure; relating to parole and postrelease supervision for violent offenders and sex offenders; conditions; amending K.S.A. 2010 Supp. 22-3717 and repealing the existing section; also repealing K.S.A. 2010 Supp. 22-3717c, by Senator Pilcher-Cook.

SB 160, AN ACT concerning child support; relating to collection of support payments; amending K.S.A. 2010 Supp. 23-4,107 and 75-6202 and repealing the existing sections, by Senator Lynn.

SB 161, AN ACT concerning law enforcement; creating the uniform citizen contact data form, by Senator Haley.

SB 162, AN ACT concerning residential real estate sales contracts and certain disclosures, by Committee on Local Government.

SB 163, AN ACT concerning counties; dealing with county administrators; amending K.S.A. 19-3a02 and repealing the existing section, by Committee on Local Government.

SB 164, AN ACT concerning plastic bulk merchandise containers; relating to sales; records; civil penalties, by Committee on Judiciary.

SB 165, AN ACT concerning abortion; relating to licensure of abortion clinics, by Senators Pilcher-Cook, Abrams, Bruce, Kelsey, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pyle, Taddiken and Wagle.

SB 166, AN ACT concerning certain state officers and employees; restricting outside employment, by Senators Hensley, Francisco, Kelly and Kultala.

SB 167, AN ACT enacting the health care freedom act, by Senators Pilcher-Cook, Abrams, Apple, Bruce, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pyle and Taddiken.

SB 168, AN ACT concerning electioneering communications, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Holland, Kelly and Kultala.

SB 169, AN ACT concerning elections; relating to election commissioners; amending K.S.A. 19-3419 and repealing the existing section, by Senators Hensley, Haley, Kelly and Kultala.

SB 170, AN ACT enacting the portable electronics insurance act, by Committee on Financial Institutions and Insurance.

SB 171, AN ACT concerning public works projects for state agencies; prescribing payment of minimum wages for work thereon and preferences for certain employees to work thereon, by Senators Hensley, Francisco, Holland and Kultala.

SB 172, AN ACT concerning state governmental ethics; relating to state officers and employees; relating to lobbyists; amending K.S.A. 46-232 and repealing the existing section, by Senators Hensley, Francisco, Kelly and Kultala.

SB 173, AN ACT concerning state educational institutions; relating to tuition and increases in the rate thereof, by Senators Hensley and Haley.

SENATE CONCURRENT RESOLUTION No. 1604—

By Senators Pilcher-Cook, Abrams, Bruce, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pyle, Steineger and Taddiken

A PROPOSITION to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The constitution of the state of Kansas is amended by adding a new article 16 thereto to read as follows:

"Article 16. – HEALTH CARE

“§1. **Health care.** (a) To preserve the freedom of Kansans to provide for their health care:

“(1) A law or rule shall not compel, directly or indirectly,

any person, employer or health care provider to participate in any health care system or purchase health insurance.

“(2) A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines nor prohibited from gaining state medical licensure, for accepting direct payment from a person or employer for lawful health care services.

“(b) Subject to reasonable and necessary rules that do not substantially limit a person’s options, the purchase or sale of private health insurance or the participation in private health care systems shall not be prohibited by law or rule.

“(c) This section does not:

“(1) Affect which health care services a health care provider or hospital is required to perform or provide.

“(2) Affect which health care services are permitted by law.

“(3) Prohibit care provided pursuant to the provisions relating to workers compensation.

“(4) Prohibit care provided pursuant to the provisions relating to state employee benefit programs.

“(5) Affect laws or rules in effect as of August 1, 2009.

“(6) Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing or penalizing a person or employer for paying directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

“(d) For the purposes of this section:

“(1) “Compel” includes penalties or fines.

“(2) “Direct payment or pay directly” means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

“(3) “Health care system” means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.

“(4) “Lawful health care services” means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.

“(5) “Penalties or fines” means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by

a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section.”

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

“Explanatory statement. The purpose of this health care freedom amendment is to preserve constitutionally the right and freedom of Kansans to provide for their health care. This proposition would not affect which health care services a health care provider or hospital is required to perform or provide; would not affect which health care services are permitted by law; would not prohibit care provided pursuant to the general provisions relating to workers compensation; would not prohibit care pursuant to the provisions relating to state employee benefit programs; would not affect laws or rules in effect as of August 1, 2009; or would not affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services. Nothing in this amendment is meant to discourage anyone from purchasing health insurance.

“A vote for this proposition would preserve constitutionally the right of a person, employer or health care provider to be free from laws or rules compelling participation in any health care system; preserve constitutionally the right of a person or employer to purchase lawful health care services directly from a health care provider; preserve constitutionally the right of a health care provider to accept direct payment from a person or employer for lawful health care services; and preserve constitutionally the right to have the ability to purchase or sell health insurance in private health care systems.

“A vote against this proposition would provide for no constitutional right of a person, employer or health care provider to be free from laws and rules compelling participation in any health care system; would provide for no constitutional right of a person or employer to purchase lawful health care services directly from a health care provider; would provide for no constitutional right of a health care provider to accept direct payment from a person or employer for lawful health care services; and would provide for no constitutional right to have the ability to purchase or sell health insurance in private health care systems.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2012 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and EROs were referred to Committees as indicated:

Agriculture: **SB 148; ERO 40.**
Commerce: **SB 137, SB 140.**
Education: **SB 143, SB 144.**
Ethics and Elections: **SB 145.**
Federal and State Affairs: **SB 149; ERO 39.**
Financial Institutions & Insurance: **SB 136.**
Judiciary: **SB 135, SB 142, SB 146.**
Local Government: **SB 150.**
Public Health and Welfare: **SB 138, SB 139, SB 141.**
Transportation: **SB 151.**
Ways and Means: **SB 147.**

CHANGE OF REFERENCE

The Vice President withdrew **SB 121** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2001, HB 2014, HB 2020, HB 2033, HB 2049, HB 2056, HB 2057, HB 2088.**

The House concurs in Senate amendments to **HCR 5003.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2001, HB 2014, HB 2020, HB 2033, HB 2049, HB 2056, HB 2057, HB 2088 were thereupon introduced and read by title.

REFERENCE OF HOUSE BILLS

Vice President Vratil referred **HB 2014** to the Committee on **Ways and Means**.

CONFIRMATION OF APPOINTMENTS

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

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees.

By the Governor:

On the appointment to the:

Department of Administration:

Dennis Taylor, Secretary, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 34, Nays 1, Present and Passing 3, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Holland, Huntington, Kelly, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Hensley.

Present and Passing: Francisco, Haley, Kultala.

Absent or Not Voting: Donovan.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Department of Transportation:

Deb Miller, Secretary, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Securities Commissioner:

Daniel Aaron Jack, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 11, AN ACT concerning school districts; relating to transportation of pupils residing on the Leavenworth military reservation, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 21, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2010 Supp. 72-6441, 72-6449 and 72-6451 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 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 35, AN ACT concerning civil procedure; relating to attorney-client privilege and work-product protection; amending K.S.A. 60-426 and K.S.A. 2010 Supp. 60-3003 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 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 38, AN ACT concerning children; relating to permanency; priority of certain orders; amending K.S.A. 2010 Supp. 38-1116, 38-1121, 38-2201, 38-2203, 38-2262, 38-2284, 38-2304 and 60-1610 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick,

Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 24**, **SB 34** be passed.

Also **SB 12** be amended on page 1, in line 9, after "thereto." by inserting "An exemption pursuant to this section shall not exceed the maximum credit allowed to the debtor under section 32 of the federal internal revenue code of 1986, as amended, for the current tax year."; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 58** be passed.

REPORT ON ENROLLED BILLS

SR 1811 reported correctly enrolled, properly signed and presented to the Secretary of the Senate February 9, 2011.

CHANGE OF REFERENCE

The Vice President withdrew **SB 131** from the Committee on **Public Health and Welfare** and referred the bill to the committee on **Local Government**.

The Vice-President withdrew **SB 147** from the committee on **Ways and Means** and referred the bill to the Committee on **Agriculture**.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Thursday, February 10, 2011.

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 10, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The biggest questions that we face
Have always been the same;
Which way should we vote?
Who gets our acclaim?

The conferees the first day
Use tables, graphs and charts,
And it is very obvious
That they are very smart.

The next day their opponents
Use graphs, charts and tables
Their presentation's very good
It shows they, too, are able.

We could use Your wisdom, Lord,
It's hard to know which way to lean,
Is one of them the answer?
Or somewhere in between?

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

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 Allen Schmidt, Hays, was appointed by the Governor effective February 10, 2011, for the unexpired term, Thirty Sixth Senatorial District, to fill the vacancy created by the resignation of Janis Lee.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 10th day of February, A.D. 2011.

KRIS W. KOBACH
Secretary of State

President Morris requested Senator Hensley escort Senator Allen Schmidt 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 to the newly appointed Senator Allen Schmidt.

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 36th District. So help me God.

Subscribed and Sworn to, or Affirmed, before me this 10th day of February, 2011.

Lawton Nuss
Chief Justice of the Supreme Court

Senator A. Schmidt introduced his wife, Ellen, son, Brett and his fiancée, Ashley. Also introduced were Senator Schmidt's brother, Chuck Schmidt and his son, Nathan as well as his aunt and uncle, Ruth and Ralph Pfeifer.

The roll was called with thirty-nine senators present.
Senator Donovan was excused.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 174, AN ACT concerning certain veterans organizations; dealing with electronic gaming machines; amending K.S.A. 2010 Supp. 74-8702 and repealing the existing section, by Committee on Federal and State Affairs.

SB 175, AN ACT concerning crimes, punishment and criminal procedure; relating to evidence; videotaping of felony interrogations, by Committee on Judiciary.

SB 176, AN ACT concerning criminal procedure; relating to conditions of release and bond; considerations by court; amending K.S.A. 2010 Supp. 22-2802 and repealing the existing section, by Committee on Judiciary.

SB 177, AN ACT concerning taxation; relating to periods of limitation for certain refunds and credits; amending K.S.A. 2010 Supp. 79-3609 and repealing the existing section, by Committee on Utilities.

SB 178, AN ACT concerning surplus lines insurance; authorizing the commissioner to enter into agreements with other states involving surplus lines; pertaining to premium taxes on surplus lines insurance; amending K.S.A. 40-246c and 40-246e and K.S.A. 2010 Supp. 40-246b and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 179, AN ACT concerning the Kansas life and health insurance guaranty association act; amending K.S.A. 40-3009 and K.S.A. 2010 Supp. 40-3003, 40-3005 and 40-3008 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 180, AN ACT concerning cities; relating to annexation; amending K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532 and 60-2301 and K.S.A. 2010 Supp. 25-432 and repealing the existing sections, by Committee on Local Government.

SB 181, AN ACT concerning immigration; relating to verification of work authorization, by Committee on Federal and State Affairs.

SB 182, AN ACT concerning fire insurance premiums; relating to fire marshal fee fund, emergency medical services board operating fund and fire service training program fund; amending K.S.A. 2010 Supp. 75-1514 and repealing the existing section, by Committee on Ways and Means.

SB 183, AN ACT concerning motor vehicles; relating to safety belts; amending K.S.A. 2010 Supp. 8-2503 and repealing the existing section, by Committee on Ways and Means.

SB 184, AN ACT concerning adult care homes; relating to the minimum nursing care hours required of nursing facilities, by Committee on Ways and Means.

SB 185, AN ACT concerning insurance; designating trust companies as trustees; amending K.S.A. 2010 Supp. 40-2a20 and repealing the existing section, by Committee on Ways and Means.

SB 186, AN ACT concerning agriculture; relating to the pest control act; amending K.S.A. 2-2451 and repealing the existing section, by Committee on Agriculture.

SB 187, AN ACT concerning water; relating to the Kansas water banking act; amending K.S.A. 2010 Supp. 82a-765 and 82a-767 and repealing the existing sections, by Committee on Natural Resources.

SB 188, AN ACT concerning solid waste; relating to exemptions from permits; amending K.S.A. 65-3407c and repealing the existing section, by Committee on Natural Resources.

SB 189, AN ACT concerning the Kansas bioscience authority; pertaining to the number of voting members; amending K.S.A. 2010 Supp. 74-99b04 and repealing the existing section, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Commerce: **SB 157, SB 171.**

Education: **SB 155; HB 2020.**

Ethics and Elections: **SB 166, SB 168, SB 169, SB 172.**

Federal and State Affairs: **SB 161, SB 162; HB 2001.**

Financial Institutions & Insurance: **SB 153, SB 167, SB 170; HB 2056.**

Judiciary: **SB 158, SB 159, SB 160, SB 164, SB 165; SCR 1604; HB 2049, HB 2057.**

Local Government: **SB 163; HB 2088.**

Natural Resources: **SB 152.**

Transportation: **HB 2033.**

Ways and Means: **SB 154, SB 156, SB 173.**

MESSAGE FROM THE GOVERNOR

February 10, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-02 for your information.

SAM BROWNBACK

Governor

President Stephen Morris announced Executive Order No. 11-02 regarding Citizens Utility Ratepayer Board (“CURB”) as established by KSA 66-1222 take on new duties and responsibilities as set forth herein to provide citizen input and review of proposed state agency rules and regulations.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2023, HB 2028, HB 2030.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2023, HB 2028, HB 2030 were thereupon introduced and read by title.

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:

Kansas Department of Agriculture, Secretary: KSA 74-560

Dale Rodman, serves at the pleasure of the Governor

Committee on **Education** recommends **SB 28, SB 41** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 65** be passed.

Committee on **Judiciary** recommends **SB 45, SB 60, SB 62**, be passed.

Also, SB 37 be amended on page 2, in line 40, after "escape" where it appears for the first time by inserting "from custody"; after "escape" where it appears for the second time by inserting "from custody";

On page 3, in line 1, by striking "under" and inserting "or aggravated arson as defined in"; in line 18, after "or" by inserting "convicted of"; in line 19, by striking "provision of" and inserting "specified in";

On page 4, in line 9, by striking "administrative" and inserting "chief";

On page 7, in line 27, by striking "305" and inserting "248 of chapter 136 of the 2010 Session Laws of Kansas";

On page 8, in line 1, by striking "305" and inserting "286"; in line 3, by striking "after the effective date of this act" and inserting "July 1, 2003";

On page 9 in line 24, by striking "have the"; in line 25, by striking all before "K.S.A." and inserting "means the same as in"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 123** 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 such appointment:

By the Governor:

Department of Aging: Secretary: K.S.A. 2010 Supp. 75-5903

Shawn Sullivan, serves at the pleasure of the Governor

Also, **SB 90** be amended on page 3, in line 27, after "if" by inserting ":

(1)"; in line 30, after "services" by inserting ", secretary on aging or secretary of health and environment"; in line 31, after "K.S.A." by inserting "38-2223 through 38-2230 and"; also in line 31, after "thereto" by inserting ";

(2) the administrative appeal process has been exhausted; and

(3) the determination of substantiation has become final"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2014, 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. 2014" as follows:

“SENATE Substitute for HOUSE BILL No. 2014”

By Committee on Ways and Means

“AN ACT making and concerning appropriations for the fiscal year ending June 30, 2011, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.”; and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

SR 1807 reported correctly engrossed February 8, 2011.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, February 11, 2011.

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 11, 2011, 8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Donovan and Longbine were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Tomorrow is the two hundred and second birthday anniversary of Abraham Lincoln. He is still regarded as one of the greatest leaders this nation has known.

It is significant, O God, that George Washington who served as President following the Revolutionary War, and Lincoln who served during the Civil War were men who consistently looked to You for leadership.

I believe, O God, if Washington had not led the American army during the Revolutionary War, and Lincoln had not served as President during the Civil War, the United States of America would never have become the "Land of the Free and Home of the Brave."

Thank You, Lord, for answering their prayers.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 190, AN ACT concerning utilities; relating to telecommunications and price regulation; amending K.S.A. 2010 Supp. 66-2005 and repealing the existing section, by Committee on Utilities.

SB 191, AN ACT concerning water; relating to the water rights conservation program; amending K.S.A. 2010 Supp. 82a-718 and 82a-731 and repealing the existing sections, by Committee on Natural Resources.

SB 192, AN ACT concerning the Kansas dental board; relating to licensure of registered dental practitioners; amending K.S.A. 65-1421, 65-1424, 65-1441, 65-1449, 65-1460, 65-1462, 74-1404, 74-1405 and 74-1406 and K.S.A. 2010 Supp. 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-

4921, 65-5912, 65-7304, 75-2935 and 75-6102 and repealing the existing sections, by Committee on Ways and Means.

SB 193, AN ACT concerning sales taxation; relating to food sales tax refunds; information required in support of claim; amending K.S.A. 79-3637 and repealing the existing section, by Committee on Assessment and Taxation.

SB 194, AN ACT concerning cities; relating to annexation; amending K.S.A. 60-2301 and repealing the existing section, by Committee on Agriculture.

SB 195, AN ACT concerning the state board of healing arts; relating to the licensure of acupuncturists, by Committee on Public Health and Welfare.

SB 196, AN ACT concerning taxation; relating to IMPACT program, withholding, requirements, limitations; income tax deductions, expensing of investment expenditures; income tax credits; sales tax exemptions; creating job creation program fund, administration, expenditures; amending K.S.A. 2010 Supp. 74-50,104, 74-50,106, 74-50,107, 74-50,109, 74-50,110, 74-50,111, 74-50,132, 79-32,160a, 79-32,206 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 74-50,151 and 74-50,152, by Committee on Assessment and Taxation.

SB 197, AN ACT concerning sales taxation; relating to rate; food and food ingredients; food sales tax refund; amending K.S.A. 2010 Supp. 79-3602, 79-3603 and 79-3635 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 198, AN ACT concerning economic development; creating rural opportunity zones; relating to income taxation, credit for certain taxpayers, amount and requirements; student loan repayment program, by Committee on Assessment and Taxation.

SB 199, AN ACT concerning inmates in correctional facilities; relating to correctional inmates' eligibility for medicaid, by Committee on Ways and Means.

SB 200, AN ACT concerning waste; relating to litter control; requiring certain beverage containers to be redeemable, by Committee on Natural Resources.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 186**.

Assessment and Taxation: **SB 177**.

Commerce: **SB 189**.

Federal and State Affairs: **SB 174, SB 181**.

Financial Institutions & Insurance: **SB 178, SB 179, SB 182, SB 185**.

Judiciary: **SB 175, SB 176; HB 2023, HB 2028, HB 2030**.

Local Government: **SB 180**.

Natural Resources: **SB 187, SB 188**.

Public Health and Welfare: **SB 184**.

Transportation: **SB 183**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1812—

A RESOLUTION congratulating and commending the 2011
Horizon Award Program educators.

WHEREAS, Thirty-two beginning educators from across the state have been named as Kansas Horizon Award Program educators; and

WHEREAS, The Kansas Horizon Award Program, sponsored by Kansas State Department of Education, identifies and recognizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the Kansas Horizon Award Program is to recognize exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Kansas Horizon Award Program, currently in its ninth 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 a Kansas Horizon Award, teachers must have successfully completed their first year of teaching and have performed in such a way to distinguish themselves as outstanding. The Kansas 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: Gennifer Booth, Morris Hill Elementary School, Geary USD 475; Caley Cole-Robinson, Phillipsburg Middle School, Phillipsburg USD 325; Andrea Dolezal, Hoisington Middle School, Hoisington USD 431; Chelsea Forster, Salina High School South, Salina USD 305; Elissa Hadley, Emporia High School, Emporia USD 253; Stacia Kaylor, Fort Riley Middle School, Geary USD 475; Mariah McDowell, Grace E. Stewart Elementary School, Salina USD 305; Janeal Schmidt, Abilene High School, Abilene USD 435; and

Region 2: Bethany Baldwin, Berryton Elementary School, Shawnee Heights USD 450; Haley Bugni, Lakeside Elementary School, Pittsburg USD 250; Josey Eastes, Tonganoxie Middle School, Tonganoxie USD 464; Sarah Marolf, Shawnee Heights Middle School, Shawnee Heights USD 450; Kayla Oblinger, Washburn Rural Middle School, Auburn-Washburn USD 437; Beranda Jo Oetting, Auburn Elementary School, Auburn-Washburn USD 437; Trent Page, Central Heights High School, Central Heights USD 288; Suzanne Reedy, Louisburg Middle School, Louisburg USD 416; and

Region 3: Eric Ammerman, Mill Valley High School, De Soto USD 232; Jennifer Clarkson, Central Jr. High School, Lawrence USD 497; Chris Crawford, Center for Advanced Professional Studies, Blue Valley, USD 229; Mila Little, Pioneer Ridge Middle School, Gardner-Edgerton USD 231; Brianna Lohrey, Hazel Grove Elementary School, Kansas City USD 500; Laura Robeson, Ray Marsh Elementary School, Shawnee Mission USD 512;

Kristin Salanski, Timber Creek Elementary School, Blue Valley USD 229; Kathryn Wells, Sunflower Elementary School, Gardner-Edgerton USD 231; and

Region 4: Heidi Albin, Complete High School Maize, Maize USD 266; Christie Boote, Belle Plaine Elementary School, Belle Plain USD 357; Theresa Blunt, Truesdell Middle School, Wichita USD 259; Travis Combs, Newton Alternative High School, Newton USD 373; Andrea Ewert, Maize Central Elementary School, Maize USD 266; Lacy Kitzmann, Halstead Middle School, Halstead USD 440; Emily Noe, Wineteer Elementary School, Derby USD 260; Jordan Regehr, El Dorado High School, El Dorado USD 490: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2011 Kansas Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate provide 32 enrolled copies of this resolution to the Commissioner of Education for forwarding to each educator so honored plus one copy for the Commissioner of Education.

On emergency motion of Senator Schodorf **SR 1812** was adopted unanimously.

Senator Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1813—

A RESOLUTION congratulating and commending the Kansas recipient of the 2010 Milken Family Foundation Educator Award.

WHEREAS, Jeanie Weve, a fourth-grade teacher at Maize Central Elementary School, Maize USD 266, has been selected as the Kansas recipient of the 2010 Milken Family Foundation Educator Award. She will receive an unrestricted award of \$25,000 plus recognition by her 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. This year 48 states and the District of Columbia participated in the program. 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 Jeanie Weve upon her selection as the Kansas recipient of the 2010 Milken Family Foundation Educator Award; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the Commissioner of Education for forwarding to the 2010 Milken Educator.

On emergency motion of Senator Schodorf **SR 1813** was adopted unanimously.

Senator Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1814—

A RESOLUTION congratulating and commending the 2010
Kansas National Board Certified Teachers.

WHEREAS, Twenty of Kansas' finest educators have satisfied the highest professional qualifications of the National Board for Professional Teaching Standards to be designated as National Board Certified Teachers. They will be recognized as such at a program on February 24; and

WHEREAS, The 2010 Kansas National Board Certified Teachers are: Montika Allen, Westwood Elementary School, Geary USD 475; Tiffany Allen, Seltzer Elementary School, Wichita USD 259; Courtney Bowles, Sunrise Point Elementary School, Blue Valley USD 229; Mary Bradshaw, Santa Fe 5/6 Center, Newton USD 373; Julie Daicoff, Santa Fe Trail Jr. High School, Olathe USD 233; Natasha Erb, Indian Trail Jr. High School, Olathe USD 233; Elizabeth Hunt Esco, Olathe North Sr. High School, Olathe USD 233; Mary Livingston, Valley Park Elementary School, Blue Valley USD 229; Darla Loggans, Emerson Open Magnet Elementary School, Wichita USD 259; Summer Lunsway, Dwight D. Eisenhower Middle School, Manhattan-Ogden USD 383; Elisabeth Nelson, Northview Elementary School, Manhattan-Ogden USD 383; Kimberlee Osenga, Fort Riley Middle School, Geary USD 475; Rochelle Rey, Pauline South Intermediate School, Auburn-Washburn USD 437; Lane Ritchie, Emporia High School, Emporia USD 253; William Smithyman, Blue Valley Northwest High School, Blue Valley USD 229; Sherri Spare, Garfield Elementary School, Parsons USD 503; Brenda Stolle, Trailridge Middle School, Shawnee Mission USD 512; Rebecca Turnbull, Pittsburg Middle School, Pittsburg USD 250; Richard Wilson, Blue Valley West High School, Blue Valley USD 229; Marlo Zumbrunn, Chapman Middle School, Chapman USD 473; and

WHEREAS, National Board Certification, a voluntary process established by the National Board for 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 for 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 provide 20 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 Schodorf **SR 1814** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **SB 102, SB 103** be passed.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Monday, February 14, 2011.

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 14, 2011, 2:30 p.m.

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

Heavenly Father,

As you know, we celebrate Valentine's day on February 14. The word "love" is probably mentioned millions of times. And that word is applied in many ways.

We say we love our dog and cat,
We say we love our car.
Some say they love their job and home;
Some love a "good cigar".

Many say they love their dad;
Many say they love their mother.
Some say they love their sister.
Some say they love their brother.

Having pastored for 50 years,
I had hoped my sermons would qualify.
But all they remembered when I left
Was that I loved pecan pie!

Having served 30 years as Chaplain,
I hope my prayers they'll celebrate.
But I think I'll also be remembered
As the guy who loved choco-late!

But Valentine's remembered for
The love between sweethearts.
And the love between husband and wife
Who vowed to never part.

But I cannot close my prayer, O God.
 Without the greatest love we've got:
 The love You have for everyone,
 Whether believers or not.

Your Son died for everyone,
 And those who have believed
 Will forever praise You, Lord,
 For the forgiveness we've received.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Kelly rose on a Point of Personal Privilege to pay tribute to the following visitors and representatives of the Youth Wing of the United Russia Party: Ilya Sergeyeovich Berezkin, Nikolay Yuryevich Korchagin, Mikhail Aleksandrovich Ratmanov, Igor Nikolayevich Shipkov, Igor Yevgenyevich Volkov and Denis Viktorovich Pryamonosov. Ilya Papinako, Translator, was also introduced and all were welcomed with a standing ovation.

On motion of Senator Emler, the Senate recessed until 3:15 p.m.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 201, AN ACT concerning bingo games; relating to the operation thereof and prizes awarded; amending K.S.A. 2010 Supp. 79-4701 and 79-4706 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 202, AN ACT concerning school districts; relating to the purpose of state aid to school districts, by Committee on Federal and State Affairs.

SB 203, AN ACT pertaining to the legislature; relating to the size thereof; amending K.S.A. 4-101 and repealing the existing section, by Committee on Ways and Means.

SB 204, AN ACT concerning counties; relating to the establishment of a county consolidation commission, by Committee on Ways and Means.

SB 205, AN ACT establishing the Kansas employment first initiative act and creating the Kansas employment first oversight commission, 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 193**, **SB 196**, **SB 197**, **SB 198**.

Local Government: **SB 194**.
Natural Resources: **SB 191, SB 200**.
Public Health and Welfare: **SB 192, SB 195**.
Utilities: **SB 190**.
Ways and Means: **SB 199**.

CAUCUS REPORT

Minority Party Caucus February 14, 2011

The members of the minority party of the Senate have met and caucused and have selected the following caucus or party officers:

- (a) Assistant Minority Leader, Laura Kelly
- (b) Minority Whip, Tom Holland
- (c) Caucus Chair, Marci Francisco

Senator Anthony Hensley
Minority Leader

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2008, HB 2054, HB 2070, HB 2078, HB 2082, HB 2083**.

Announcing adoption of **HCR 5007**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2008, HB 2054, HB 2070, HB 2078, HB 2082, HB 2083; HCR 5007 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Morris, Emler and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1815—

A RESOLUTION relating to assignment of seats of the Senate.

Be it resolved by the Senate of the State of Kansas: That members of the 2011 regular session of the legislature shall occupy the same seats assigned pursuant to 2011 Senate Resolution No. 1802 with the following exception: Senator Allen Schmidt, seat No. 40.

On emergency motion of Senator Morris **SR 1815** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 77** be amended on page 1, after line 7, by inserting "New Section 1. To provide for the payment to the United States treasury from the state employment security interest assessment fund for interest on loans made to the state employment security fund, for the purpose of paying interest due and owing on funds received from the federal unemployment account under title XII of the social security act. The pooled money investment board is authorized and directed to loan to the department of labor sufficient funds therefor in an amount or amounts which in the aggregate shall not exceed \$3,000,000 and such moneys shall be deposited in the state employment security interest assessment fund. 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 funds for such loan upon approval of such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. The state finance council shall approve such loan on or before September 12, 2011. The pooled money investment board shall transfer the funds required by the department of labor on or before September 23, 2011, to allow the department of labor to make its interest payment on or before September 30, 2011. The loan shall not bear interest and shall be repaid on or before June 30, 2012. A copy of the terms of the loan shall be submitted to the director of the legislative research department. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

Sec. 2. From and after July 1, 2011, 2010 K.S.A. Supp. 44-703 is hereby amended to read as follows: 44-703. As used in this act, unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid or payable by an employer during the calendar year.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three calendar years immediately preceding the computation date as hereinafter defined if the employer has been continuously subject to contributions during those three calendar years and has paid some wages for employment during each of such years. In determining contribution rates for the calendar year, if an employer has not been continuously subject to contribution for the three calendar years immediately preceding the computation date but has paid wages subject to contributions during only the two calendar years immediately preceding the computation date, such employer's "average annual payroll" shall be the average of the payrolls for those two calendar years.

(3) "Total wages" means the total amount of wages paid or payable by an employer during the calendar year, including that part of remuneration in excess of the limitation prescribed as provided in subsection (o)(1) of this section.

(b) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except that the base period in respect to combined wage claims means the base period as defined in the law of the paying state.

(1) (A) If an individual lacks sufficient base period wages in order to establish a benefit year in the matter set forth above and satisfies the requirements of subsection (g) of K.S.A. 44-705 and subsection (hh) of K.S.A. 44-703, and amendments thereto, the claimant shall have an alternative base period substituted for the current base period so as not to prevent establishment of a valid claim. For the purposes of this subsection, "alternative base period" means the last four completed quarters immediately preceding the date the qualifying injury occurred. In the event the wages in the alternative base period have been used on a prior claim, then they shall be excluded from the new alternative base period.

(B) If an individual lacks sufficient base period wages in order to establish a benefit year in the manner set forth above the claimant shall have an alternative base period substituted for the current base period. For the purposes of this subsection, "alternative base period" means eligibility shall be determined using a base period that consists of the four most recently completed calendar quarters preceding the start of the benefit year.

(2) For the purposes of this chapter, the term "base period" includes the alternative base period.

(c) (1) "Benefits" means the money payments payable to an individual, as provided in this act, with respect to such individual's unemployment.

(2) "Regular benefits" means benefits payable to an individual under this act or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, other than extended benefits.

(d) "Benefit year" with respect to any individual, means the period beginning with the first day of the first week for which such individual files a valid claim for benefits, and such benefit year shall continue for one full year. In the case of a combined wage claim, the benefit year shall be the benefit year of the paying state. Following the termination of a benefit year, a subsequent benefit year shall commence on the first day of the first week with respect to which an individual next files a claim for benefits. When such filing occurs with respect to a week which overlaps the preceding benefit year, the subsequent benefit year shall commence on the first day immediately following the expiration date of the preceding benefit year. Any claim for benefits made in accordance with subsection (a) of K.S.A. 44-709, and amendments thereto, shall be deemed to be a "valid claim" for the purposes of this subsection if the individual has been paid wages for insured work as required under subsection (e) of K.S.A. 44-705, and amendments thereto. Whenever a week of unemployment overlaps two benefit years, such week shall, for the purpose of granting waiting-period credit or benefit payment with respect thereto, be deemed to be a week of unemployment within that benefit year in which the greater part of such week occurs.

(e) "Commissioner" or "secretary" means the secretary of labor.

(f) (1) "Contributions" means the money payments to the state employment security fund which are required to be made by employers on account of employment under K.S.A. 44-710, and amendments thereto, and voluntary payments made by employers pursuant to such statute.

(2) "Payments in lieu of contributions" means the money payments to the state employment security fund from employers which are required to make or which elect to make such payments under subsection (e) of K.S.A. 44-710, and amendments thereto.

(g) "Employing unit" means any individual or type of organization, including any partnership, association, limited liability company, agency or department of the state of Kansas and political subdivisions thereof, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign including nonprofit corporations, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representatives of a deceased person, which has in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the employment.

(h) "Employer" means:

(1) (A) Any employing unit for which agricultural labor as defined in subsection (w) of this section is performed and which during any calendar quarter in either the current or preceding calendar year paid remuneration in cash of \$20,000 or more to individuals employed in agricultural labor or for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment of time.

(B) For the purpose of this subsection (h)(1), any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader if:

(i) Such crew leader holds a valid certificate of registration under the federal migrant and seasonal agricultural workers protection act or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment or any other mechanized equipment, which is provided by such crew leader; and

(ii) such individual is not in the employment of such other person within the meaning of subsection (i) of this section.

(C) For the purpose of this subsection (h)(1), in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee

of such crew leader:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader, either on the crew leader's own behalf or on behalf of such other person, for the service in agricultural labor performed for such other person.

(D) For the purposes of this subsection (h)(1) "crew leader" means an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other person;

(ii) pays, either on such individual's own behalf or on behalf of such other person, the individuals so furnished by such individual for the service in agricultural labor performed by them; and

(iii) has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

(2) (A) Any employing unit which for calendar year 2007 and each calendar year thereafter: (i) In any calendar quarter in either the current or preceding calendar year paid for service in employment wages of \$1,500 or more, (ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or preceding calendar year, had in employment at least one individual, whether or not the same individual was in employment in each such day, or (iii) elects to have an unemployment tax account established at the time of initial registration in accordance with subsection (c) of K.S.A. 44-711, and amendments thereto.

(B) Employment of individuals to perform domestic service or agricultural labor and wages paid for such service or labor shall not be considered in determining whether an employing unit meets the criteria of this subsection (h)(2).

(3) Any employing unit for which service is employment as defined in subsection (i)(3)(E) of this section.

(4) (A) Any employing unit, whether or not it is an employing unit under subsection (g) of this section, which acquires or in any manner succeeds to (i) substantially all of the employing enterprises, organization, trade or business, or (ii) substantially all the assets, of another employing unit which at the time of such acquisition was an employer subject to this act;

(B) any employing unit which is controlled substantially, either directly or indirectly by legally enforceable means or otherwise, by the same interest or interests, whether or not such interest or interests are an employing unit under subsection (g) of this section, which acquires or in any manner succeeds to a portion of an employer's annual payroll, which is less than 100% of such employer's annual payroll, and which intends to continue the acquired portion as a going business.

(5) Any employing unit which paid cash remuneration of \$1,000 or more

in any calendar quarter in the current or preceding calendar year to individuals employed in domestic service as defined in subsection (aa) of this section.

(6) Any employing unit which having become an employer under this subsection (h) has not, under subsection (b) of K.S.A. 44-711, and amendments thereto, ceased to be an employer subject to this act.

(7) Any employing unit which has elected to become fully subject to this act in accordance with subsection (c) of K.S.A. 44-711, and amendments thereto.

(8) Any employing unit not an employer by reason of any other paragraph of this subsection (h), for which within either the current or preceding calendar year services in employment are or were performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund; or which, as a condition for approval of this act for full tax credit against the tax imposed by the federal unemployment tax act, is required, pursuant to such act, to be an "employer" under this act.

(9) Any employing unit described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income tax under section 501(a) of the code that had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(i) "Employment" means:

(1) Subject to the other provisions of this subsection, service, including service in interstate commerce, performed by

(A) Any active officer of a corporation; or

(B) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

(C) any individual other than an individual who is an employee under subsection (i)(1)(A) or subsection (i)(1)(B) above who performs services for remuneration for any person:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for such individual's principal; or

(ii) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, a principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of subsection (i)(1)(C), the term "employment" shall include services described in paragraphs (i) and (ii) above only if:

(a) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(b) the individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(c) the services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(2) The term "employment" shall include an individual's entire service within the United States, even though performed entirely outside this state if,

(A) The service is not localized in any state, and

(B) the individual is one of a class of employees who are required to travel outside this state in performance of their duties, and

(C) the individual's base of operations is in this state, or if there is no base of operations, then the place from which service is directed or controlled is in this state.

(3) The term "employment" shall also include:

(A) Services performed within this state but not covered by the provisions of subsection (i)(1) or subsection (i)(2) shall be deemed to be employment subject to this act if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(B) Services performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act only if the individual performing such services is a resident of this state and the secretary approved the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

(C) Services covered by an arrangement pursuant to subsection (l) of K.S.A. 44-714, and amendments thereto, between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, shall be deemed to be employment if the secretary has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

(D) Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the secretary that: (i) Such individual has been and will continue to be free from control or direction over the performance of such services, both under the individual's contract of hire and in fact; and (ii) such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is

performed.

(E) Service performed by an individual in the employ of this state or any instrumentality thereof, any political subdivision of this state or any instrumentality thereof, or in the employ of an Indian tribe, as defined pursuant to section 3306(u) of the federal unemployment tax act, any instrumentality of more than one of the foregoing or any instrumentality which is jointly owned by this state or a political subdivision thereof or Indian tribes and one or more other states or political subdivisions of this or other states, provided that such service is excluded from "employment" as defined in the federal unemployment tax act by reason of section 3306(c)(7) of that act and is not excluded from "employment" under subsection (i)(4)(A) of this section. For purposes of this section, the exclusions from employment in subsections (i)(4)(A) and (i)(4)(L) shall also be applicable to services performed in the employ of an Indian tribe.

(F) Service performed by an individual in the employ of a religious, charitable, educational or other organization which is excluded from the term "employment" as defined in the federal unemployment tax act solely by reason of section 3306(c)(8) of that act, and is not excluded from employment under paragraphs (I) through (M) of subsection (i)(4).

(G) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States except in Canada, in the employ of an American employer (other than service which is deemed "employment" under the provisions of subsection (i)(2) or subsection (i)(3) or the parallel provisions of another state's law), if:

(i) The employer's principal place of business in the United States is located in this state; or

(ii) the employer has no place of business in the United States, but

(A) The employer is an individual who is a resident of this state; or

(B) the employer is a corporation which is organized under the laws of this state; or

(C) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) none of the criteria of paragraphs (i) and (ii) above of this subsection (i)(3)(G) are met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

(H) An "American employer," for purposes of subsection (i)(3)(G), means a person who is:

(i) An individual who is a resident of the United States; or

(ii) a partnership if $\frac{2}{3}$ or more of the partners are residents of the United States; or

(iii) a trust, if all of the trustees are residents of the United States; or

(iv) a corporation organized under the laws of the United States or of any state.

(I) Notwithstanding subsection (i)(2) of this section, all service performed by an officer or member of the crew of an American vessel or

American aircraft on or in connection with such vessel or aircraft, if the operating office, from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state.

(J) Notwithstanding any other provisions of this subsection (i), service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or which as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this act.

(K) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

(4) The term "employment" shall not include: (A) Service performed in the employ of an employer specified in subsection (h)(3) of this section if such service is performed by an individual in the exercise of duties:

- (i) As an elected official;
- (ii) as a member of a legislative body, or a member of the judiciary, of a state, political subdivision or of an Indian tribe;
- (iii) as a member of the state national guard or air national guard;
- (iv) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;
- (v) in a position which, under or pursuant to the laws of this state or tribal law, is designated as a major nontenured policymaking or advisory position or as a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week;

(B) service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(C) service performed by an individual in the employ of such individual's son, daughter or spouse, and service performed by a child under the age of 21 years in the employ of such individual's father or mother;

(D) service performed in the employ of the United States government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this act, except that to the extent that the congress of the United States shall permit states to require any instrumentality of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services. If this state shall not be certified for any year by the federal security agency under section 3304(c) of the federal internal revenue code of 1986, the payments required of such instrumentalities with respect to such year shall be refunded by the secretary from the fund in the same manner and

within the same period as is provided in subsection (f) of K.S.A. 44-717, and amendments thereto, with respect to contributions erroneously collected;

(E) service covered by an arrangement between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within the jurisdiction of such other state or federal agency;

(F) service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(G) service performed by an individual for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission;

(H) service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the federal internal revenue code of 1986 (other than an organization described in section 401(a) or under section 521 of such code) if the remuneration for such service is less than \$50. In construing the application of the term "employment," if services performed during $\frac{1}{2}$ or more of any pay period by an individual for the person employing such individual constitute employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than $\frac{1}{2}$ of any such pay period by an individual for the person employing such individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection (i)(4)(H) the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the individual by the person employing such individual. This subsection (i)(4)(H) shall not be applicable with respect to services with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(I) services performed in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(J) service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of such individual's ministry or by a member of a religious order in the exercise of duties required by such order;

(K) service performed in a facility conducted for the purpose of carrying out a program of:

(i) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or

(ii) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or

remunerative work;

(L) service performed as part of an employment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training;

(M) service performed by an inmate of a custodial or correctional institution;

(N) service performed, in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university;

(O) service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subsection (i)(4)(O) shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(P) service performed in the employ of a hospital licensed, certified or approved by the secretary of health and environment, if such service is performed by a patient of the hospital;

(Q) services performed as a qualified real estate agent. As used in this subsection (i)(4)(Q) the term "qualified real estate agent" means any individual who is licensed by the Kansas real estate commission as a salesperson under the real estate brokers' and salespersons' license act and for whom:

(i) Substantially all of the remuneration, whether or not paid in cash, for the services performed by such individual as a real estate salesperson is directly related to sales or other output, including the performance of services, rather than to the number of hours worked; and

(ii) the services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for state tax purposes;

(R) services performed for an employer by an extra in connection with any phase of motion picture or television production or television commercials for less than 14 days during any calendar year. As used in this subsection, the term "extra" means an individual who pantomimes in the background, adds atmosphere to the set and performs such actions without speaking and "employer" shall not include any employer which is a governmental entity or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income taxation under section 501(a) of the code;

(S) services performed by an oil and gas contract pumper. As used in this subsection (i)(4)(S), "oil and gas contract pumper" means a person

performing pumping and other services on one or more oil or gas leases, or on both oil and gas leases, relating to the operation and maintenance of such oil and gas leases, on a contractual basis for the operators of such oil and gas leases and "services" shall not include services performed for a governmental entity or any organization described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income taxation under section 501(a) of the code;

(T) service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is \$200 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if:

(i) On each of some 24 days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or

(ii) such individual was regularly employed, as determined under subparagraph (i), by such employer in the performance of such service during the preceding calendar quarter.

Such excluded service shall not include any services performed for an employer which is a governmental entity or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income taxation under section 501(a) of the code;

(U) service which is performed by any person who is a member of a limited liability company and which is performed as a member or manager of that limited liability company; and

(V) services performed as a qualified direct seller. The term "direct seller" means any person if:

(i) Such person:

(a) is engaged in the trade or business of selling or soliciting the sale of consumer products to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise rather than in a permanent retail establishment; or

(b) is engaged in the trade or business of selling or soliciting the sale of consumer products in the home or otherwise than in a permanent retail establishment;

(ii) substantially all the remuneration whether or not paid in cash for the performance of the services described in subparagraph (i) is directly related to sales or other output including the performance of services rather than to the number of hours worked;

(iii) the services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee for federal and state tax purposes;

(iv) for purposes of this act, a sale or a sale resulting exclusively from a solicitation made by telephone, mail, or other telecommunications method, or

other nonpersonal method does not satisfy the requirements of this subsection;

(W) service performed as an election official or election worker, if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than \$1,000;

(X) service performed by agricultural workers who are aliens admitted to the United States to perform labor pursuant to section 1101 (a)(15)(H)(ii)(a) of the immigration and nationality act; and

(Y) service performed by an owner-operator of a motor vehicle that is leased or contracted to a licensed motor carrier with the services of a driver and is not treated under the terms of the lease agreement or contract with the licensed motor carrier as an employee for purposes of the federal insurance contribution act, 26 U.S.C. § 3101 et seq., the federal social security act, 42 U.S.C. § 301 et seq., the federal unemployment tax act, 26 U.S.C. § 3301 et seq., and the federal statutes prescribing income tax withholding at the source, 26 U.S.C. § 3401 et seq. Employees or agents of the owner-operator shall not be considered employees of the licensed motor carrier for purposes of employment security taxation or compensation. As used in this subsection (Y), the following definitions apply: (i) "Motor vehicle" means any automobile, truck-trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of Kansas for the purpose of transporting persons or property; (ii) "licensed motor carrier" means any person, firm, corporation or other business entity that holds a certificate of convenience and necessity or a certificate of public service from the state corporation commission or is required to register motor carrier equipment pursuant to 49 U.S.C. § 14504; and (iii) "owner-operator" means a person, firm, corporation or other business entity that is the owner of a single motor vehicle that is driven exclusively by the owner under a lease agreement or contract with a licensed motor carrier.

(j) "Employment office" means any office operated by this state and maintained by the secretary of labor for the purpose of assisting persons to become employed.

(k) "Fund" means the employment security fund established by this act, to which all contributions and reimbursement payments required and from which all benefits provided under this act shall be paid and including all money received from the federal government as reimbursements pursuant to section 204 of the federal-state extended compensation act of 1970, and amendments thereto.

(l) "State" includes, in addition to the states of the United States of America, any dependency of the United States, the Commonwealth of Puerto Rico, the District of Columbia and the Virgin Islands.

(m) "Unemployment." An individual shall be deemed "unemployed" with respect to any week during which such individual performs no services and with respect to which no wages are payable to such individual, or with respect to any week of less than full-time work if the wages payable to such individual with respect to such week are less than such individual's weekly benefit amount.

(n) "Employment security administration fund" means the fund established by this act, from which administrative expenses under this act shall be paid.

(o) "Wages" means all compensation for services, including commissions, bonuses, back pay and the cash value of all remuneration, including benefits, paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash, shall be estimated and determined in accordance with rules and regulations prescribed by the secretary. Compensation payable to an individual which has not been actually received by that individual within 21 days after the end of the pay period in which the compensation was earned shall be considered to have been paid on the 21st day after the end of that pay period. Effective January 1, 1986, gratuities, including tips received from persons other than the employing unit, shall be considered wages when reported in writing to the employer by the employee. Employees must furnish a written statement to the employer, reporting all tips received if they total \$20 or more for a calendar month whether the tips are received directly from a person other than the employer or are paid over to the employee by the employer. This includes amounts designated as tips by a customer who uses a credit card to pay the bill. Notwithstanding the other provisions of this subsection (o), wages paid in back pay awards or settlements shall be allocated to the week or weeks and reported in the manner as specified in the award or agreement, or, in the absence of such specificity in the award or agreement, such wages shall be allocated to the week or weeks in which such wages, in the judgment of the secretary, would have been paid. The term "wages" shall not include";

"(1) That part of the remuneration which has been paid in a calendar year to an individual by an employer or such employer's predecessor in excess of \$3,000 for all calendar years prior to 1972, *in excess of* \$4,200 for the calendar years 1972 to 1977, inclusive, *in excess of* \$6,000 for calendar years 1978 to 1982, inclusive, *in excess of* \$7,000 for the calendar year 1983, ~~and \$8,000 with respect to employment during any calendar year following 1983~~ *in excess of* \$8,000 for the calendar years from 1984 to 2011 inclusive, *in excess of* \$9,000 for the calendar year 2012, *in excess of* \$10,000 for the calendar year of 2013, and *in excess of* \$11,000 for each calendar year following 2013, except that if the definition of the term "wages" as contained in the federal unemployment tax act is amended to include remuneration in excess of ~~\$8,000~~ *the amount stated herein* paid to an individual by an employer under the federal act during any calendar year, wages shall include remuneration paid in a calendar year to an individual by an employer subject to this act or such employer's predecessor with respect to employment during any calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For the purposes of this subsection (o)(1), the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(2) the amount of any payment (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of such

employee's dependents under a plan or system established by an employer which makes provisions for employees generally, for a class or classes of employees or for such employees or a class or classes of employees and their dependents, on account of (A) sickness or accident disability, except in the case of any payment made to an employee or such employee's dependents, this subparagraph shall exclude from the term "wages" only payments which are received under a workers compensation law. Any third party which makes a payment included as wages by reason of this subparagraph (2)(A) shall be treated as the employer with respect to such wages, or (B) medical and hospitalization expenses in connection with sickness or accident disability, or (C) death;

(3) any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer;

(4) any payment made to, or on behalf of, an employee or such employee's beneficiary:

(A) From or to a trust described in section 401(a) of the federal internal revenue code of 1986 which is exempt from tax under section 501(a) of the federal internal revenue code of 1986 at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust;

(B) under or to an annuity plan which, at the time of such payment, is a plan described in section 403(a) of the federal internal revenue code of 1986;

(C) under a simplified employee pension as defined in section 408(k)(1) of the federal internal revenue code of 1986, other than any contribution described in section 408(k)(6) of the federal internal revenue code of 1986;

(D) under or to an annuity contract described in section 403(b) of the federal internal revenue code of 1986, other than a payment for the purchase of such contract which was made by reason of a salary reduction agreement whether evidenced by a written instrument or otherwise;

(E) under or to an exempt governmental deferred compensation plan as defined in section 3121(v)(3) of the federal internal revenue code of 1986;

(F) to supplement pension benefits under a plan or trust described in any of the foregoing provisions of this subparagraph to take into account some portion or all of the increase in the cost of living, as determined by the secretary of labor, since retirement but only if such supplemental payments are under a plan which is treated as a welfare plan under section 3(2)(B)(ii) of the federal employee retirement income security act of 1974; or

(G) under a cafeteria plan within the meaning of section 125 of the federal internal revenue code of 1986;

(5) the payment by an employing unit (without deduction from the remuneration of the employee) of the tax imposed upon an employee under section 3101 of the federal internal revenue code of 1986 with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(6) remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

(7) remuneration paid to or on behalf of an employee if and to the extent that at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217 of the federal internal revenue code of 1986 relating to moving expenses;

(8) any payment or series of payments by an employer to an employee or any of such employee's dependents which is paid:

(A) Upon or after the termination of an employee's employment relationship because of (i) death or (ii) retirement for disability; and

(B) under a plan established by the employer which makes provisions for employees generally, a class or classes of employees or for such employees or a class or classes of employees and their dependents, other than any such payment or series of payments which would have been paid if the employee's employment relationship had not been so terminated;

(9) remuneration for agricultural labor paid in any medium other than cash;

(10) any payment made, or benefit furnished, to or for the benefit of an employee if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 129 of the federal internal revenue code of 1986 which relates to dependent care assistance programs;

(11) the value of any meals or lodging furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under section 119 of the federal internal revenue code of 1986;

(12) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died;

(13) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 74(c), 117 or 132 of the federal internal revenue code of 1986;

(14) any payment made, or benefit furnished, to or for the benefit of an employee, if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 127 of the federal internal revenue code of 1986 relating to educational assistance to the employee; or

(15) any payment made to or for the benefit of an employee if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 106(d) of the federal internal revenue code of 1986 relating to health savings accounts.

Nothing in any paragraph of subsection (o), other than paragraph (1), shall exclude from the term "wages": (1) Any employer contribution under a qualified cash or deferred arrangement, as defined in section 401(k) of the federal internal revenue code of 1986, to the extent that such contribution is not included in gross income by reason of section 402(a)(8) of the federal internal revenue code of 1986; or (2) any amount treated as an employer

contribution under section 414(h)(2) of the federal internal revenue code of 1986.

Any amount deferred under a nonqualified deferred compensation plan shall be taken into account for purposes of this section as of the later of when the services are performed or when there is no substantial risk of forfeiture of the rights to such amount. Any amount taken into account as wages by reason of this paragraph, and the income attributable thereto, shall not thereafter be treated as wages for purposes of this section. For purposes of this paragraph, the term "nonqualified deferred compensation plan" means any plan or other arrangement for deferral of compensation other than a plan described in subsection (o)(4).

(p) "Week" means such period or periods of seven consecutive calendar days, as the secretary may by rules and regulations prescribe.

(q) "Calendar quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30 or December 31, or the equivalent thereof as the secretary may by rules and regulations prescribe.

(r) "Insured work" means employment for employers.

(s) "Approved training" means any vocational training course or course in basic education skills, including a job training program authorized under the federal workforce investment act of 1998, approved by the secretary or a person or persons designated by the secretary.

(t) "American vessel" or "American aircraft" means any vessel or aircraft documented or numbered or otherwise registered under the laws of the United States; and any vessel or aircraft which is neither documented or numbered or otherwise registered under the laws of the United States nor documented under the laws of any foreign country, if its crew performs service solely for one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(u) "Institution of higher education," for the purposes of this section, means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) is legally authorized in this state to provide a program of education beyond high school;

(3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(4) is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection (u), all colleges and universities in this state are institutions of higher education for purposes of this section, except that no college, university, junior college or other postsecondary school or institution which is operated by the federal government or any agency thereof shall be an institution of higher education for purposes of the employment security law.

(v) "Educational institution" means any institution of higher education, as defined in subsection (u) of this section, or any institution, except private for profit institutions, in which participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher and which is approved, licensed or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school or to an Indian tribe in the operation of an educational institution. The courses of study or training which an educational institution offers may be academic, technical, trade or preparation for gainful employment in a recognized occupation.

(w) (1) "Agricultural labor" means any remunerated service:

(A) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife.

(B) In the employ of the owner or tenant or other operator of a farm, in connection with the operating, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(C) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section (15)(g) of the agricultural marketing act, as amended (46 Stat. 1500, sec. 3; 12 U.S.C. § 1141j) or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(D) (i) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than $\frac{1}{2}$ of the commodity with respect to which such service is performed;

(ii) in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in paragraph (i) above of this subsection (w)(1)(D), but only if such operators produced more than $\frac{1}{2}$ of the commodity with respect to which such service is performed;

(iii) the provisions of paragraphs (i) and (ii) above of this subsection (w) (1)(D) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(E) On a farm operated for profit if such service is not in the course of

the employer's trade or business.

(2) "Agricultural labor" does not include service performed prior to January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the federal immigration and nationality act.

(3) As used in this subsection (w), the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(4) For the purpose of this section, if an employing unit does not maintain sufficient records to separate agricultural labor from other employment, all services performed during any pay period by an individual for the person employing such individual shall be deemed to be agricultural labor if services performed during $\frac{1}{2}$ or more of such pay period constitute agricultural labor; but if the services performed during more than $\frac{1}{2}$ of any such pay period by an individual for the person employing such individual do not constitute agricultural labor, then none of the services of such individual for such period shall be deemed to be agricultural labor. As used in this subsection (w), the term "pay period" means a period of not more than 31 consecutive days for which a payment of remuneration is ordinarily made to the individual by the person employing such individual.

(x) "Reimbursing employer" means any employer who makes payments in lieu of contributions to the employment security fund as provided in subsection (e) of K.S.A. 44-710, and amendments thereto.

(y) "Contributing employer" means any employer other than a reimbursing employer or rated governmental employer.

(z) "Wage combining plan" means a uniform national arrangement approved by the United States secretary of labor in consultation with the state unemployment compensation agencies and in which this state shall participate, whereby wages earned in one or more states are transferred to another state, called the "paying state," and combined with wages in the paying state, if any, for the payment of benefits under the laws of the paying state and as provided by an arrangement so approved by the United States secretary of labor.

(aa) "Domestic service" means any service for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority, as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(bb) "Rated governmental employer" means any governmental entity which elects to make payments as provided by K.S.A. 44-710d, and amendments thereto.

(cc) "Benefit cost payments" means payments made to the employment security fund by a governmental entity electing to become a rated governmental employer.

(dd) "Successor employer" means any employer, as described in subsection (h) of this section, which acquires or in any manner succeeds to

(1) substantially all of the employing enterprises, organization, trade or business of another employer or (2) substantially all the assets of another employer.

(ee) "Predecessor employer" means an employer, as described in subsection (h) of this section, who has previously operated a business or portion of a business with employment to which another employer has succeeded.

(ff) "Lessor employing unit" means any independently established business entity which engages in the business of providing leased employees to a client lessee.

(gg) "Client lessee" means any individual, organization, partnership, corporation or other legal entity leasing employees from a lessor employing unit.

(hh) "Qualifying injury" means a personal injury by accident arising out of and in the course of employment within the coverage of the Kansas workers compensation act, K.S.A. 44-501 et seq., and amendments thereto";

And by renumbering the remaining sections accordingly;

Also on page 1, in line 8, by striking "From and after July 1, 2011,"; in line 33, by striking "such benefits are funded entirely by the United States"; in line 34 by striking "department of labor" and inserting "until on or before the earlier of the latest date permitted under federal law or the end of the fourth week prior to the last week for which federal sharing is provided as authorized by section 2005(a) of public law 111-5 without regard to section 2005(c) of public law 111-5";

On page 2, in line 11, by striking "such benefits are funded entirely by the"; in line 12 by striking "United States department of labor" and inserting "until on or before the earlier of the latest date permitted under federal law or the end of the fourth week prior to the last week for which federal sharing is provided as authorized by section 2005(a) of public law 111-5 without regard to section 2005(c) of public law 111-5"; in line 22, by striking "such benefits are funded "; in line 23 by striking "entirely by the United States department of labor" and inserting "until on or before the earlier of the latest date permitted under federal law or the end of the fourth week prior to the last week for which federal sharing is provided as authorized by section 2005(a) of public law 111-5 without regard to section 2005(c) of public law 111-5";

On page 19, after line 33, by inserting:

"Sec. 6. From and after July 1, 2011, K.S.A. 2010 Supp. 44-710 is hereby amended to read as follows: 44-710. (a) *Payment.* Contributions shall accrue and become payable by each contributing employer for each calendar year in which the contributing employer is subject to the employment security law with respect to wages paid for employment. Such contributions shall become due and be paid by each contributing employer to the secretary for the employment security fund in accordance with such rules and regulations as the secretary may adopt and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. In the payment of any contributions, a fractional part of \$.01 shall be disregarded unless it amounts to \$.005 or more, in which case it shall be increased to \$.01. Should

contributions for any calendar quarter be less than \$5, no payment shall be required";

"(b) *Rates and base of contributions.* (1) Except as provided in paragraph (2) of this subsection, each contributing employer shall pay contributions on wages paid by the contributing employer during each calendar year with respect to employment as provided in K.S.A. 44-710a and amendments thereto. Except that, notwithstanding the federal law requiring the secretary of labor to annually recalculate the contribution rate, for calendar years 2010 ~~and 2011~~ 2011, 2012, 2013 and 2014, the secretary shall charge each contributing employer in rate groups 1 through 32 the contribution rate in the 2010 original tax rate computation table, with contributing employers in rate groups 33 through 51 being capped at a 5.4% contribution rate.

(2) (A) If the congress of the United States either amends or repeals the Wagner-Peyser act, the federal unemployment tax act, the federal social security act, or subtitle C of chapter 23 of the federal internal revenue code of 1986, or any act or acts supplemental to or in lieu thereof, or any part or parts of any such law, or if any such law, or any part or parts thereof, are held invalid with the effect that appropriations of funds by congress and grants thereof to the state of Kansas for the payment of costs of administration of the employment security law are no longer available for such purposes, or (B) if employers in Kansas subject to the payment of tax under the federal unemployment tax act are granted full credit against such tax for contributions or taxes paid to the secretary of labor, then, and in either such case, beginning with the year in which the unavailability of federal appropriations and grants for such purpose occurs or in which such change in liability for payment of such federal tax occurs and for each year thereafter, the rate of contributions of each contributing employer shall be equal to the total of .5% and the rate of contributions as determined for such contributing employer under K.S.A. 44-710a and amendments thereto. The amount of contributions which each contributing employer becomes liable to pay under this paragraph (2) over the amount of contributions which such contributing employer would be otherwise liable to pay shall be credited to the employment security administration fund to be disbursed and paid out under the same conditions and for the same purposes as other moneys are authorized to be paid from the employment security administration fund, except that, if the secretary determines that as of the first day of January of any year there is an excess in the employment security administration fund over the amount required to be disbursed during such year, an amount equal to such excess as determined by the secretary shall be transferred to the employment security fund.

(c) *Charging of benefit payments.* (1) The secretary shall maintain a separate account for each contributing employer, and shall credit the contributing employer's account with all the contributions paid on the contributing employer's own behalf. Nothing in the employment security law shall be construed to grant any employer or individuals in such employer's service prior claims or rights to the amounts paid by such employer into the employment security fund either on such employer's own behalf or on behalf

of such individuals. Benefits paid shall be charged against the accounts of each base period employer in the proportion that the base period wages paid to an eligible individual by each such employer bears to the total wages in the base period. Benefits shall be charged to contributing employers' accounts and rated governmental employers' accounts upon the basis of benefits paid during each twelve-month period ending on the computation date.

(2) (A) Benefits paid in benefit years established by valid new claims shall not be charged to the account of a contributing employer or rated governmental employer who is a base period employer if the examiner finds that claimant was separated from the claimant's most recent employment with such employer under any of the following conditions: (i) Discharged for misconduct or gross misconduct connected with the individual's work; or (ii) leaving work voluntarily without good cause attributable to the claimant's work or the employer.

(B) Where base period wage credits of a contributing employer or rated governmental employer represent part-time employment and the claimant continues in that part-time employment with that employer during the period for which benefits are paid, then that employer's account shall not be charged with any part of the benefits paid if the employer provides the secretary with information as required by rules and regulations. For the purposes of this subsection (c)(2)(B), "part-time employment" means any employment when an individual works concurrently for two or more employers and also works less than full-time for at least one of those employers because the individual's services are not required for the customary, scheduled full-time hours prevailing at the work place or the individual does not customarily work the regularly scheduled full-time hours due to personal choice or circumstances.

(C) No contributing employer or rated governmental employer's account shall be charged with any extended benefits paid in accordance with the employment security law, except for weeks of unemployment beginning after December 31, 1978, all contributing governmental employers and governmental rated employers shall be charged an amount equal to all extended benefits paid.

(D) No contributing employer, rated governmental employer or reimbursing employer's account shall be charged for any additional benefits paid during the period July 1, 2003 through June 30, 2004.

(E) No contributing employer or rated governmental employer's account will be charged for benefits paid a claimant while pursuing an approved training course as defined in subsection (s) of K.S.A. 44-703, and amendments thereto.

(F) No contributing employer or rated governmental employer's account shall be charged with respect to the benefits paid to any individual whose base period wages include wages for services not covered by the employment security law prior to January 1, 1978, to the extent that the employment security fund is reimbursed for such benefits pursuant to section 121 of public law 94-566 (90 Stat. 2673).

(G) With respect to weeks of unemployment beginning after December 31, 1977, wages for insured work shall include wages paid for previously

uncovered services. For the purposes of this subsection (c)(2)(G), the term "previously uncovered services" means services which were not covered employment, at any time during the one-year period ending December 31, 1975, except to the extent that assistance under title II of the federal emergency jobs and unemployment assistance act of 1974 was paid on the basis of such services, and which:

(i) Are agricultural labor as defined in subsection (w) of K.S.A. 44-703, and amendments thereto, or domestic service as defined in subsection (aa) of K.S.A. 44-703, and amendments thereto, or

(ii) are services performed by an employee of this state or a political subdivision thereof, as provided in subsection (i)(3)(E) of K.S.A. 44-703, and amendments thereto, or

(iii) are services performed by an employee of a nonprofit educational institution which is not an institution of higher education.

(H) No contributing employer or rated governmental employer's account shall be charged with respect to their pro rata share of benefit charges if such charges are of \$100 or less.

(3) The examiner shall notify any base period employer whose account will be charged with benefits paid following the filing of a valid new claim and a determination by the examiner based on all information relating to the claim contained in the records of the division of employment security. Such notice shall become final and benefits charged to the base period employer's account in accordance with the claim unless within 10 calendar days from the date the notice was sent, the base period employer requests in writing that the examiner reconsider the determination and furnishes any required information in accordance with the secretary's rules and regulations. In a similar manner, a notice of an additional claim followed by the first payment of benefits with respect to the benefit year, filed by an individual during a benefit year after a period in such year during which such individual was employed, shall be given to any base period employer of the individual who has requested such a notice within 10 calendar days from the date the notice of the valid new claim was sent to such base period employer. For purposes of this subsection (c)(3), if the required information is not submitted or postmarked within a response time limit of 10 days after the base period employer notice was sent, the base period employer shall be deemed to have waived its standing as a party to the proceedings arising from the claim and shall be barred from protesting any subsequent decisions about the claim by the secretary, a referee, the board of review or any court, except that the base period employer's response time limit may be waived or extended by the examiner or upon appeal, if timely response was impossible due to excusable neglect. The examiner shall notify the employer of the reconsidered determination which shall be subject to appeal, or further reconsideration, in accordance with the provisions of K.S.A. 44-709, and amendments thereto.

(4) *Time, computation and extension.* In computing the period of time for a base period employer response or appeals under this section from the examiner's or the special examiner's determination or from the referee's decision, the day of the act, event or default from which the designated period

of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday.

(d) *Pooled fund.* All contributions and payments in lieu of contributions and benefit cost payments to the employment security fund shall be pooled and available to pay benefits to any individual entitled thereto under the employment security law, regardless of the source of such contributions or payments in lieu of contributions or benefit cost payments.

(e) *Election to become reimbursing employer; payment in lieu of contributions.* (1) Any governmental entity, Indian tribes or tribal units, (subdivisions, subsidiaries or business enterprises wholly owned by such Indian tribes), for which services are performed as described in subsection (i) (3)(E) of K.S.A. 44-703, and amendments thereto, or any nonprofit organization or group of nonprofit organizations described in section 501(c) (3) of the federal internal revenue code of 1986 which is exempt from income tax under section 501(a) of such code, that becomes subject to the employment security law may elect to become a reimbursing employer under this subsection (e)(1) and agree to pay the secretary for the employment security fund an amount equal to the amount of regular benefits and $\frac{1}{2}$ of the extended benefits paid that are attributable to service in the employ of such reimbursing employer, except that each reimbursing governmental employer, Indian tribes or tribal units shall pay an amount equal to the amount of regular benefits and extended benefits paid for weeks of unemployment beginning after December 31, 1978, for governmental employers and December 21, 2000, for Indian tribes or tribal units to individuals for weeks of unemployment which begin during the effective period of such election.

(A) Any employer identified in this subsection (e)(1) may elect to become a reimbursing employer for a period encompassing not less than four complete calendar years if such employer files with the secretary a written notice of such election within the 30-day period immediately following January 1 of any calendar year or within the 30-day period immediately following the date on which a determination of subjectivity to the employment security law is issued, whichever occurs later.

(B) Any employer which makes an election to become a reimbursing employer in accordance with subparagraph (A) of this subsection (e)(1) will continue to be liable for payments in lieu of contributions until such employer files with the secretary a written notice terminating its election not later than 30 days prior to the beginning of the calendar year for which such termination shall first be effective.

(C) Any employer identified in this subsection (e)(1) which has remained a contributing employer and has been paying contributions under the employment security law for a period subsequent to January 1, 1972, may change to a reimbursing employer by filing with the secretary not later than 30 days prior to the beginning of any calendar year a written notice of election to become a reimbursing employer. Such election shall not be terminable by the employer for four complete calendar years.

(D) The secretary may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after January 1 of the year such election is received.

(E) The secretary, in accordance with such rules and regulations as the secretary may adopt, shall notify each employer identified in subsection (e) (1) of any determination which the secretary may make of its status as an employer and of the effective date of any election which it makes to become a reimbursing employer and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of K.S.A. 44-710b, and amendments thereto.

(2) *Reimbursement reports and payments.* Payments in lieu of contributions shall be made in accordance with the provisions of paragraph (A) of this subsection (e)(2) by all reimbursing employers except the state of Kansas. Each reimbursing employer shall report total wages paid during each calendar quarter by filing quarterly wage reports with the secretary which shall be filed by the last day of the month following the close of each calendar quarter. Wage reports are deemed filed as of the date they are placed in the United States mail.

(A) At the end of each calendar quarter, or at the end of any other period as determined by the secretary, the secretary shall bill each reimbursing employer, except the state of Kansas, (i) an amount to be paid which is equal to the full amount of regular benefits plus $\frac{1}{2}$ of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such reimbursing employer; and (ii) for weeks of unemployment beginning after December 31, 1978, each reimbursing governmental employer and December 21, 2000, for Indian tribes or tribal units shall be certified an amount to be paid which is equal to the full amount of regular benefits and extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such reimbursing governmental employer.

(B) Payment of any bill rendered under paragraph (A) of this subsection (e)(2) shall be made not later than 30 days after such bill was mailed to the last known address of the reimbursing employer, or otherwise was delivered to such reimbursing employer, unless there has been an application for review and redetermination in accordance with paragraph (D) of this subsection (e) (2).

(C) Payments made by any reimbursing employer under the provisions of this subsection (e)(2) shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of such employer.

(D) The amount due specified in any bill from the secretary shall be conclusive on the reimbursing employer, unless, not later than 15 days after the bill was mailed to the last known address of such employer, or was otherwise delivered to such employer, the reimbursing employer files an application for redetermination in accordance with K.S.A. 44-710b, and amendments thereto.

(E) Past due payments of amounts certified by the secretary under this

section shall be subject to the same interest, penalties and actions required by K.S.A. 44-717, and amendments thereto. (1) If any nonprofit organization or group of nonprofit organizations described in section 501(c)(3) of the federal internal revenue code of 1986 or governmental reimbursing employer is delinquent in making payments of amounts certified by the secretary under this section, the secretary may terminate such employer's election to make payments in lieu of contributions as of the beginning of the next calendar year and such termination shall be effective for such next calendar year and the calendar year thereafter so that the termination is effective for two complete calendar years. (2) Failure of the Indian tribe or tribal unit to make required payments, including assessment of interest and penalty within 90 days of receipt of the bill will cause the Indian tribe to lose the option to make payments in lieu of contributions as described pursuant to paragraph (e)(1) for the following tax year unless payment in full is received before contribution rates for the next tax year are calculated. (3) Any Indian tribe that loses the option to make payments in lieu of contributions due to late payment or nonpayment, as described in paragraph (2), shall have such option reinstated, if after a period of one year, all contributions have been made on time and no contributions, payments in lieu of contributions for benefits paid, penalties or interest remain outstanding.

(F) Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalties, after all collection activities deemed necessary by the secretary have been exhausted, will cause services performed by such tribe to not be treated as employment for purposes of subsection (i)(3)(E) of K.S.A. 44-703, and amendments thereto. If an Indian tribe fails to make payments required under this section, including assessments of interest and penalties, within 90 days of a final notice of delinquency, the secretary shall immediately notify the United States internal revenue service and the United States department of labor. The secretary may determine that any Indian tribe that loses coverage pursuant to this paragraph may have services performed on behalf of such tribe again deemed "employment" if all contributions, payments in lieu of contributions, penalties and interest have been paid.

(G) In the discretion of the secretary, any employer who elects to become liable for payments in lieu of contributions and any nonprofit organization or group of nonprofit organizations described in section 501 (c)(3) of the federal internal revenue code of 1986 or governmental reimbursing employer or Indian tribe or tribal unit who is delinquent in filing reports or in making payments of amounts certified by the secretary under this section shall be required within 60 days after the effective date of such election, in the case of an eligible employer so electing, or after the date of notification to the delinquent employer under this subsection (e)(2)(G), in the case of a delinquent employer, to execute and file with the secretary a surety bond, except that the employer may elect, in lieu of a surety bond, to deposit with the secretary money or securities as approved by the secretary or to purchase and deliver to an escrow agent a certificate of deposit to guarantee payment. The amount of the bond, deposit or escrow agreement required by this

subsection (e)(2)(G) shall not exceed 5.4% of the organization's taxable wages paid for employment by the eligible employer during the four calendar quarters immediately preceding the effective date of the election or the date of notification, in the case of a delinquent employer. If the employer did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the secretary. Upon the failure of an employer to comply with this subsection (e)(2)(G) within the time limits imposed or to maintain the required bond or deposit, the secretary may terminate the election of such eligible employer or delinquent employer, as the case may be, to make payments in lieu of contributions, and such termination shall be effective for the current and next calendar year.

(H) The state of Kansas shall make reimbursement payments quarterly at a fiscal year rate which shall be based upon: (i) The available balance in the state's reimbursing account as of December 31 of each calendar year; (ii) the historical unemployment experience of all covered state agencies during prior years; (iii) the estimate of total covered wages to be paid during the ensuing calendar year; (iv) the applicable fiscal year rate of the claims processing and auditing fee under K.S.A. 75-3798, and amendments thereto; and (v) actuarial and other information furnished to the secretary by the secretary of administration. In accordance with K.S.A. 75-3798, and amendments thereto, the claims processing and auditing fees charged to state agencies shall be deducted from the amounts collected for the reimbursement payments under this paragraph (H) prior to making the quarterly reimbursement payments for the state of Kansas. The fiscal year rate shall be expressed as a percentage of covered total wages and shall be the same for all covered state agencies. The fiscal year rate for each fiscal year will be certified in writing by the secretary to the secretary of administration on July 15 of each year and such certified rate shall become effective on the July 1 immediately following the date of certification. A detailed listing of benefit charges applicable to the state's reimbursing account shall be furnished quarterly by the secretary to the secretary of administration and the total amount of charges deducted from previous reimbursing payments made by the state. On January 1 of each year, if it is determined that benefit charges exceed the amount of prior reimbursing payments, an upward adjustment shall be made therefor in the fiscal year rate which will be certified on the ensuing July 15. If total payments exceed benefit charges, all or part of the excess may be refunded, at the discretion of the secretary, from the fund or retained in the fund as part of the payments which may be required for the next fiscal year.

(3) *Allocation of benefit costs.* The reimbursing account of each reimbursing employer shall be charged the full amount of regular benefits and $\frac{1}{2}$ of the amount of extended benefits paid except that each reimbursing governmental employer's account shall be charged the full amount of regular benefits and extended benefits paid for weeks of unemployment beginning after December 31, 1978, to individuals whose entire base period wage credits are from such employer. When benefits received by an individual are based upon base period wage credits from more than one employer then the reimbursing employer's or reimbursing governmental employer's account

shall be charged in the same ratio as base period wage credits from such employer bear to the individual's total base period wage credits. Notwithstanding any other provision of the employment security law, no reimbursing employer's or reimbursing governmental employer's account shall be charged for payments of extended benefits which are wholly reimbursed to the state by the federal government.

(A) Proportionate allocation (when fewer than all reimbursing base period employers are liable). If benefits paid to an individual are based on wages paid by one or more reimbursing employers and on wages paid by one or more contributing employers or rated governmental employers, the amount of benefits payable by each reimbursing employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bears to the total base period wages paid to the individual by all of such individual's base period employers.

(B) *Proportionate allocation (when all base period employers are reimbursing employers)*. If benefits paid to an individual are based on wages paid by two or more reimbursing employers, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of such individual's base period employers.

(4) *Group accounts*. Two or more reimbursing employers may file a joint application to the secretary for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employment of such reimbursing employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection (e)(4). Upon approval of the application, the secretary shall establish a group account for such employers effective as of the beginning of the calendar quarter in which the secretary receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than four years and thereafter such account shall remain in effect until terminated at the discretion of the secretary or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The secretary shall adopt such rules and regulations as the secretary deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subsection (e)(4), for addition of new members to, and withdrawal of active members from such accounts, and for the determination of the amounts that are payable under this subsection (e)(4) by members of the group and the time and manner of such payments.";

And by renumbering the remaining sections accordingly;

Also on page 23, in line 23, by striking "column B of schedule"; on line 24 by striking "II of this section" and inserting "column B2 of schedule II of this section for calendar years 2012, 2013, 2014 and from column B1 of schedule II of this section for each calendar year after 2014"; in line 27, by striking "2%" and inserting "equal to the maximum negative ratio surcharge from column B2 of schedule II of this section for calendar years 2012, 2013 and 2014. From calendar year 2015 forward each negative account balance employer who does not satisfy the requirements to have an average annual payroll, as defined by subsection (a)(2) of K.S.A. 44-703, and amendments thereto, shall be assigned a surcharge equal to the maximum negative ratio surcharge from column B1 of schedule II of this section"; in line 34, by striking "calender" and inserting "calendar"; also in line 34, after "be" by inserting "designated an interest assessment surcharge and"; in line 40, after "act" by inserting "and shall be deposited in the Kansas unemployment insurance trust fund";

On page 24, by striking all in lines 21 through 33; and inserting

“Column A Negative Research Ratio	Column B1 Surcharge as a percent of taxable wages	Column B2 Surcharge as a percent of taxable wages
Less than 2.0%	0.20%	0.30%
2.0% but less than 4.0	0.40	0.50
4.0 but less than 6.0	0.60	0.70
6.0 but less than 8.0	0.80	0.90
8.0 but less than 10.0	1.00	1.10
10.0 but less than 12.0	1.20	1.30
12.0 but less than 14.0	1.40	1.50
14.0 but less than 16.0	1.60	1.70
16.0 but less than 18.0	1.80	1.90
18.0 but less than 20.0	2.00	2.10
20.0 but less than 22.0	2.20	2.20
22.0 but less than 24.0	2.40	2.40
24.0 but less than 26.0	2.60	2.60
26.0 but less than 28.0	2.80	2.80
28.0 but less than 30.0	3.00	3.00
30.0 but less than 32.0	3.20	3.20
32.0 but less than 34.0	3.40	3.40
34.0 but less than 36.0	3.60	3.60
36.0 but less than 38.0	3.80	3.80
38.0 and over	4.00	4.00”;

On page 27, in line 36, by striking "The" and inserting "(i) Except as provided in clause (ii), the"; in line 40, by striking all after "30"; by striking all of lines 41 through 43;

On page 28, in line 1, by striking all before the period and inserting after the period "(ii) For the calendar years 2012, 2013 and 2014, the planned yield as a percent of total wages, as determined in this subsection (a)(3), shall be adjusted to taxable wages by multiplying by the ratio of total wages to taxable wages for all contributing employers at the taxable wage base of \$8,000. Any revenue generated by increasing the taxable wage base above \$8,000 shall be in addition to the planned yield established pursuant to

schedule III of this section. The provisions of this clause shall expire on December 31, 2014";

On page 42, in line 25, by striking "44-705 and 44-706" and inserting "44-703, 44-705, 44-706 and 44-710";

In the title, on page 1, in line 4, after "Supp." by inserting "44-703,"; also in line 4, after "44-706," by inserting "44-710,"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 126** be amended on page 1, in line 10, after "(b)" by inserting "(1)"; in line 11, after "message" by inserting "paid for with public sector funds or private sector funds from the current contractor of the sponsoring government entity and"; also in line 11, after "broadcast" by inserting "or distributed"; in line 13, by striking all after "welfare"; by striking all in line 14; in line 15, by striking all before the period; following line 15, by inserting "(2) "Public service announcement or advertisement" shall not include any news stories or articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical or broadcast media not owned or controlled by the candidate."; in line 26, after "who" by inserting "intentionally"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 23, SB 36, SB 46, SB 52, SB 56** be passed.

Also, **SB 6** be amended on page 1, by striking all in lines 5 through 12; and by renumbering sections accordingly;

In the title, in line 1, by striking "concerning criminal procedure" and inserting "repealing K.S.A. 22-2501"; in line 2, by striking "; amending K.S.A. 22-2501 and repealing the existing section"; and the bill be passed as amended.

SB 55 be amended on page 1, in line 11, by striking ", filthy"; following line 15, by inserting "(B) make or transmit a call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the receiving end;"; in line 16, by striking "(B)" and inserting "(C)" in line 19, by striking "(C)" and inserting "(D)"; in line 25, by striking "(D)" and inserting "(E)"; in line 29, by striking "(E)" and inserting "(F)";

On page 2, in line 10, by striking "telephone lines or services" and inserting "an electronic communication service, as defined in K.S.A. 22-2514, and amendments thereto"; following line 10 by inserting "(e) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in sections 72, 73, 74 or 212 of chapter 136 of the 2010 Session Laws of Kansas."; and the bill be passed as amended.

SB 97 be amended on page 4, in line 9, by striking all after the period; in line 10 by striking all before "the";

On page 6, in line 25, by striking all after the period; in line 26, by striking all before "the";

On page 9, in line 30, by striking all after the period; in line 31, by striking all before "the";

On page 14, in line 10, by striking all before "the" where it appears for the

second time;

On page 16, in line 22, by striking all after the period; in line 23, by striking all before "the";

On page 17, in line 35, by striking all after the period; in line 36, by striking all before "the" where it appears for the second time;

On page 19, in line 35, by striking all after the period;

On page 20, in line 2, by striking all after the period; in line 3, by striking all before "the"; in line 26, by striking all after the first comma; in line 27, by striking all before "the";

On page 21, in line 18, by striking all after the period; in line 19, by striking all before "the";

On page 23, in line 28, by striking all after the period; in line 29, by striking all before "the";

On page 25, in line 25, by striking all after the period; in line 26, by striking all before "the" where it appears for the second time;

On page 27, in line 15, by striking all after the period; in line 16, by striking all before "the";

On page 28, in line 9, by striking all after the period; in line 10, by striking all before "the"; in line 21, by striking all after the period; in line 22, by striking all before "the";

On page 30, in line 13, by striking all after the period; in line 14, by striking all before "the";

On page 31, in line 17, by striking all after the period; in line 18, by striking all before "the"; in line 42, by striking all after the period; in line 43, by striking all before "the"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1807, SR 1812, SR 1813, SR 1814 reported correctly enrolled, properly signed and presented to the Secretary of the Senate February 14, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator V. Schmidt in the chair.

On motion of Senator V. Schmidt the following report was adopted:

SB 34 be passed.

SB 5, SB 37 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **S Sub for HB 2014** recommending a **S Sub for HB 2014** be adopted and the substitute bill be passed.

A motion by Senator Masterson to amend **S Sub for HB 2014** failed and the following amendment was rejected: on page 1, in line 8, by striking "year" and inserting "years"; in line 9, before "appropriations" by inserting "June 30, 2012, and June 30, 2013,";

On page 10, following line 43, by inserting the following:

"(b) On July 1, 2011, the \$8,534,972 appropriated for the above agency

for the fiscal year ending June 30, 2012 by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.

(c) On July 1, 2012, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.";

On page 14, by striking lines 15 through 17;

On page 15, in line 2, by striking "(1)"; in line 6, by adding \$16,710,878 to the dollar amount and by adjusting the dollar amount in line 6 accordingly; by striking lines 7 through 10;

On page 16, by striking lines 3 through 6;

On page 18, by striking lines 21 through 26; in line 27, by striking "(b)"; and inserting "(a)";

On page 21, in line 19, by striking by striking all in lines 19 through 43;

By striking all on pages 22 and 23;

On page 24, by striking lines 1 through 9;

And by renumbering sections accordingly;

In the title, in line 1 by striking "year" and inserting "years"; in line 2, before "for" by inserting "June 30, 2012, and June 30, 2013,"

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

On roll call, the vote was: Yeas 16, Nays 23, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Kelsey, Love, Lynn, Masterson, Merrick, Olson, Ostmeier, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan.

SB 12 be amended by the adoption of committee amendments, and be further amended by motion of Senator Vratil on, page 1, in line 12, by striking "the current" and inserting "one" and **SB 12** be passed as further amended.

SB 8 be passed over and retain a place on the calendar.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Tuesday, February 15, 2011.

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 15, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Donovan and Marshall were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Today we pray for some of the leadership that joined us this year:
Governor Sam Brownback, Lt. Governor Jeff Colyer, Senate Majority Leader
Jay Scott Emler and Senator Allen Schmidt.

We pray for Governor Brownback,
Keep him safe and well;
Along with Lt. Governor Colyer
That he, too, will excel.

And since for five new Senators
I have already prayed;
I pray for Senator Allen Schmidt
As he joins our Senate "crusade".

We pray for Senator Emler
As our new Majority Leader.
He has shown his ability
And is a friendly greeter.

The apostle Paul made it clear
That all authority comes from You,
And that all our government leadership
Owe their authority unto You.

Remind the leaders in Kansas Government,
That You are forever their Master,
And that they are servants unto You
To bless Kansas so much faster.

I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF GUESTS

The Senate welcomed CJ Wei, KCCAA President of the Transworld Group of China who introduced the following members of Consul General's Group: General Guoqiang Yang, Xueyong Yu and Xiaocheng Wang. Tammy Wang, Kansas City Ethnic Enrichment Commissioner for China was also introduced and all were welcomed with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 206, AN ACT concerning surplus lines insurance; relating to the surplus lines insurance multi-state compliance compact, by Committee on Ways and Means.

SB 207, AN ACT concerning counties; relating to acceptance of credit and debit cards, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 205**.

Education: **SB 202**; **HB 2078**.

Federal and State Affairs: **SB 201**, **SB 203**, **SB 204**.

Judiciary: **HB 2008**, **HB 2070**; **HCR 5007**.

Public Health and Welfare: **HB 2082**, **HB 2083**.

Ways and Means: **HB 2054**.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5014**, a concurrent resolution providing for a Joint session of the Senate and House of Representatives for the purpose of hearing a message from the Chief Justice of the Kansas Supreme Court and the appointment of:

Representatives McLeland, Powell and Pauls to escort the Supreme Court.

Representatives Goico, Burgess and Ballard to escort the Senators.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5014, providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Supreme Court, was introduced and read by title.

On motion of Senator Emler **HCR 5014** was adopted by voice vote.

In compliance with **HCR 5014**, President Morris appointed Senator King and Senator Kultala to escort the Supreme Court.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Department of Aging:

Shawn Sullivan, Secretary, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The appointment was confirmed.

By the Governor:

On the appointment to the:

Department of Agriculture:

Dale Rodman, Secretary, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 5, AN ACT concerning the Kansas board of healing arts; relating to licensure and education of perfusionists; establishing perfusion council, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The bill passed, as amended.

SB 12, AN ACT concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The bill passed, as amended.

SB 34, AN ACT concerning driver's licenses; relating to habitual violators; motorized bicycles; amending K.S.A. 8-286 and 8-288 and K.S.A. 2010 Supp. 8-235 and 8-287 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 34, Nays 4, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Morris, Olson, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Bruce, Merrick, Ostmeyer, Pyle.

Absent or Not Voting: Donovan, Marshall.

The bill passed.

SB 37, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; payment of fines; employment of county and city prisoners; amending K.S.A. 22-4603 and section 244 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2009 Supp. 21-4603d, as amended by section 7 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 21-4603d, was considered on final action.

On roll call, the vote was: Yeas 32, Nays 6, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, Morris, Olson, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: McGinn, Merrick, Ostmeyer, Pyle, Schmidt V, Taddiken.

Absent or Not Voting: Donovan, Marshall.

The bill passed, as amended.

S SUB FOR HB 2014, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2011, June 30, 2012, and June 30, 2013, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 21, Nays 17, Present and Passing 0, Absent or Not Voting 2.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Kelsey, King, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

Absent or Not Voting: Donovan, Marshall.

The substitute bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: I voted against **S Sub for HB 2014**. It's not that I am in favor of a penalty from the Federal Government regarding the MOE of SpEd. Instead, it is the fact that we do not have enough information at this point in time. We have heard that we need to make up \$16M or \$25M or even \$13M.

I contend that we would have time to determine how much money is needed to maintain the MOE, and to appropriate that money on a later bill.

Therefore, I voted against **S Sub for HB 2014**. – STEVE ABRAMS

MR. PRESIDENT: **Senate Sub for HB 2014** appropriates \$32,146,014 SGF in excess of the governor's recommendation for FY 2011 and \$8,534,972 SGF in excess of the governor's recommendation for FY 2012. Additionally, the Ways and Means subcommittee reports already adopted by the full Ways and Means committee increase FY 2012 SGF spending \$1,137,235 beyond the governor's FY 2012 recommendation.

The governor's FY 2011 & FY 2012 budget recommendations leave the state of Kansas with an ending balance of \$7.5 million dollars.

When considering the actions of the full Ways and Means committee to this point along with the appropriations in this bill, together would cause the budget to have a \$34,318,221 negative ending balance.

This would require additional cuts in the FY 2012 budget of roughly 34 million dollars. To date I am unaware of any plan of how these cuts would be distributed among our state agencies. Until such a plan is developed I believe passage of **Senate Sub for HB 2014** in its present form is unwise. Therefore I vote NO on **Senate Sub for HB 2014**. – MARK TADDIKEN

Senators Bruce, Lynn and Petersen requested the record to show they concur with the "Explanation of Vote" offered by Senator Taddiken on **Senate Sub for HB 2014**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 108** be amended on page 2, in line 6, by striking "country" and inserting "county"; and the bill be passed as amended.

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 such appointment:

By the Governor:

Department of Health and Environment, Secretary: K.S.A. 2010 Supp. 75-5601

Robert Moser, serves at the pleasure of the Governor

Also, **SB 134** be amended on page 4, in line 19, by striking " and acts amendatory thereof or supplemental"; in line 20, by striking "thereto" and inserting ", prior to its repeal, or sections 36 through 64, 174, 210 or 211 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto";

On page 5, in line 3, before "section" by inserting "K.S.A. 21-3406, prior to its repeal, or"; in line 7, before "section" by inserting "K.S.A. 21-3406, prior to its repeal, or"; in line 30, before "section" by inserting "K.S.A. 21-3805, prior to its repeal, or"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1815 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 15, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Jay Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Kelsey in the chair.

On motion of Senator Kelsey the following report was adopted:

Recommended **SB 45, SB 58, SB 60, SB 62, SB 65** be passed.

SB 77 be amended by adoption of the committee amendments, be further amended by motion of Senator Wagle, on page 1, in line 27, by striking "not" and **SB 77** be passed as further amended.

A motion by Senator Holland to amend **SB 77** failed and the following amendment was rejected: on page 27, following line 11, by inserting:

"(3) A claimant shall become eligible to receive compensation for the waiting period of one week, pursuant to paragraph (1), upon completion of three weeks of unemployment consecutive to such waiting period.";

On page 28, in line 27, by striking all after "the" where it appears for the first time; in line 28, by striking all before "who" and inserting "individual"; in line 32, by striking all after "job"; by striking all in line 33; and in line 34 by striking all before the semicolon.

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

On roll call, the vote was: Yeas 12, Nays 26, Present and Passing 0, Absent or Not Voting 2.

Yeas: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Petersen, Schmidt A, Schodorf, Steineger, Umbarger.

Nays: Abrams, Apple, Bruce, Brungardt, Emler, Huntington, Kelsey, King, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Pilcher-Cook, Pyle, Reitz, Schmidt V, Taddiken, Teichman, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

A second motion by Senator Holland to amend **SB 77** failed and the following amendment was rejected: on page 28, in line 27, by striking "spouse of an individual who is a member of the armed"; in line 28, by striking all before "who" and inserting "individual"; in line 32, by striking all after "job"; by striking all in line 33; and by striking all in line 34 before the semicolon.

SB 8 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 45**, **SB 58**, **SB 60**, **SB 62**, **SB 65** and **SB 77** were advanced to Final Action and roll call.

SB 45, AN ACT concerning trusts; relating to certification of trust; amending K.S.A. 58a-1013 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The bill passed.

SB 58, AN ACT designating the junction of United States highway 24 and K-7 highway as the Representative Margaret Long interchange.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: I proudly vote "AYE" on **SB 58**. Representative Margaret Long, and her predecessor Representative Jim Long, remain stalwart champions on Kansas transportation and Kansas highway development. During my years in the Kansas House, much of my education and appreciation of, our stellar transportation system (which is one of the more highly ranked in our entire country) belongs to the Longs. This is a fitting tribute for our Legislature to honor their service to our state. – DAVID HALEY

SB 60, AN ACT concerning criminal procedure; relating to appeals; amending K.S.A. 22-3601 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The bill passed.

SB 62, AN ACT concerning civil procedure; relating to the Kansas standard asset seizure and forfeiture act; court costs; amending K.S.A. 2010 Supp. 60-4107 and 60-4109 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The bill passed.

SB 65, AN ACT concerning health insurance; pertaining to review of health care decisions; amending K.S.A. 40-22a13, 40-22a14 and 40-22a15 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Marshall.

The bill passed.

SB 77, AN ACT concerning the employment security act; creating an assessment for the payment of interest on advances received from the federal government; removing the waiting week extension; pertaining to benefits; amending K.S.A. 2010 Supp. 44-703, 44-704a, 44-705, 44-706, 44-710, 44-710a and 44-717 and repealing the existing sections.

On roll call, the vote was: Yeas 30, Nays 8, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Huntington, Kelsey, King, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Pilcher-Cook, Reitz, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Hensley, Holland, Kelly, Kultala, Petersen, Pyle, Schmidt A, Steineger.

Absent or Not Voting: Donovan, Marshall.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **SB 77**. By reinstating the waiting week and deleting the trailing spouse clause for non-military families, \$13.5 million in needed unemployment benefits are being eliminated. By putting benefit checks in workers' hands immediately, we not only support workers' living costs during a period of unemployment, but we help stabilize the economy.

Eliminating the trailing spouse provision sends a terrible message to Kansans about the value we place on family and marriage. It is a step backward for thousands of Kansans trying to balance the needs of work with the needs of family.

In the vast majority of job transfers it is the working woman who follows her spouse to a new job. Consequently, elimination of benefit eligibility for relocating spouses will result in a serious gender gap in our unemployment insurance system.

This bill does nothing to solve the underlying unemployment issues facing our state. It just makes it harder for families to put food on the table, keep a roof over their head, and support their families. It makes the situation facing unemployed workers seem even more hopeless. — ANTHONY HENSLEY

On motion of Senator Jay Emler the Senate adjourned until 2:30 p.m., Wednesday, February 16, 2011.

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 16, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-seven senators present.
Senators Donovan, Emler and Morris were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

During the days ahead keep me from disappointing You.

I may be tempted
To tell a lie.
Remind me I'm not
That kind of guy.

I may be tempted
To yell at my spouse.
Remind me I may have
To leave the house.

I may be tempted
To exaggerate.
Remind me I'll have
A much deserved fate.

I may be tempted
To lose control.
Remind me I probably
Will lose sight of my goal.

Remind me, O God,
In learning to live
It's fun to get,
But better to give.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 208, AN ACT concerning capital improvement budget estimates; relating to program and facilities plans for public safety agencies; amending K.S.A. 2010 Supp. 75-3717b and repealing the existing section, by Committee on Ways and Means.

SB 209, AN ACT concerning the bioscience development and investment funds; relating to the centers of excellence and centers for innovation; creating funds; amending K.S.A. 2010 Supp. 74-99b34 and repealing the existing section, by Committee on Ways and Means.

SB 210, AN ACT providing for assessments on providers of home and community-based services developmental disability waiver program; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality based community assessment fund; providing for implementation and administration, by Committee on Ways and Means.

SB 211, AN ACT concerning pharmacists; relating to dispensing prescriptions; amending K.S.A. 2010 Supp. 65-1637 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:

Financial Institutions & Insurance: **SB 206**.

Local Government: **SB 207**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2038**.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2014**, requests a conference and has appointed Representatives Rhoades, Kelly and Feuerborn as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2038 was thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **S Sub for HB 2014**.

The Vice President appointed Senators McGinn, Vratil, and Kelly as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 186** be amended on page 1, by striking all in lines 5 through 17; following line 17, by inserting the following:

"Section 1. K.S.A. 2010 Supp. 2-2450 is hereby amended to read as

follows: 2-2450. (a) If the surety bond, certificate of liability insurance, letter of credit or proof of an escrow account previously furnished by the licensee expires or is canceled or terminated, the secretary shall suspend without a hearing the pesticide business license until an acceptable substitute surety bond, letter of credit, proof of an escrow account or certificate establishing acceptable replacement of liability insurance is supplied.

(b) If the pesticide business fails to employ one or more commercial applicators certified in each category and subcategory in which the pesticide business makes commercial pesticide applications, the secretary ~~shall~~*may* suspend, without a hearing, the pesticide business license for that category until the pesticide business employs a commercial applicator with the appropriate certification."

Also on page 1, in line 18, by striking "is" and inserting "and K.S.A. 2010 Supp. 2-2450 are";

In the title, on page 1, in line 2, by striking "2-2451", and inserting "2010 Supp. 2-2450"; also in line 2, after "section" by inserting "; also repealing K.S.A. 2-2451"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2033** be passed, and because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT ON ENGROSSED BILLS

SB 5, SB 12 reported correctly engrossed February 15, 2011.

On motion of Senator V. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 17, 2011.

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 17, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Donovan and Morris were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I thank You and the Senate President for letting me serve as Senate Chaplain.

I pray for all the Senators and hope some of them pray for me.

I also visit their staff members in their offices from time to time.

I also visit most of the Senate Secretary's staff members, as well as the Sergeant-At-Arms and doormen, the security people, legislative services, the lobbyists and Don in the snack shop.

The reason I mention this is because so many of them, especially the Senators themselves, are the objects of bad mouthing.

It really saddens me to hear members of the public, most of whom have never met a Senator, criticize people they don't even know.

Accusations like "crooks", "can't be trusted", "just in it for the money", "lazy", "ignorant", and other descriptions which are worse, are too common to ignore.

When someone discovers I am the Chaplain and says, "They sure need prayer", I usually say, "That's what they say about you." Or when they get personal and say, "You don't seem to have helped them much." I usually respond with a smile, "You should have seen them before I came!"

I close this prayer with a request I have repeated many times: Please convict the public that if we all prayed as much as we badmouthed, we would all be better off!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 212, AN ACT concerning taxation; relating to abatement of tax liability; annual report; amending K.S.A. 2010 Supp. 79-3233b and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **HB 2038**.

Public Health and Welfare: **SB 211**.

Ways and Means: **SB 208**, **SB 209**, **SB 210**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2017**, **HB 2071**; **Substitute HB 2134**.

INTRODUCTION OF HOUSE BILLS

HB 2017, **HB 2071**; **Substitute HB 2134** were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Taddiken and Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1816—

A RESOLUTION congratulating Jordy Nelson on his success in
Super Bowl XLV.

WHEREAS, Jordy Nelson was born to parents Alan and Kim Nelson on May 31, 1985 in Leonardville, Kansas, population 900; and

WHEREAS, Jordy took to football and excelled as quarterback under coach Steve Wagner for Riley County High School, where he was named Flint Hills Player of the Year in his senior year; and

WHEREAS, Jordy began his collegiate football career as a walk-on for the Kansas State Wildcats in 2003; and

WHEREAS, After impressing coach Bill Snyder in spring workouts with his dynamic speed, Jordy moved from defensive back to wide receiver, where he excelled in his sophomore season; and

WHEREAS, Jordy began catching the eye of NFL scouts during his outstanding senior campaign in which he was a consensus All-American and a finalist for the Biletnikoff Award for the nation's best receiver, while catching 122 passes for 1,606 yards and 11 touchdowns; and

WHEREAS, Jordy was drafted in the second round of the 2008 draft by the Green Bay Packers, where he served admirably, catching a combined 55 passes for 686 yards and four touchdowns during his first two seasons; and

WHEREAS, Jordy had a career year in 2010, catching 45 passes for 582 yards, but saved the best performance of his career for a worldwide audience; and

WHEREAS, Jordy exploded for 140 yards on nine receptions and the first touchdown of the Super Bowl, all against a formidable Steelers' secondary, while proving the most reliable target for quarterback and Super Bowl MVP Aaron Rodgers: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we gratefully acknowledge Jordy's parents, siblings, coaches and teachers who encouraged him, challenged him and helped him develop his skills, confidence, humility and Kansas determination; attributes which have helped him to achieve success at the high school, college and national levels and to be a good husband to Emily and a sterling example for his one-year-old son, Royal; and

Be it further resolved: That we do hereby congratulate and proudly recognize Jordy Ray Nelson for his outstanding achievements in Super Bowl XLV and for being a superb ambassador for Kansas State University and the state as a whole on football's biggest stage; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Taddiken's office.

On emergency motion of Senator Taddiken **SR 1816** was adopted unanimously.

Senator Taddiken introduced and congratulated Jordy Nelson on his success in Super Bowl XLV. His wife, Emily was also introduced and they were acknowledged with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **SB 127** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 127" as follows:

"Substitute for SENATE BILL No. 127

By Committee on Ethics and Elections

"AN ACT concerning elections; pertaining to certain primary elections; amending K.S.A. 25-2102 and K.S.A. 2010 Supp. 25-2021, 25-2108a and 71-1415 and repealing the existing sections.";

and the substitute bill be passed.

Also **SB 43** be amended on page 7, following line 21, by inserting:

"Sec. 6. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported

according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
- (2) entertainment, gifts, honoraria or payments;
- (3) mass media communications;
- (4) recreation provided as hospitality;
- (5) communications for the purpose of influencing legislative or executive action; and
- (6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, members of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of the legislator, member of the judicial branch and employee who received such gift, entertainment or hospitality ~~and~~ the amount expended on such gift, entertainment or hospitality *and the date the expenditure was made*.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

(A) Meals, the provision of which is motivated by a personal or family relationship;

(B) meals provided at public events in which the person is attending in an official capacity;

(C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person's official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

(i) All members of the legislature or all members of either house of the legislature; or

(ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.";

And by renumbering sections accordingly;

Also on page 7, in line 22, after "25-4142" by inserting "and 46-269."

On page 1, in the title, in line 1, by striking all after the semicolon; in line 2, by striking all before "amending"; also in line 2, before "and" by inserting "and 46-269"; and the bill be passed as amended.

SB 67 be amended on page 3, in line 37, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 80** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on consent calendar.

Committee on **Financial Institutions and Insurance** recommends **SB 85** be passed.

Also, **SB 170** be amended on page 4, after line 32, by inserting "(b) An insurer may not terminate an individually enrolled customer based solely upon the age of such enrolled customer's covered portable electronic device."; in line 33, by striking "(b)" and inserting "(c)"; in line 39, by striking "(c)" and inserting "(d)"; also in line 39, by striking " paragraph (1) of";

On page 5, in line 2, by striking "(d)" and inserting "(e)"; in line 13, by striking "(e)" and inserting "(f)"; in line 30, by striking "(f)" and inserting "(g)"; in line 43, after "after" by inserting "January 1, 2012, and"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 33** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 33" as follows:

"Substitute for SENATE BILL No. 33

By Committee on Public Health and Welfare

"AN ACT concerning school districts; enacting the school sports head injury prevention act.";

and the substitute bill be passed.

Committee on **Transportation** recommends **SB 115** be passed, be placed on consent calendar.

Also, **SB 119** be amended on page 2, in line 35, after "loan" by inserting "or grant"; in line 38, after "entity" by inserting "and in coordination with the railroad providing service,"; and the bill be passed as amended.

SB 120 be amended on page 1, in line 35, by striking all following "watercraft"; by striking all in line 36;

On page 2, in line 1, by striking all before the period and inserting "required to be numbered pursuant to K.S.A. 32-1110, and amendments thereto";

On page 3, in line 13, by striking "vehicle" and inserting "vessel";

On page 4, in line 41, by striking all following "vehicles"; and in line 42, by striking all before the period; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 37, SB 77 reported correctly engrossed February 16, 2011.

On motion of Senator Emler the Senate adjourned until 8:00 a.m., Friday, February 18, 2011.

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 18, 2011, 8:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-three senators present.
Senators Apple, Brungardt, Donovan, Kelsey, King, Morris and Steineger
were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The weather has warmed up
And the weekend has arrived.
The whole state's in the fifties,
Averaging fifty-five.

Senator Morris may live the farthest,
Hugoton is his home.
Besides the trip to Hugoton,
He sometimes has to roam.

I heard him say one time
When he was the featured speaker;
Colorado and Oklahoma capitols
Were closer than Topeka!

I pray for all the Senators
Whether close or far away.
Keep them safe as they travel
And try to rest at least a day!

I pray for their families
Who miss them when they're gone,
And their business often needs them
When they're far away from home.

May they not be overworked,
But have time to relax;
And be ready for committees
And the session when they're back.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 212**.

Commerce: **HB 2134**.

Education: **HB 2017**.

Judiciary: **HB 2071**.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **SB 125** be passed.

Also, **SB 130** be amended on page 3, in line 35, by striking "100" and inserting "300"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 93** be amended on page 1, in line 23, by striking "Biased" and inserting "Racial or other biased-based"; in line 26, by striking "biased" and inserting "racial or other biased-based";

On page 2, by striking all in lines 2 through 4; following line 4, by inserting:

"Sec. 2. K.S.A. 22-4609 is hereby amended to read as follows: 22-4609. ~~The race, ethnicity, national origin, gender or religious dress of an individual or group shall not be the sole factor in~~ *It is unlawful to use racial or other biased-based policing in:*

(a) Determining the existence of probable cause to take into custody or to arrest an individual ~~or in~~;

(b) constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle; *or*

(c) *determining the existence of probable cause to conduct a search of an individual or a conveyance.*";

Also on page 2, in line 7, by striking "biased" and inserting "racial or other biased-based"; in line 8, by striking "biased" and inserting "racial or other biased-based"; in line 17, by striking "biased" where it appears for the first time and inserting "racial or other biased-based"; also in line 17, by striking "biased" where it appears for the second time and inserting "racial or other biased-based"; in line 25, by striking "and" and inserting "or"; in line 26, by striking "biased" and inserting "biased-based"; in line 27, by striking "and" and inserting "or"; also in line 27, by striking "biased" and inserting "biased-based"; in line 28, by striking "and" and inserting "or"; also in line 28, by striking "biased" and inserting "biased-based"; in line 29, by striking "shall" and inserting "may"; in line 33, by striking "with"; by striking all in line 34; in line 35, by striking all before "community" and inserting "of cities or counties that have exercised the option to establish"; also in line 35, after

"boards" by inserting "pursuant to section 6, and amendments thereto, use of such community advisory boards"; in line 38, by striking "biased" and inserting "racial or other biased-based";

On page 3, in line 1, by striking "biased" and inserting "racial or other biased-based"; in line 3, by striking "biased" and inserting "racial or other biased-based"; in line 5, by striking "biased" and inserting "racial or other biased-based"; in line 12, by striking "biased" and inserting "racial or other biased-based"; in line 16, by striking "biased" and inserting "racial or other biased-based"; in line 19, by striking "biased" and inserting "racial or other biased-based"; in line 28, by striking "and biased" and inserting "or other biased-based"; in line 29, by striking "and biased" and inserting "or other biased-based"; in line 31, by striking "and biased" and inserting "or other biased-based"; in line 32, by striking "and biased" and inserting "or other biased-based"; in line 35, by striking "profiling and"; in line 36, by striking "biased" and inserting "or other biased-based"; in line 38, by striking "and" and inserting "or"; also in line 38, by striking "biased" and inserting "biased-based"; in line 40, by striking "and" and inserting "or"; also in line 40, by striking "biased" and inserting "biased-based"; in line 43, by striking "and biased" and inserting "or other biased-based";

On page 4, in line 4, by striking "biased" and inserting "racial or other biased-based"; in line 5, by striking all after "with"; in line 6, by striking all before the period and inserting "the office of the attorney general"; in line 7, by striking "commission" and inserting "attorney general"; in line 8, by striking "commission's designee" and inserting "attorney general"; in line 15, by striking "biased" and inserting "racial or other biased-based"; in line 18, by striking "Each law enforcement agency shall" and inserting "The governing body of a city or county may"; in line 20, by striking ", by January 1, 2012,"; in line 21, by striking "profiling and biased" and inserting "or other biased-based"; also in line 21, after "or" by inserting "may require the law enforcement agency of such city or county"; in line 22, by striking "beginning July 1, 2011,"; in line 23, by striking "The" where it appears for the first time and inserting "Any"; also in line 23, after "plan" by inserting "adopted pursuant to this section"; in line 24, by striking "and" and inserting "or"; in line 35, by striking "include"; following line 36, by inserting "(c) Data collection, if required by the governing body, may consist of, but shall not be limited to, one or more of the following for every vehicle stop:

- (1) Originating agency identifier number;
- (2) time and date of the stop;
- (3) duration of the stop in ranges of one to 15 minutes, 16 to 30 minutes or more than 30 minutes;
- (4) beat, district, territory or response area where the traffic stop is conducted;
- (5) primary reason for the officer's investigation, and specifically, whether the stop was call related or self initiated;
- (6) primary reason for the stop, and specifically, whether the stop was based on a moving violation, an equipment violation, reasonable suspicion of a criminal offense, other violation, to render service or assistance, suspicious

circumstances, pre-existing knowledge or special detail;

(7) county code of vehicle registration, if registered in Kansas, and state code, if registered outside Kansas;

(8) age, race, gender and ethnicity of the primary person stopped by the officer;

(9) source of the information required by paragraph (8), and specifically, whether it was obtained from officer perception or investigation;

(10) whether the officer was aware of the information required by paragraph (8) prior to the stop;

(11) number of occupants in the stopped vehicle, including the driver;

(12) type of action taken, including citation, warning, search, arrest, assistance provided or no action. If the action taken is an arrest, the data collection shall also include the type of arrest, including warrant, resisting arrest, property crime, persons crime, drug crime, traffic crime, DUI or other type of arrest;

(13) if a search was conducted, the rationale for the search, including vehicle indicators, verbal indicators, physical or visual indicators, document indicators (DOT), incident to arrest or other rationale;

(14) if a search was conducted, the type of search, including consent search, consent requested but consent denied, inventory, stop and frisk, search warrant, incident to arrest, plain view or probable cause; or

(15) if a search was conducted, the type of contraband seized, if any, including currency, firearms, other weapons, drugs, drug paraphernalia, alcohol products, tobacco products, stolen property or other contraband.

New Sec. 6. The governing body of any city or county may, by ordinance or resolution, establish a community advisory board to work with the law enforcement agency of such city or county in accordance with the provisions of K.S.A. 22-4606 et seq., and amendments thereto.;

And by renumbering sections accordingly;

Also on page 4, in line 37, after "K.S.A." by inserting "22-4604,"; also in line 37, after "22-4608," by inserting "22-4609,";

On page 1, in the title, in line 1, by striking "22-"; in line 2, by striking "4608" and inserting "22-4609"; also in line 2, after "sections" by inserting "; also repealing K.S.A. 22-4604 and 22-4608"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 150** be amended on page 2, in line 41, by striking "or" where it appears for the second time and inserting "and 50 or more electors of the territory have signed a petition;

(2) ";

On page 3, in line 1, by striking "(2)" and inserting "(3)"; in line 7, by striking "or " where it appears for the second time and inserting "and 50 or more electors of the territory have signed a petition, "; in line 9, by striking the comma; in line 19, by striking ", 250 or more, "; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 100** be amended on page 4, in line 18, by striking "10" and inserting "four"; also in line 18, by striking "by providing"; by striking all in lines 19 through 22; in

line 23, by striking "the effective date of this act, or"; and inserting "and"; in line 31, after "association" by inserting "designated"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1816 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 18, 2011.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Monday, February 21, 2011.

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 21, 2011, 2:30 p.m.

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

Heavenly Father,

Today is Presidents' Day and tomorrow is the 279th birthday anniversary of our nation's first president, George Washington.

Thomas Jefferson said, "his integrity was the most pure, his justice the most inflexible I have ever known. He was, in every sense of the word, a wise, a good, and a great man."

John Marshall, regarded as America's greatest jurist, said, "He was a sincere believer in the Christian faith, and a truly devout man."

The Duke of Wellington called him "the purist and noblest character of his time, perhaps of all time."

In his inaugural address to both houses of Congress, April 29, 1789, Washington proclaimed: "We ought to be...persuaded that the propitious smiles of Heaven....can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained;...the preservation of the sacred fire of history and the destiny of (our) model of government are justly considered as deeply, perhaps finally, staked of the experiment...."

Thank You, O God, for calling forth George Washington as the "Father of our Country."

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Emler rose on a Point of Personal Privilege to pay tribute to Col. Ballard and Col. Donlon, who were recipients of the Medal of Honor, the highest military award of our Armed Forces. The Senate congratulated their

achievements with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 213, AN ACT concerning motor vehicles; relating to lightweight roadable vehicles; amending K.S.A. 2010 Supp. 8-126 and 8-1486 and repealing the existing sections, by Committee on Ways and Means.

SB 214, AN ACT concerning the groundwater management district act; amending K.S.A. 2010 Supp. 82a-1021 and repealing the existing section, by Committee on Ways and Means.

SB 215, AN ACT abolishing the liquefied petroleum gas advisory board; repealing K.S.A. 55-1811, by Committee on Ways and Means.

SB 216, AN ACT concerning emergency medical services; amending K.S.A. 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.A. 2010 Supp. 65-6112, 65-6120, 65-6121, 65-6123, 65-6129 and 65-6144 and repealing the existing sections, by Committee on Ways and Means.

SB 217, AN ACT concerning the civil commitment of sexually violent predators; relating to reimbursement for costs related to habeas corpus actions; amending K.S.A. 2010 Supp. 59-29a04a and repealing the existing section, by Committee on Ways and Means.

CHANGE OF REFERENCE

The President withdrew **SB 152**, **SB 187**, **SB 191**, **SB 200** from the Committee on **Natural Resources** and referred the bills to the Committee on **Ways and Means**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS INSURANCE DEPARTMENT

In compliance with KSA 40-108, Sandy Praeger, Commissioner of Insurance, submitted the 2010 Annual Report summarizing the activities of the department through the period ending December 31, 2010.

KANSAS PAROLE BOARD

February 11, 2011

Pursuant to the provisions of KSA 22-3710, Robert Sanders, Chairman, submitted the annual report of the Kansas Parole Board.

The President 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 passage of **HB 2013, HB 2029, HB 2060, HB 2074, HB 2118, HB 2132, HB 2140, HB 2172, HB 2175, HB 2205, HB 2230.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2013, HB 2029, HB 2060, HB 2074, HB 2118, HB 2132, HB 2140, HB 2172, HB 2175, HB 2205, HB 2230 were introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 61** be passed.

Also, **SB 1** be amended on page 1, in line 8, after "user" by inserting ", or conspicuously display on an easily readable sign located near the cash register,"; in line 9, by striking all following the period; by striking all in line 10; in line 11, by striking all before "For";

On page 1, in the title, in line 2, by striking "requiring" and inserting "notice of"; also, in line 2, by striking all following "rate"; in line 3, by striking all before the period; and the bill be passed as amended.

SB 59 be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2010 Supp. 79-1701a is hereby amended to read as follows: 79-1701a. Any taxpayer, the county appraiser or the county clerk shall, on their own motion, request the board of county commissioners to order the correction of the clerical errors in the appraisal, assessment or tax rolls as described in K.S.A. 79-1701, and amendments thereto. The board of county commissioners of the several counties are hereby authorized to order the correction of clerical errors, specified in K.S.A. 79-1701, and amendments thereto, in the appraisal, assessment or tax rolls for the current year and the immediately preceding two years during the period on and after November 1 of each year. If a county treasurer has collected and distributed the property taxes of a taxpayer and it shall thereafter be determined that the tax computed and paid was based on an erroneous assessment due to a clerical error which resulted in an overpayment of taxes by the taxpayer, and such error is corrected under the provisions hereof then the county commissioners may direct a refund in the amount of the overpayment plus interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto, *plus two percentage points, per annum*, from the date of payment from tax moneys collected during the current year and approve a claim therefor. If all or any portion of the taxes on such property remain unpaid, the board of county commissioners shall cancel that portion of such unpaid taxes which were assessed on the basis of the error which is being corrected. In lieu of taking such a refund the taxpayer may, at the taxpayer's option, be allowed a credit on the current year's taxes in the amount of the overpayment plus interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto, from the date of payment for the previous year. In the event the error results in an understatement of value or taxes as a result of a mathematical miscomputation on the part of the county, the board of county commissioners of the several counties are hereby authorized to correct such error and order

an additional assessment or tax bill, or both, to be issued, except that, in no such case shall the taxpayer be assessed interest or penalties on any tax which may be assessed. If such error applies to property which has been sold or otherwise transferred subsequent to the time the error was made, no such additional assessment or tax bill shall be issued.";

And by renumbering the sections accordingly;

Also on page 1, in line 25, after "rate" by inserting "for property tax delinquencies or underpayments of \$10,000 or more"; in line 34, by striking "is" and inserting "and K.S.A. 2010 Supp 79-1701a are";

On page 1, in the title, in line 1, after "concerning" by inserting "property"; in line 2, after "taxes;" by inserting "clerical errors;"; in line 3, after "79-2968" by inserting "and K.S.A. 2010 Supp. 79-1701a"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

SB 198 be amended on page 1, in line 12, after "Clark," by inserting "Cloud, Comanche,"; also in line 12, after "Edwards," by inserting "Elk, "; in line 13, after "Marion," by inserting "Mitchell, "; in line 15, after "Smith," by inserting "Stafford, "; in line 16, after "Wichita" by inserting ", Wilson"; in line 27, after "(1)" by inserting "Establishes domicile in a rural opportunity zone on or after July 1, 2011, and prior to January 1, 2016, and"; in line 30, by striking "no"; also in line 30, after "income" by inserting "less than \$10,000 in any one year";

On page 2, in line 9, after the semicolon, by inserting "or"; in line 12, by striking "; or"; by striking all in line 13; in line 14, by striking all before the "period";

On page 3, in line 7, by striking "no"; also in line 7, after "income" by inserting "less than \$10,000 in any one year"; and the bill be passed as amended.

Committee on **Education** recommends **SB 155** be passed.

Also, **SB 143** be amended on page 10, in line 32, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 128, SB 129, SB 145** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 179** be passed.

Committee on **Judiciary** recommends **SB 63, SB 79, SB 83, SB 104, SB 176** be passed.

Also, **SB 74** be amended on page 2, following line 29, by inserting "(r) rape, section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(s) criminal sodomy, as defined in subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and aggravated criminal sodomy, as defined in subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(t) indecent liberties with a child and aggravated indecent liberties with a child, section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(u) unlawful voluntary sexual relations, section 71 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(v) indecent solicitation of a child and aggravated indecent solicitation of a child, section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;";

And by redesignating subsections accordingly;

On page 1, in the title, in line 2, by striking "electronic solicitation; sexual"; in line 3, by striking all before "amending"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 188** be passed.

Also, **SB 122** be amended on page 1, in line 9, after "rivers" by inserting "from the effects of erosion"; also in line 9, by striking "It includes, but is" and inserting "Such projects include, but are"; in line 12, by striking "and"; by striking all in lines 13 through 15; in line 16, by striking "82a of the Kansas Statutes Annotated, and amendments thereto"; in line 17, following "office;" by inserting "and"; in line 18, by striking all following "(3)"; by striking all in lines 19 through 21; in line 22, by striking "(4)"; in line 27, following "for" by inserting "construction and maintenance of"; also in line 27, following "with" by inserting "cooperating landowners in such projects with"; in line 33, by striking "conservation project or"; in line 34, by striking "holding a riparian interest at"; in line 35 by striking all before the "period" and inserting "that, in the opinion of the director, holds a riparian interest in the river and may have an interest in the project or results thereof"; in line 36 before "entities" by inserting "persons or";

On page 2, in line 5, by striking "The director shall also"; by striking all in line 6; in line 7, following "(4)" by inserting "A copy of"; also, in line 7, by striking "into by the director"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 133**, **SB 139** be passed.

Also, **SB 76** be amended on page 2, in line 16, following "credentials" by inserting "recognized by the board"; also in line 16, following the "period" by inserting "Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."";

On page 3, in line 9, following "credentials" by inserting "recognized by the board"; also in line 9, following the "period" by inserting "Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy.""; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator McGinn in the chair.

On motion of Senator McGinn the following report was adopted:

Recommended **SB 23, SB 24, SB 28, SB 36, SB 41, SB 46, SB 52, SB 123** be passed.

SB 8 be amended by motion of Senator Petersen, on page 2, following line 8, by inserting "(4) Notwithstanding any of the provisions of paragraphs (2) and (3), any "information technology project" that is funded by moneys expended from or otherwise transferred from the Kansas universal service fund shall be deemed an "information technology project" as that term is defined in paragraph (1).

(5) Notwithstanding any of the provisions of paragraph (2), any project for a major computer, telecommunications or other information technology improvement that has proposed expenditures greater than \$250,000, but less than \$1,000,000 for: (A) Any project, other than infrastructure projects, that has proposed expenditures for new equipment or software; or (B) data or consulting or other professional services for such a project shall be implemented in compliance with the information technology architecture adopted by the information technology executive council pursuant to K.S.A. 2010 Supp. 75-7203, and amendments thereto. Each calendar quarter the state university shall file a high-level information technology project plan that includes a risk assessment and management plan with the chief information technology officer." and **SB 8** be passed as amended.

SB 6, SB 55, SB 97, SB 108 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Haley to amend **SB 6** failed and the following amendment was rejected.

"Section 1. K.S.A. 22-2501 is hereby amended to read as follows: 22-2501. When a lawful arrest is effected a law enforcement officer may reasonably search the person arrested and the area within such person's immediate presence for the purpose of:

- (a) Protecting the officer from attack;
 - (b) preventing the person from escaping; or
 - (c) discovering the fruits, instrumentalities, or evidence of a *the* crime.";
- And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "repealing K.S.A. 22-2501" and inserting "concerning criminal procedure"; in line 3, before the period by inserting "; amending K.S.A. 22-2501 and repealing the existing section"

SB 90 be amended by the adoption of the committee amendments, be further amended by motion of Senator V. Schmidt, on page 3, in line 39, by striking "on" and inserting "of";

On page 4, in line 4, by striking "appeal" and inserting "appeals" and **SB 90** be passed as further amended.

SB 134 be amended by adoption of the committee amendments, be further amended by motion of Senator V. Schmidt, on page 11, in line 34, by striking "(1)";

On page 12, in line 3, by striking the comma and inserting ": (1)"; in line 4, by striking "and" and inserting "; (2)"; in line 16, after the semicolon by inserting "and" in line 17, by striking "(2) be currently licensed"; and inserting "(3) evidence of current licensure"; also in line 17, by striking "; and"; and inserting a period; in line 18, by striking "(3)";

On page 29, in line 26, by striking "licensed under"; by striking all in line 27; in line 28, by striking "therapeutic licensee," and **SB 134** be passed as further amended.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Tuesday, February 22, 2011.

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 22, 2011, 2:30 p.m.

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

Heavenly Father,

You know that there are three branches of our state government: Executive, Legislative and Judicial. I am primarily concerned with the Legislative. I am specifically responsible to the Senate.

I like to think we are all concerned with the state of Kansas.

There are forty Senators plus their staffs.

We may not all agree, but we are all committed to Kansas.

We are members of two political parties, but we are both pledged to Kansas.

Some are from the West, some are from the East, and some are from the middle, but we all serve Kansas.

We are from the Rural and from the Urban, but both of them are in Kansas.

We are young or middle-aged or Seniors, but we all root for K.U., or K-State, or Wichita State, or Washburn, or somewhere else, but these are all in Kansas.

Whether we like it or not, we are in essence a family.

Families quarrel and families forgive. Families complain and families support each other.

We may be different in so many ways, but we MUST be sold on Kansas.

The bottom line is...we must all be in LOVE with Kansas.

And the source of true, binding, productive LOVE is You, O God.

Don't let us forget You! I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 218, AN ACT concerning motor vehicles; relating to vehicle identification number inspection fees; amending K.S.A. 2010 Supp. 8-116a and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2205**.

Federal and State Affairs: **HB 2013**, **HB 2060**.

Financial Institutions & Insurance: **HB 2074**.

Judiciary: **SB 217**; **HB 2029**, **HB 2118**.

Natural Resources: **SB 214**, **SB 215**.

Public Health and Welfare: **SB 216**.

Transportation: **SB 213**; **HB 2132**, **HB 2172**, **HB 2175**, **HB 2230**.

Ways and Means: **HB 2140**.

CHANGE OF REFERENCE

The President withdrew **SB 31** from the Committee on Ethics and Elections, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 130** from the calendar under the heading of General Orders and rereferred the bill to the Committee on Ethics and Elections.

The President withdrew **SB 71**, **SB 178** from the Committee on Financial Institutions and Insurance and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 102** from the calendar under the heading of General Orders and referred the bill to the Committee on Ways and Means.

The President withdrew **HB 2049** from the Committee on Judiciary, and referred the bill to the Committee on Public Health and Welfare.

The President withdrew **SB 92**, **SB 132**, **SB 138** from the Committee on Public Health and Welfare, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 151** from the Committee on Transportation, and referred the bill to the Committee on Ways and Means.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF HEALTH AND ENVIRONMENT

February 18, 2011

In accordance with KSA 49-512(h), Bob Jurgens, Chief, Assessment and Restoration Section, Bureau of Environmental Remediation, submitted the Treece Relocation Assistance Project Monthly Expenditures/Income Report for the January 2011 reporting period.

The President announced the above report 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 2003**, **HB 2006**, **HB 2267**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2003, **HB 2006**, **HB 2267** were thereupon introduced and read by title.

CONFIRMATION OF APPOINTMENTS

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

Senator Emler moved the following appointment be confirmed as recommended by the Standing Senate Committee:

By the Governor:

On the appointment to the:

Department of Health and Environment:

Robert Moser, Secretary, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

SB 80, **SB 115**; **HB 2033** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 80, AN ACT concerning alcoholic beverages; relating to microbreweries; amending K.S.A. 2010 Supp. 41-102 and 41-308b 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 115, AN ACT repealing K.S.A. 75-5002 and 75-5003; relating to the highway advisory commission.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2033, AN ACT relating to motor vehicles; concerning the registration of fleet motor vehicles; amending K.S.A. 2010 Supp. 8-1,152 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 6, AN ACT repealing K.S.A. 22-2501; relating to search incident to arrest, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **SB 6**; a bill that I introduced that as originally introduced would have restored clarity to Kansas' search and seizure laws. **SB 6** took evidence of *any* crime back to the time-honored, and constitutionally correct, standard of the *specific* crime for which a warrant to search was issued.

Although our courts have asked for legislative clarity in statute on this matter, (see *State vs. Henning* 2007 for example). This amended **SB 6** creates only the necessity for prosecution and for defense to always argue whether or not some law enforcement had the legal right or not to search and/or to seize.

This is not better, Mr. President. It is not “Liberty” to allow a search for one thing and prosecute for another. It is not “Justice” to *have* an attorney argue skillfully why you have been illegally searched and seized. Once again, being in the majority, here in this chamber, *clearly* does not put this chamber in the right. This is *not* better.

We should *all* hold constitutional protections dear. You are making another legislative mistake.

One sad day, by your failure to provide clear unambiguous directive, when our state is directed to pay some massive amount to a defendant who should not have been tried, do *not* say “Don’t blame me, I did not know,” Mr. President. Why? Because I’ve told you repeatedly. Sadly remember Senator Haley told you so. – DAVID HALEY

SB 8, AN ACT concerning information technology; relating to information technology projects; amending K.S.A. 2010 Supp. 75-7201 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 23, AN ACT concerning juvenile offenders; relating to jury trials; amending K.S.A. 2010 Supp. 38-2344 and 38-2357 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 24, AN ACT concerning domestic relations; relating to recodification of certain domestic relations matters; amending K.S.A. 20-164, 20-165, 20-302b, 23-4,118, 60-1606, 60-1613 and 60-1620 and K.S.A. 2010 Supp. 12-5005, 60-1629 and 60-3107 and repealing the existing sections; also repealing K.S.A. 23-101, 23-201, 60-1608, 60-1611, 60-1612 and 60-1616 and K.S.A.

2010 Supp. 60-1610, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 28, AN ACT concerning interest earnings raised by the Johnson county education research triangle authority sales tax; amending K.S.A. 19-5003 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Taddiken.

Absent or Not Voting: Donovan.

The bill passed.

SB 36, AN ACT concerning civil procedure; relating to exemption from creditors for certain retirement plans; amending K.S.A. 60-2308 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 41, AN ACT concerning the Kansas private and out-of-state postsecondary educational institution act; relating to fees; amending K.S.A. 2010 Supp. 74-32,181 and repealing the existing section; also repealing K.S.A. 2010 Supp. 74-32,181a, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick,

Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 46, AN ACT concerning civil procedure; relating to electronic filing; amending K.S.A. 60-2601 and 60-2601a 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 52, AN ACT concerning children and minors; relating to grandparent's custody of children; amending K.S.A. 2010 Supp. 38-2241 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 55, AN ACT concerning crimes and punishment; relating to harassment by telecommunication device; amending section 184 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 90, AN ACT concerning the behavioral sciences regulatory board; relating to licensure; amending K.S.A. 2010 Supp. 74-7507 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 97, AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; docket fees for expungement of records; amending Section 254 of chapter 136 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-2107, 8-2110, 22-2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, was considered on final action.

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

Yeas: Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Lynn, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Bruce, Love, Masterson, Merrick, Olson, Ostmeyer, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 108, AN ACT concerning register of deeds; relating to recording of plats; payment of taxes and assessments; amending K.S.A. 2010 Supp. 19-1207, 58-3115 and 58-3707 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 123, AN ACT concerning the department of wildlife and parks; relating to public use of cabins on state land, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 134, AN ACT relating to nursing; concerning advanced practice nursing; amending K.S.A. 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, 65-1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468, 65-1132, 65-1626, 65-2921, 65-4101, 65-5402, 65-6112, 65-6119, 65-6120, 65-6121, 65-6123, 65-6124, 65-6129c, 65-6135, 65-6144, 72-5213, 72-8252 and 74-1106 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 65-1626d, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 116**, **SB 177** be passed.

Also, **SB 193** be amended on page 1, in line 21, by striking "(a)(1), (a)(2) or (a)(3)" and inserting "(c)(1), (c)(2) or (c)(3)"; and the bill be passed as amended.

SB 212 be amended on page 1, after line 24, by inserting the following: "(c) In order to express the intent of the legislature upon first enactment of this section, the provisions of this section and amendments enacted herein shall be effective retroactively to the original enactment of this section on and after July 1, 1999."; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 78** be amended on page 2, in line 37, by striking "11" and inserting "12";

On page 3, in line 2, by striking "nine" and inserting "10"; also in line 2, by striking "five" and inserting "six"; in line 7, by striking "nine" and inserting "10"; in line 8, by striking "two" and inserting "one"; in line 15, by striking "and"; by striking all in line 16; in line 17, by striking all before the period

and inserting "one member shall be the secretary of commerce and one member shall be the secretary of revenue";

On page 4, in line 7, after "(h)" by inserting "The secretary of commerce shall serve as chairperson of the board. The secretary of revenue shall serve as treasurer."; also in line 7, by striking all after "elect"; in line 8, by striking "and"; also in line 8, after "other" by inserting "voting member"; in line 9, by striking "and treasurer for terms" and inserting "for a term"; in line 20, by striking "(k)" and inserting "(j)"; and the bill be passed as amended.

Also, **SB 137** be amended on page 11, by striking all in lines 19 through 35; in line 36, by striking "(q)"; and inserting "(p)";

On page 12 in line 2, by striking "(r)" and inserting "(q)"; in line 6, by striking "(r)"; in line 15, by striking "(s)" and inserting "(r)"; in line 32, by striking "(t)" and inserting "(s)"; in line 39, by striking "(u)" and inserting "(t)"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 136** be passed.

Committee on **Judiciary** recommends **SB 9** be amended on page 13, following line 13, by inserting:

"Sec. 9. K.S.A. 2010 Supp. 60-228a is hereby amended to read as follows: 60-228a. (a) *Citation of section.* This section may be cited as the uniform interstate depositions and discovery act.

(b) *Definitions.* In this section:

(1) "Foreign jurisdiction" means a state other than this state or a foreign country.

(2) "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.

(3) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or political subdivision, agency or instrumentality or any other legal or commercial entity.

(4) "State" means a state of the United States, the district of Columbia, Puerto Rico, the United States Virgin islands, a federally recognized Indian tribe or any territory or insular possession subject to the jurisdiction of the United States.

(5) "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to:

(A) Attend and give testimony at a deposition;

(B) produce and permit inspection and copying of designated books, documents, records, electronically stored information or tangible things in the possession, custody or control of the person; or

(C) permit inspection of premises under the control of the person";

(c) *Issuance of subpoena.* (1) To request issuance of a subpoena under this section, a party must submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state *and pay the docket fee as required by K.S.A. 60-2001, and amendments thereto.* A request for the issuance of a subpoena in this state under this ~~section~~ *act* does not constitute an appearance in the courts of this state.

(2) When a party submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with that court's procedure, must:

(A) Promptly issue a subpoena for service on the person to which the foreign subpoena is directed; and

(B) *assign the subpoena a case file number and enter it on the docket as a civil action pursuant to K.S.A. 60-2601, and amendments thereto.*

(3) A subpoena under subsection (c)(2) must:

(A) Incorporate the terms used in the foreign subpoena; and

(B) contain or be accompanied by the names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

(d) *Service of subpoena.* A subpoena issued by a clerk of court under subsection (c) must be served in compliance with K.S.A. 60-303, and amendments thereto.

(e) *Deposition, production and inspection.* K.S.A. 60-245 ~~and 60-245a~~, and amendments thereto, ~~apply~~ *applies* to subpoenas issued under subsection (c).

(f) *Application to court.* An application to the court for a protective order or to enforce, quash or modify a subpoena issued by a clerk of court under subsection (c) must comply with the statutes of this state and be submitted to the court in the county in which discovery is to be conducted.

(g) *Uniformity of application and construction.* In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

(h) *Application to pending action.* This section applies to requests for discovery in cases pending on the effective date of this section.";

And by renumbering sections accordingly;

On page 23, in line 12, after "60-226," by inserting "60-228a,";

On page 1, in the title, in line 3, after "60-226," by inserting "60-228a,"; and the bill be passed as amended.

Also, **SB 135** be amended on page 1, by striking all in lines 27 through 30; in line 31, by striking "Laws of Kansas, and amendments thereto, vehicular homicide;"; and the bill be passed as amended.

SB 160 be amended on page 6, in line 1, after "K.S.A." by inserting "23-495 or"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 124** be amended on page 2, in line 43, after "incorporation." by inserting "Such articles of incorporation shall provide the board of directors of the lower smoky hill access district so formed, shall have an odd number of directors and shall include a provision that no less than one representative of the lower smoky hill special irrigation district serve as a member of the lower smoky hill access district board, if such special irrigation district is formed under the provisions of this act.";

On page 4, in line 16, by striking "issue" and inserting "sue";

On page 7, in line 35, by striking "to serve as a representative of"; by striking all in line 36; in line 37, by striking "water supply access district";

and inserting ", as described in the articles of incorporation of the lower smoky hill water supply access district, to serve on the governing board of the lower smoky hill river water supply access district"; in line 38, after "the" by inserting "lower smoky hill water supply access"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Owens in the chair.

On motion of Senator Owens the following report was adopted:

Recommended **SB 85**, **SB 103**, **SB 125**, **SB 128** be passed.

SB 67, **SB 100**, **SB 119**, **SB 120**, **SB 126**, **SB 150**, **SB 170**, **SB 186** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 127** recommending a **Sub SB 127** be adopted, and the substitute bill be passed.

Sub SB 33 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Petersen, on page 2, following line 1 by inserting:

"Sec. 2. The Kansas state high school activities association and its member high schools, and administrators, principals, coaches, teachers and other affiliated with such association and member high schools, shall not adopt any rules and regulations or interpret any existing rule and regulation in any manner which would prohibit a student athlete from training with any Kansas state high school league-sponsored sport or competition while the student athlete is participating in nonschool swimming athletic training or diving athletic training, or both, during the high school sport season and throughout the year if:

(a) The nonschool swimming athletic training or diving athletic training, or both, is under the jurisdiction of and sanctioned by the national governing body of the sport, U.S.A. swimming, inc., or U.S.A. diving, inc.; and

(b) the student athlete meets the reasonable and ordinary school-established requirements for participation in the student athlete's high school swimming program or diving program, or both.";

Also on page 2, in line 2, by striking "2." and inserting "3."

On page 1, in the title, in line 1, by striking "school districts; enacting the school sports head"; in line 2, by striking all before the period and inserting "high school athletes" and **Sub SB 33** be passed as amended.

SB 93 be amended by adoption of the committee amendments, be further amended by motion of Senator Brungardt, on page 1, in line 32, by striking all after "(e)"; by striking all in line 33;

On page 2, by striking all in lines 1 through 4 and inserting ""Enforcement action" means any law enforcement act, as described in K.S.A. 22-4609, and amendments thereto, during a nonconsensual contact with an individual or individuals.";

On page 3, on line 38, by striking "Kansas human rights commission" and inserting "attorney general";

On page 1, in the title, in line 1, by striking "law enforcement" and inserting "racial or other biased-based policing"

SB 93, was further amended by Senator Faust-Goudeau, on page 5, in line 1, after "traffic" by inserting "or pedestrian"; in line 25, after "traffic" by inserting "or pedestrian";

On page 6, in line 5, after "vehicle" by inserting "or pedestrian"; in line 19, before "county" by inserting "if a vehicle stop, the"; in line 28, before "number" by inserting "if a vehicle stop, the" and **SB 93** be passed as further amended.

A motion by Senator Haley to amend **SB 93** failed and the following amendment was rejected: on page 1, in line 25, by striking "unreasonable".

SB 43 be passed over and retain a place on the calendar.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Wednesday, February 23, 2011.

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 23, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Donovan and Lynn were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

There is an old quotation which goes like this, "I complained that I had no shoes, until I met a man who had no feet."

Remind us to be thankful for blessings we take for granted:

When complaining about taxes, make us thankful for something to tax.

When complaining about aches and pains, make us thankful we are not paralyzed.

When complaining about being tired, make us thankful for our jobs.

When complaining about the weather, make us thankful that it will change.

When complaining about gaining weight, make us thankful we're not starving.

When complaining about life, make us thankful we still have it.

When complaining that no one will listen, remind us to whom we are praying.

In the Name of Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 219, AN ACT concerning the wage payment act; pertaining to remedies for employees whose employers repeatedly fail to pay wages; amending K.S.A. 2010 Supp. 44-313 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2006**.

Transportation: **SB 218**; **HB 2003**.

Utilities: **HB 2267**.

CHANGE OF REFERENCE

The President withdrew **SB 31** from the Committee on Ways and Means, and rereferred the bill to the Committee on Ethics and Elections.

The President withdrew **SB 71**, **SB 178** from the Committee on Ways and Means, and rereferred the bills to the Committee on Financial Institutions and Insurance.

The President withdrew **SB 152**, **SB 187**, **SB 191**, **SB 200** from the Committee on Ways and Means, and rereferred the bills to the Committee on Natural Resources.

The President withdrew **SB 92**, **SB 132**, **SB 138** from the Committee on Ways and Means, and rereferred the bills to the Committee on Public Health and Welfare.

The President withdrew **SB 151** from the Committee on Ways and Means, and rereferred the bill to the Committee on Transportation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 33, AN ACT concerning high school athletes, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 1, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Ostmeyer.

Absent or Not Voting: Donovan, Lynn.

The substitute bill passed, as amended.

SB 67, AN ACT concerning gubernatorial inauguration contributions; amending K.S.A. 25-4186 and repealing the existing section; and also repealing K.S.A. 25-4188, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **Senate Bill 67**. Although it may have been done inadvertently, I am not in favor of changing the current requirement to pay expenses incurred by the adjutant general in connection with the gubernatorial inauguration before any other remaining funds are distributed. – MARCI FRANCISCO

SB 85, AN ACT concerning group life insurance; removing mandatory participation requirements; amending K.S.A. 2010 Supp. 40-433 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Lynn.

The bill passed.

SB 93, AN ACT concerning racial or other biased-based policing; amending K.S.A.22-4606, 22-4609, 22-4610 and 22-4611, and repealing the existing sections; also repealing K.S.A. 22-4604 and 22-4608, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote “AYE” on **SB 93**, as amended. Discrimination by errant cops is well known and well documented throughout communities of color.

After a dozen years on this issue in this Kansas Legislature Mr. President, I, myself, grow weary of the game. Let's face it. Rogue cops never need probable cause in Kansas. They'll stop your car if you're in a different county or have a different skin pigment from that county's majority. They can get a warrant for one alleged offense, but arrest you on a completely unrelated offense. After all these years, I still have to ask “why would *decent* legislators permit unequal harassment by police?” And, I still have no answer today.

SB 93 is but the latest, “watered down, unenforceable, unaccountable and unmanageable” incarnation of a pre-text towards equality. To the advocates who despise, as I do, these prejudicial predators hiding behind a badge; who swore to “serve and protect” but too often “harass and degrade,” I pledge that as long as this problem remains, so too will this Senator's legislative vigilance. – DAVID HALEY

SB 100, AN ACT concerning the addictions counselor licensure act; amending section 2, section 4, section 7, section 8, section 9 and section 10 of chapter 45 of the 2010 Session Laws of Kansas and repealing the existing sections, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

SB 103, AN ACT concerning elections; pertaining to methods of voting absentee ballots by uniformed and overseas citizens and federal service voters; amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2010 Supp. 25-1216 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Lynn.

The bill passed.

SB 119, AN ACT concerning rail service improvement program loans and grants; amending K.S.A. 2010 Supp. 75-5048 and 75-5049 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33, Nays 5, Present and Passing 0, Absent or Not Voting 2.

Yeas: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Merrick, Olson, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

SB 120, AN ACT concerning requirements for the issuance of certificates of title for vessels; requiring notice, priority, release and surrender of security interests in vessels, was considered on final action.

On roll call, the vote was: Yeas 33, Nays 5, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Olson, Pilcher-Cook, Pyle, Schmidt A.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

SB 125, AN ACT concerning elections; relating to candidate filing deadlines; amending K.S.A. 25-4004 and K.S.A. 2010 Supp. 25-205 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Lynn.

The bill passed.

SB 126, AN ACT concerning elections and campaign finance; relating to public service advertisements by candidates, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

Sub SB 127, AN ACT concerning elections; pertaining to certain primary elections; amending K.S.A. 25-2102 and K.S.A. 2010 Supp. 25-2021, 25-2108a and 71-1415 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Lynn.

The substitute bill passed.

SB 128, AN ACT concerning the presidential preference primary; amending K.S.A. 25-4502 and 25-4503 and K.S.A. 2010 Supp. 25-4501 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 25, Nays 13, Present and Passing 0, Absent or Not Voting 2.

Yeas: Apple, Bruce, Brungardt, Emler, Francisco, Hensley, Holland, Kelly, Kelsey, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Faust-Goudeau, Haley, Huntington, King, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Absent or Not Voting: Donovan, Lynn.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: As the nominee twice for Kansas Secretary of State, I promised all voting Kansans that I would support our democracy and vote to fund our presidential preference primary. Every four years, this Legislature suggests the ability to hold a free and open statewide election to select a nominee for U.S. President costs too much! Give me a break. Tell that to the Egyptians. Tell that to the millions of people around the world who too (eerily similar to voting Kansans every four years) are being denied the opportunity to vote in a public secure election for the candidate of their choice.

I again declare that our Legislature's priorities in this regard are misguided. We all got here by a vote of a majority. As a Democrat, I already know who I intend to see renominated and reelected President in 2012. Most Democrats do not see a need to fund the 2012 Primary. But with all the choices Republicans might have, whether good or bad, one wonders why democracy-loving elected Kansas Republicans wouldn't want to give their constituents the right to choose in 2012? – DAVID HALEY

SB 150, AN ACT concerning cities; relating to incorporation; amending K.S.A. 15-116, 15-117 and 15-124 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris,

Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Olson.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

SB 170, AN ACT enacting the portable electronics insurance act, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

SB 186, AN ACT concerning agriculture; relating to the pest control act; amending K.S.A. 2010 Supp. 2-2450 and repealing the existing section; also repealing K.S.A. 2-2451, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 1, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Francisco.

Absent or Not Voting: Donovan, Lynn.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 147** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 147," as follows:

"Substitute for SENATE BILL No. 147

By Committee on Agriculture

AN ACT concerning water; relating to moneys recovered from certain litigation; amending K.S.A. 82a-1801 and 82a-1802 and K.S.A. 2010 Supp. 82a-1803, 82a-1804 and 82a-1805 and repealing the existing sections,";

and the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **SB 112** be amended on page 13, following line 31, by inserting:

"Sec. 24. K.S.A. 58-3102 is hereby amended to read as follows: 58-3102. As used in this act and the act of which this section is amendatory, unless the context otherwise requires;

(a) "Apartment" or "condominium unit" means a part of the property intended for any type of independent use whether residence, office, the operation of any industry or business or other use, including one or more rooms or enclosed spaces located on one or more floors (or part or parts thereof) in a building, and with a direct exit to a public street or highway or to a common area leading to such street or highway. To the extent that ~~walls~~ walls, floors, and ceilings are designated as the boundaries of a condominium unit or apartment by the declaration, all doors and windows therein, and all lath, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the furnished surfaces thereof, shall be deemed a part of such unit, while all other portions of such walls, floors and ceilings shall be deemed a part of the common areas and facilities. If any chutes, flues, ducts, conduits, wires, bearing walls, bearing columns, or any other apparatus lies partially within and partially outside of the designated boundaries of a unit, any portions thereof serving only that unit shall be deemed a part of that unit, while any portions thereof serving more than one unit or any portion of the common elements shall be deemed a part of the common areas and facilities. All space, interior partitions, and other fixtures and improvements within the boundaries of a unit shall be deemed a part of that unit. Any shutters, awnings, window boxes, doorsteps, porches, balconies, patios, and any other apparatus designed to serve a single unit, but located outside the boundaries thereof, shall be deemed a limited common area and facility appertaining to that unit exclusively.

(b) "Apartment owner" means the person or persons owning an apartment or condominium unit in fee simple absolute and an undivided interest in the fee simple estate of the common areas and facilities as specified and established in the declaration.

(c) "Apartment number" means the number, letter, or combination thereof designating the apartment or condominium unit in the declaration.

(d) "Association of apartment owners" means all of the apartment or condominium unit owners acting as a group in accordance with the bylaws and declaration.

(e) "Building" means a building, containing one or more apartments or condominium units, or two or more buildings, each containing one or more apartments or condominium units and comprising a part of the property.

(f) "Condominium" means "property" as hereinafter defined.

(g) "Common areas and facilities," unless otherwise provided in the declaration or lawful amendments thereto means and includes:

- (1) The land on which the building is located;
- (2) the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building;
- (3) the basements, yards, gardens, parking areas and storage spaces;
- (4) the premises for the lodging of janitors or persons in charge of the property;

(5) installations of central services such as power, lights, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;

(6) the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

(7) such community and commercial facilities as may be provided for in the declaration; and

(8) all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

(h) "Convertible land" shall mean a building site for one or more proposed additional condominium units within the submitted land which may be created in accordance with the declaration and this act.

(i) "Common expenses" means and include:

(1) All sums lawfully assessed against the apartment owners by the association of apartment owners;

(2) expenses of administration, maintenance, repair or replacement of the common areas and facilities;

(3) expenses agreed upon as common expenses by the association of apartment owners; *and*

(4) expenses declared common expenses by provisions of this act, or by the declaration or the bylaws.

(j) "Common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses.

(k) "Declaration" means the instrument by which the property is submitted to the provisions of this act as hereinafter provided, and such declaration as from time to time may be lawfully amended.

(l) "Expandable condominium" shall mean a condominium to which additional real property may be added in accordance with the provisions of the declaration and of this act.

(m) "Limited common areas and facilities" means and includes those common areas and facilities designated in the declaration as reserved for use of certain apartment or apartments to the exclusion of the other apartments.

(n) "Majority" or "majority of apartment owners" means the apartment owners with ~~fifty-one percent (51%)~~ 51% or more of the votes in accordance with the percentages assigned in the declaration to the apartments for voting purposes.

(o) "Par value" shall mean a number of dollars or points assigned to each condominium unit by the declaration. If par value is stated in terms of dollars, that statement shall not be deemed to reflect or control value for taxation, fair market value, or for any purpose.

(p) "Person" means individual, corporation, partnership, association, trustee or other legal entity.

(q) "Property" means and includes the land, the building, all improvements and structures thereon, all owned in fee simple absolute and all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this act.

(r) "Recording officer" means the register of deeds of the county in which the property is located.

(s) "Size" shall mean the approximate square feet of floor space of each condominium unit computed by reference to the declaration and floor plans and rounded off to a whole number. Certain spaces may be excluded or estimated in determining size if the same basis of calculation is used for all units of the condominium and is described in the declaration or floor plans.

(t) "Submitted land" shall mean real property, and any incidents thereto or interests therein, lawfully submitted to the provisions of this act as hereinafter provided.";

And by renumbering the remaining sections accordingly;

On page 16, in line 38, after "58-2011," by inserting "58-3102,";

On page 1, in the title, in line 4, after "58-2011," by inserting "58-3102,"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 50** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 50," as follows:

"Substitute for SENATE BILL No. 50

By Committee on Utilities

AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2010 Supp. 12-5327, 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5303, 12-5305, 12-5306, 12-5307, 12-5308 and 12-5309 and K.S.A. 2010 Supp. 12-5301, 12-5302, 12-5304, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.";

and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

SB 8, SB 55, SB 90, SB 97, SB 108, SB 134 reported correctly engrossed February 22, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Teichman in the chair.

The morning session recommended:

SB 61, SB 63, SB 79, SB 83, SB 129, SB 133, SB 139, SB 155, SB 179, SB 188 be passed.

SB 59, SB 74, SB 76, SB 122, SB 143 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The Committee rose and reported progress (See Committee of the Whole, afternoon session.)

SB 145 was passed over and retain a place on the calendar.
On motion of Senator Emler, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

CHANGE OF REFERENCE

The President withdrew **SB 19**, **SB 70** from the Committee on Education, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 72** from the Committee on Utilities, and referred the bill to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2004**; **HB 2010**, **HB 2027**, **HB 2044**, **HB 2104**, **HB 2124**, **HB 2141**, **HB 2151**, **HB 2157**, **HB 2158**, **HB 2169**, **HB 2182**, **HB 2184**, **HB 2227**, **HB 2249**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2004; **HB 2010**, **HB 2027**, **HB 2044**, **HB 2104**, **HB 2124**, **HB 2141**, **HB 2151**, **HB 2157**, **HB 2158**, **HB 2169**, **HB 2182**, **HB 2184**, **HB 2227**, **HB 2249** were thereupon introduced and read by title.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Teichman in the chair.

On motion of Senator Teichman the report for the morning and the following afternoon session was adopted:

Recommended **SB 104**, **SB 176** be passed.

SB 9, **SB 135**, **SB 160** be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee returned to **SB 145**.

Senator Wagle moved to amend **SB 145** on page 1, in line 26, by striking the colon; by striking all in lines 27 through 31; in line 32, by striking "(ii)";

On page 2, in line 2, by striking "sponsored" and inserting "approved"; in line 7, by striking "sponsored" and inserting "approved"; in line 12, by striking "sponsored" and inserting "approved"; in line 16, by striking "sponsored" and inserting "approved" and the bill be passed as amended.

On motion of Senator Emler the Senate recessed until the sound of the gavel.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 196** be amended on page 1, in line 36, by striking "taxable income" and inserting "net income before expensing or recapture";

On page 2, in line 26, after the period, by inserting "If the section 179 expense deduction election has been made for federal income tax purposes for any asset, the applicable factor to be utilized is in the IRC § 168 (b)(1) column of the table provided in subsection (f) for the applicable recovery period of the respective assets."; in line 28, by striking "taxable income" and inserting "net income before expensing or recapture"; in line 29, by striking all following "amount"; by striking all in line 30; in line 31, by striking all before the period and by inserting "shall be treated as a net operating loss as provided in K.S.A. 79-32,143, and amendments thereto";

On page 3, in line 21, by striking "taxable income" and inserting "net income before expensing or recapture";

On page 4, following line 12, by inserting "* Not Applicable.";

On page 7, in line 8, by striking "2011" and inserting "2012"; in line 9, by striking "determine" and inserting "estimate"; in line 10, following "of" when it appears for the first time, by inserting "net"; by striking all in line 11; in line 12, by striking all before the period and inserting "any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in section 2, and amendments thereto"; in line 18, by striking "many" and inserting "money";

On page 12, in line 14, after the comma where it appears for the second time, by inserting "for a qualified business facility investment in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte counties,"; in line 15, by striking "\$5,000,000" and inserting "\$1,000,000"; in line 16, by striking all following "filed"; by striking all in line 17; in line 18, by striking all before "prior" and inserting "a certificate of intent to invest in a qualified business facility pursuant to this subsection in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte county"; in line 19, following the comma where it appears for the first time by inserting "and commences investments in a qualified business facility prior to December 31, 2013,";

And the bill be passed as amended.

On motion of Senator Emler the Senate adjourned until 9:00 a.m., Thursday, February 24, 2011.

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 24, 2011, 9:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Donovan was excused.
In observance of Armed Forces Appreciation Day, Chaplain (Major) Lawrence Dabeck, U.S. Army, Fort Leavenworth gave the invocation.

Almighty God – the Author of Liberty,

We are grateful to you for your many blessings. We thank you today for our nation. Thank you for the blessed liberties we enjoy. We beg of you, by your many mercies, that our land may long be bright with Freedom's holy light.

We ask you today to protect us by your might. We are thankful and proud of those who stand vigilant to safeguard our freedoms. Bless and keep our service men and women who stand in harm's way on our behalf, for those who perilously stand in the gap out of love for neighbor. Give them moral courage and strength of will to embrace the difficult right over the easy wrong. And please dear Lord, give their families grace and peace as their loved ones remain deployed.

And now Lord for those who stand here in the Senate Chamber, we thank you as well for their selfless service to neighbor. Give them desperate dependence upon you, that they might have wisdom in their decisions, understanding in their thinking, love in their attitudes, and mercy in their judgments. May we all hear on that day, "Well done, good and faithful servant."

In your holy name I pray,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2184**.
 Assessment and Taxation: **HB 2157**.
 Commerce: **SB 219**.
 Education: **Sub HB 2004**.
 Financial Institutions & Insurance: **HB 2124**.
 Judiciary: **HB 2010, HB 2027, HB 2104, HB 2151, HB 2227**.
 Public Health and Welfare: **HB 2182, HB 2249**.
 Transportation: **HB 2044, HB 2169**.
 Utilities: **HB 2141**.
 Ways and Means: **HB 2158**.

CHANGE OF REFERENCE

The President withdrew **SB 18, SB 20, SB 51, SB 75, SB 202** from the Committee on **Education**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 7, SB 39, SB 142, SB 146, SB 159, SB 165** from the Committee on **Judiciary**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 49** from the Committee on **KPERS Select**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 19, SB 70** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Education**.

The President withdrew **SB 72** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Utilities**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2192**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2192 was introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 9, AN ACT concerning the code of civil procedure; amending K.S.A. 20-3017 and 60-2003 and K.S.A. 2010 Supp. 38-2305, 60-203, 60-206, 60-209, 60-211, 60-214, 60-226, 60-228a, 60-235, 60-249, 60-260, 60-270, 60-310, 60-460 and 65-4902 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 38-2305a, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 59, AN ACT concerning property taxation; relating to delinquent or unpaid taxes and overpayment of taxes; clerical errors pertaining to the rate of interest; amending K.S.A. 79-2968 and K.S.A. 2010 Supp. 79-1701a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27, Nays 12, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Bruce, Haley, Lynn, Masterson, Merrick, Olson, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 61, AN ACT concerning income taxation; relating to credits; individual development accounts; contribution amounts; amending K.S.A. 2010 Supp. 74-50,208 and repealing the existing section, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelsey, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Francisco, Kelly, King, Kultala, Pyle, Taddiken, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 63, AN ACT concerning crimes and punishment; relating to sexual exploitation of a child; amending section 74 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 2010 Supp. 21-3516, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 74, AN ACT concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau,

Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 76, AN ACT concerning the state board of healing arts; relating to doctors of physical therapy and physical therapist assistants; representation of licensure, certification and credentials; amending K.S.A. 2010 Supp. 65-2901 and 65-2913 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 79, AN ACT concerning setoff against debtors of the state; amending K.S.A. 2010 Supp. 75-6210 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 83, AN ACT concerning judges and justices; relating to the employment of retirants; amending K.S.A. 20-2622 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 104, AN ACT concerning the Kansas tort claims act; pertaining to charitable health care providers; amending K.S.A. 2010 Supp. 75-6102 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 122, AN ACT concerning the Kansas water office; relating to easements on state property for conservation projects, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 129, AN ACT concerning elections; dealing with filling certain vacancies; amending K.S.A. 25-321 and repealing the existing section, was considered on final action.

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

Yeas: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Marshall, Masterson, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Love, Lynn, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: **SB 129** suppresses the people's voice on who would be elected as their state senator. It is protection for incumbency. When there is a senate seat vacancy, precinct committee votes serve a purpose – but only until the next election. It is wrong to bypass the vote of the people in an election.—

MARY PILCHER-COOK

Senators Abrams and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Pilcher-Cook on **SB 129**.

SB 133, AN ACT concerning health information; enacting the Kansas health information technology and exchange act; amending K.S.A. 16-1602 and repealing the existing section; also repealing K.S.A. 65-1734, 65-4970, 65-4972 and 65-4973 and K.S.A. 2010 Supp. 65-3228, 65-4971 and 65-4974, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 135, AN ACT concerning racketeering; enacting the Kansas racketeer influenced and corrupt organization act; amending K.S.A. 2010 Supp. 60-4104 and section 34 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-3302, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 139, AN ACT concerning members of regional trauma councils and advisory committee on trauma; amending K.S.A. 2010 Supp. 75-5664 and 75-5665 and repealing the existing sections, was considered on final action.

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

Yeas: Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Bruce, Lynn, Masterson, Merrick, Olson, Ostmeyer, Pilcher-Cook, Pyle, Steineger, Taddiken.

Absent or Not Voting: Donovan.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: In an age of government transparency, for us to enable any part of government, including council and committees, to not be transparent in their dealings is the wrong direction. This bill, **SB 139**, puts the inquiries, reports and every piece of gathered information behind a wall that does not allow it to be revealed even with a court subpoena. That is the wrong direction. — STEVE ABRAMS

Senators Lynn and Masterson request the record to show they concur with the "Explanation of Vote" offered by Senator Abrams on **SB 139**.

SB 143, AN ACT concerning postsecondary technical education; creating the postsecondary tiered technical education state aid act; amending K.S.A. 71-601, 71-620, 72-4480 and 72-6503 and repealing the existing sections; also repealing K.S.A. 71-613, 71-613a and 71-1706 and K.S.A. 2010 Supp. 72-4430, 72-4431 and 72-4432, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 145, AN ACT concerning certain crimes; dealing with corrupt political advertising; amending K.S.A. 2010 Supp. 25-4156 and repealing the existing section, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Masterson, Merrick, Olson, Ostmeyer, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 155, AN ACT concerning school districts; relating to the assessed valuation of certain school districts, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 160, AN ACT concerning child support; relating to collection of support payments; amending K.S.A. 2010 Supp. 23-4,107 and 75-6202 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 176, AN ACT concerning criminal procedure; relating to conditions of release and bond; considerations by court; amending K.S.A. 2010 Supp. 22-2802 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 179, AN ACT concerning the Kansas life and health insurance guaranty association act; amending K.S.A. 40-3009 and K.S.A. 2010 Supp. 40-3003, 40-3005 and 40-3008 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 188, AN ACT concerning solid waste; relating to exemptions from permits; amending K.S.A. 65-3407c and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco,

Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 54** be amended on page 1, in line 11, by striking "2011" where it appears for the second time and inserting "2016"; by striking all in lines 16 through 18; in line 19, by striking all after "(a)"; by striking all in lines 20 and 21; in line 22, by striking "(b)"; also in line 22, by striking "class C"; in line 26, by striking "(c)" and inserting "(b)"; also in line 26, by striking "class C"; in line 36, by striking "(d)" and inserting "(c) Except as provided in subsection (d),"; also in line 36, by striking "class C";

On page 2, in line 2, by striking "(b)" and inserting "(a)"; following line 16, by inserting "(d) A licensee who holds a retailer's license on the effective date of this act shall not sell any good or service that is permitted to be sold on the licensed premises pursuant to subsection (c)(6). The provisions of this subsection shall expire on December 31, 2016."; in line 18, by striking "class C"; in line 30, by striking "class C"; in line 32, by striking "class C"; in line 37, by striking "class C"; in line 39, after "\$25" by inserting "and an application fee in the amount set forth in K.S.A. 41-317, and amendments thereto"; also in line 39, by striking "fee" and inserting "fees"; by striking all in lines 41 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 16; in line 17, by striking "2015" and inserting "2017"; in line 18, by striking "class C"; in line 19, by striking "class C"; following line 20, by inserting:

"New Sec. 5. Notwithstanding the provisions of K.S.A. 41-1101, and amendments thereto, a distributor may establish minimum order quantities or minimum order prices, or both, for alcoholic liquor distributed by the distributor to a retailer.";

Also on page 4, in line 21, by striking "7" where it appears for the second time and inserting "6";

On page 6, in line 14, by striking "(1)"; by striking all in lines 17 through 20;

On page 8, by striking all in lines 37 through 43;

By striking all on pages 9 and 10;

On page 11, by striking all in lines 1 and 2; in line 5, by striking "an individual" and inserting "a natural person";

On page 12, in line 34, after "issued" by inserting ": (A)"; in line 38, after "act" by inserting ";

(B) to a corporation, if any officer or member of the board of directors or governing body thereof, or the manager of the licensed premises, would be ineligible to receive a retailer's license for any reason specified in subsection

(a) other than citizenship requirements;

(C) to a corporation, if any officer or member of the board of directors or governing body thereof, or the manager of the licensed premises, has been an officer, manager or member of the board of directors or governing body of a corporation which has had a license revoked under the provisions of the Kansas liquor control act;

(D) to a person who is not engaged in business as a liquor store, a convenience store or a grocery store. As used herein: (i) "Liquor store" means a store whose primary business is the retail sale of alcoholic liquor in the original and unopened container and not for consumption on the premises and it includes stores classified under the North American industry classification system (NAICS) on the effective date of this act as NAICS 445310; (ii) "convenience store" means a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide array of consumable products (predominantly food or food and gasoline) and services, and includes stores classified on the effective date of this act as either NAICS 44512, convenience stores, or NAICS 447110, gasoline stations with convenience stores; and (iii) "grocery store" means a store established primarily for the retail sale of food, and includes stores classified on the effective date of this act as NAICS 445110;

(E) to a partnership, unless all of the partners are qualified to obtain a license; and

(F) to a trust, if any grantor, beneficiary or trustee thereof would be ineligible to receive a retailer's license for any reason specified in subsection (a) other than the age and citizenship requirements";

On page 14, in line 37, by striking "(b)(1), (b)(2)" and inserting "(b)(1)(A), (b)(1)(B)";

On page 15, in line 25, by striking all after "first"; in line 26, by striking "of authority from" and inserting "filed a formation document with"; in line 28, after "its" by inserting "resident"; also in line 28, by striking all after "agent"; in line 29, by striking all before "authorizing"; in line 34, by striking all after the period; in line 35, by striking all before "The" where it appears the second time; by striking all in line 37 through 43;

On page 16, by striking all in line 1; by striking all in lines 22 through 43;

On page 17, by striking all in lines 1 through 42;

On page 18, in line 34, by striking "authorize"; by striking all in line 35; in line 36, by striking "wine; (3) to"; in line 37, by striking "spirits or any other"; also in line 37, by striking "other than beer or"; in line 38, by striking "wine" and inserting ", or to stock or otherwise handle any alcoholic liquor"; also in line 38, by striking "(4)" and inserting "(3)"; following line 39, by inserting:

"Sec. 14. On and after January 1, 2012, K.S.A. 41-1101 is hereby amended to read as follows: 41-1101. (a) No distributor licensed under this act shall purchase any alcoholic liquor from any manufacturer, owner of alcoholic liquor at the time it becomes a marketable product, exclusive agent of such manufacturer or owner, microbrewery, farm winery or distributor of alcoholic liquor bottled in a foreign country either within or without this state,

unless the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor files with the director a written statement sworn to by the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor or, in case of a corporation, one of its principal officers, agreeing to sell any of the brands or kinds of alcoholic liquor manufactured or distributed by the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor to any distributor licensed in this state and having a franchise to distribute the alcoholic liquor pursuant to K.S.A. 41-410, and amendments thereto, and to make such sales to all such licensed distributors in this state at the same current price and without discrimination. Each manufacturer, owner, exclusive agent, microbrewery or farm winery shall provide to each distributor written notice not less than 45 days before any change in the current price of any spirits or wine which such manufacturer, owner, exclusive agent, microbrewery or farm winery sells to such distributor. If any manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor making the agreement violates the agreement by refusing to sell such alcoholic liquor to any such franchised licensed distributor in this state or discriminates in current prices among such franchised licensed distributors making or attempting to make purchases of alcoholic liquor from the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor, the director shall notify, by registered mail, each such franchised licensed distributor in this state of the violation. Thereupon, it shall be unlawful for a franchised licensed distributor in this state to purchase any alcoholic liquor from the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor. If thereafter such a franchised licensed distributor purchases any alcoholic liquor from the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor, such franchised distributor's license shall be revoked by the director. If any manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor of alcoholic liquor bottled in a foreign country, making any agreement hereunder, does not have a sufficient supply of alcoholic liquor of any of the brands or kinds which the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor manufactures or distributes to supply the demands of all licensed distributors having a franchise to distribute such alcoholic liquor, the manufacturer, owner, exclusive agent, microbrewery, farm winery or distributor may ration such alcoholic liquor and apportion the available supply among such franchised licensed distributors purchasing or attempting to purchase it, in accordance with a plan which shall be subject to the approval of the director.

(b) *Except as otherwise provided in section 5, and amendments thereto,* no retailer licensed under this act shall purchase any alcoholic liquor from any distributor licensed under this act unless the distributor files with the director a written statement sworn to by the distributor, or in case of a corporation by one of its principal officers, agreeing to sell any of the brands or kinds of alcoholic liquor distributed by the distributor and to provide service in connection therewith to any licensed retailer whose licensed premises are located within the geographic territory of the distributor's

franchise for the alcoholic liquor, unless written approval to do otherwise is obtained from the director, and to make such sales to all such licensed retailers at the same current bottle, sleeve and case price and without discrimination. For purposes of this subsection the "same current bottle, sleeve and case price" for spirits and wine means a price effective for a specified period as designated by the distributor on or before the first day of each month. If any distributor making the agreement violates the agreement by refusing to sell or provide service to any such licensed retailer in this state without written approval of the director or discriminates in current prices among such licensed retailers making or attempting to make purchases of alcoholic liquor from the distributor, the director may revoke the license of the distributor. If any licensed distributor making any agreement hereunder does not have a sufficient supply of alcoholic liquor of any of the brands or kinds which the distributor distributes to supply the demands of all such licensed retailers, the distributor may ration such alcoholic liquor and apportion the available supply among such licensed retailers purchasing or attempting to purchase the same, in accordance with a plan which shall be subject to the approval of the director.

(c) No club or drinking establishment licensed in this state shall purchase any wine or beer from any distributor licensed under this act unless the distributor files with the director a written statement sworn to by the distributor, or in case of a corporation by one of its principal officers, agreeing to sell any of the brands or kinds of wine or beer distributed by the distributor to those clubs and drinking establishments to which the distributor is authorized to sell such wine or beer and to which the distributor desires to sell such wine or beer, unless written approval to do otherwise is obtained from the director and to make such sales to all such licensed clubs or drinking establishments at the same current bottle and case price and without discrimination. If any distributor making the agreement violates the agreement by refusing to sell to any such licensed club or drinking establishment in this state without written approval of the director or discriminates in current prices among such licensed clubs or drinking establishments making or attempting to make purchases of wine or beer from the distributor, the director may revoke the license of the distributor. If any licensed distributor making any agreement hereunder does not have a sufficient supply of wine or beer of any of the brands or kinds which the distributor distributes to supply the demands of all such licensed clubs or drinking establishments, the distributor may ration such wine or beer and apportion the available supply among such licensed clubs or drinking establishments purchasing or attempting to purchase the same, in accordance with a plan which shall be subject to the approval of the director.

For the purposes of this subsection, a delivery charge shall not be considered a part of the price of wine or beer sold by a distributor.

(d) No retailer licensed under K.S.A. 41-2701 et seq., and amendments thereto, shall purchase any cereal malt beverage from any distributor licensed under this act unless the distributor files with the director a written statement sworn to by the distributor, or in case of a corporation by one of its principal

officers, agreeing to sell any of the brands or kinds of cereal malt beverage distributed by the distributor to those retailers to which the distributor is authorized to sell such cereal malt beverage, unless written approval to do otherwise is obtained from the director, and to make such sales to all such licensed retailers at the same current price and without discrimination. If any distributor making the agreement violates the agreement by refusing to sell to any such licensed retailer in this state without written approval of the director or discriminates in current prices among such licensed retailers making or attempting to make purchases of cereal malt beverage from the distributor, the director may revoke the license of the distributor. If any licensed distributor making any agreement hereunder does not have a sufficient supply of cereal malt beverage of any of the brands or kinds which the distributor distributes to supply the demands of all such licensed retailers, the distributor may ration such cereal malt beverage and apportion the available supply among such licensed retailers purchasing or attempting to purchase the same, in accordance with a plan which shall be subject to the approval of the director.

(e) No distributor shall sell alcoholic liquor or cereal malt beverage to a retailer licensed under the Kansas liquor control act, to a club, drinking establishment or caterer licensed under the club and drinking establishment act or to a retailer licensed under K.S.A. 41-2702, and amendments thereto, at a discount for multiple case lots.":

And by renumbering sections accordingly;

On page 19, in line 23, by striking "41-310,"; also in line 23, by striking "41-317,"; in line 25, by striking "41-304,"; in line 26, by striking "and" where it appears for the first time and inserting a comma; also in line 26, after "41-713" by inserting "and 41-1101";

On page 1, in the title, in line 2, by striking "41-304 and"; in line 3, after "713" by inserting "and 41-1101"; also in line 3, by striking "41-310,"; in line 4, by striking "41-317,"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 101** be passed.

Also, **SB 114** be amended on page 1, following line 26, by inserting: "(B) suspend a unit owner's right to vote except involving issues of assessments and fees; or"; in line 27, by striking "(B)" and inserting "(C)"; in line 29, by striking "and"; following line 29, by inserting "(7) have the power to suspend owner's right to vote on all issues when the owner is a developer who owns properties and is delinquent in the payment of assessments or fees; and"; in line 30, by striking "(7)" and inserting "(8)";

On page 2, following line 17, by inserting:

"Sec. 2. K.S.A. 2010 Supp. 58-4610 is hereby amended to read as follows: 58-4610. (a) The bylaws of the association must:

(1) Provide the number of members of the board of directors and the titles of the officers of the association;

(2) provide for election by the board of directors or, if the declaration requires, by the unit owners, of a president, treasurer, secretary, and any other officers of the association the bylaws specify;

(3) specify the qualifications, powers and duties, terms of office, and manner of electing and removing board of directors' members and officers and filling vacancies;

(4) specify the powers the board of directors or officers may delegate to other persons or to a managing agent;

(5) specify the officers who may prepare, execute, certify, and record amendments to the declaration on behalf of the association;

(6) specify a method for the unit owners to amend the bylaws;

(7) contain any provision necessary to satisfy requirements in this act or the declaration concerning meetings, voting, quorums, and other activities of the association; and

(8) provide for any matter required by law of this state other than this act to appear in the bylaws of organizations of the same type as the association.

(b) Subject to the declaration and this act, the bylaws may provide for any other necessary or appropriate matters, including, but not limited to, an election oversight committee and other matters that could be adopted as rules.

(c) The requirements of this section shall not apply to any common interest community for a recreational lake development which contains more than 500 units where less than 50% of such units contain a residence.

~~(e)~~ (d) This section shall take effect on and after January 1, 2011.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "58-4608" by inserting ", 58-4610"; also in line 2, by striking "; also"; in line 3, by striking "repealing K.S.A. 2010 Supp. 58-4610"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 6; Sub SB 33; SB 63, SB 67, SB 93, SB 100, SB 119, SB 120, SB 126, SB 135, SB 145, SB 150, SB 170, SB 186 reported correctly engrossed February 23, 2011.

SB 9, SB 59, SB 74, SB 76, SB 122, SB 143, SB 160 reported correctly engrossed February 24, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

The morning session recommended:

SB 10, SB 116, SB 136, SB 177 be passed.

SB 1, SB 112, SB 124 be amended by the adoption of the committee amendments, and the bills be passed as amended.

Sub SB 50 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Apple, on page 9, in line 32, by striking "1.1%" and inserting "1%" and **Sub SB 50** be passed as amended.

SB 198 be amended be adoption of the committee amendments, be further amended by motion of Senator King on page 1, in line 14, after "Greenwood," by inserting "Hamilton, "; also in line 14, after "Harper," by inserting "Hodgeman, "; also in line 14, after "Jewell," by inserting "Kearny, "; in line 16, after "Phillips," by inserting "Pratt,"

SB 198 be further amended by motion of Senator Bruce, on page 3, in line 18, by striking all after "when"; by striking all in lines 19 through 22; in line 23, by striking all before the period, and by inserting "such resident individual establishes domicile in a county designated as a rural opportunity zone which participates in the program as provided in subsection (a), on and after the date in which such county commenced such participation, and prior to July 1, 2016"

SB 198 be further amended by motion of Senator Huntington, on page 3, following line 38, by inserting "(f) On January 1, 2012, and annually thereafter until January 1, 2017, the secretary of commerce shall report to the senate committee on assessment and taxation and the House of Representatives committee on taxation as to how many residents applied for the rural opportunity zone tax credit." and **SB 198** be passed as further amended.

SB 212 be amended by adoption of the committee amendments, be further amended by motion of Senator V. Schmidt, on page one, in line 32 by striking "statute book" and inserting "Kansas register" and **SB 212** be passed as further amended.

SB 137 be amended by the adoption of the committee amendments and be passed over and retain a place on the calendar.

Sub SB 147, SB 193 be passed over and retain a place on the calendar.

ORIGINAL MOTION

Having voted on the prevailing side in Final Action on **SB 1**, Senator Apple moved the Senate reconsider its action on **SB 1**. The motion carried and the bill was returned to Committee of the Whole.

The committee rose and reported progress (see Committee of the Whole, afternoon session).

On motion of Senator Emler the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1605—

By Senators Morris, Emler, Vratil, Abrams, Apple, Bruce, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger and Wagle

A CONCURRENT RESOLUTION urging the United States Congress to fund the construction of the National Bio and Agro-defense Facility (NBAF) and encouraging the Department of Homeland Security to advance the sale of Plum Island Animal Disease Center and direct the proceeds of the sale to be used to help fund the NBAF.

WHEREAS, When it comes to the critically urgent work of protecting America's food supply, the NBAF offers the only long-term solution to secure the nation's food supply and agricultural economy through integrated biosafety research, testing and evaluation of agricultural and public health threats; and

WHEREAS, Since 2004, the Department of Homeland Security (DHS) has reported on the defined capability gap in integrated biosafety research, development, testing and evaluation of agricultural and public health threats posed by foreign animal, emerging and zoonotic diseases in large livestock; and

WHEREAS, The NBAF will eliminate the capability gap outlined in 2004 by providing a domestic, modern, integrated high-containment facility containing BioSafety Level (BSL) 2/3/3Ag/4 laboratories for up to 350 scientists and support staff to safely and effectively address the accidental or intentional introduction of animal diseases into the United States; and

WHEREAS, In 2006, DHS implemented an exhaustive three-year selection process that, based on the merits of the site, resulted in the selection of Kansas as the best home for a new research facility to protect the American food supply and agriculture economy. Throughout the review, Kansas was noted for its internationally recognized animal health research expertise, state-of-the-art research and industry infrastructure, and deep agricultural heritage – all of which will significantly enhance research efforts; and

WHEREAS, In January 2009, the Department of Homeland Security sited the NBAF in Manhattan, Kansas on the campus of Kansas State University based upon the unanimous recommendation of a panel of biocontainment experts; and

WHEREAS, In its Record of Decision published in the Federal Register on January 16, 2009, the Department of Homeland Security noted that, "based on the numerous strengths that were evident when evaluating the Manhattan Campus Site against the evaluation criteria, DHS found that this location best met the purpose and need to site, construct and operate the NBAF. Specifically, the site location near KSU provides site proximity to existing research capabilities that can be linked to NBAF mission requirements. Additionally, the site's proximity to the KSU College of Veterinary Medicine, KSU College of Agriculture and the Biosecurity Research Institute is relevant to the NBAF mission and a significant strength."; and

WHEREAS, The bipartisan Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism's October 2009 progress report called the Clock is Ticking defined the critical importance of the NBAF by concluding that bioterrorism is the most imminent threat to our homeland security and called for investment to limit the consequences of a bioweapons attack and improve our nation's capabilities to recognize, respond and recover

from such an attack; and

WHEREAS, The State of Kansas recognizes this threat and has committed to partner with the Department of Homeland Security and the United States Department of Agriculture to initiate NBAF related research during the construction of the NBAF to accelerate its critical mission of protecting our nation's agriculture economy; and

WHEREAS, Once construction is completed, the NBAF will serve as the nation's premier research facility for developing vaccines and countermeasures for diseases that threaten livestock and other animals, which agricultural and bioterrorism experts consider an urgent national priority; and

WHEREAS, President Obama's FY 2012 budget requests \$150 million to initiate the construction of the NBAF; and

WHEREAS, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329) requires that, having chosen a site other than Plum Island, New York, the Department of Homeland Security Secretary is to sell Plum Island through the General Services Administration. Proceeds of the sale shall be available for site acquisition, construction and costs related to the construction of the NBAF: Now, therefore,

Be it resolved by the Senate of the state of Kansas, the House of Representatives concurring therein: That we recognize the vital role the National Bio and Agro-defense Facility will play in the future to securing our country from natural and deliberate threats to our food supply, agricultural economy and public health posed by dangerous foreign animal diseases and that we urge the federal government to act aggressively in addressing the threats of bioterrorism; and

Be it further resolved: The construction and operations of the National Bio and Agro-Defense Facility must be accelerated to eliminate the capability gap outlined in 2004 by DHS, the 2009 Clock is Ticking report; and provide the research, testing and evaluation necessary to secure the nation's food supply and agricultural economy; and

Be it further resolved: That we urge the United States Congress to support President Obama's budget request of \$150 million to ensure the timely construction and operations of the National Bio and Agro-Defense Facility and encourage the Department of Homeland Security and the General Services Administration to move quickly to sell Plum Island and to direct the proceeds to be used to help fund the NBAF; and

Be it further resolved: That copies of this resolution be provided to President Obama and Vice President Biden, Secretary Napolitano of the U.S. Department of Homeland Security, Secretary Vilsack of the U.S. Department of Agriculture, Secretary Sebelius of the U.S. Department of Health and Human Services, the U.S. House of Representatives and U.S. Senate homeland security appropriations subcommittees, the Kansas congressional delegation and Governor Sam Brownback.

On emergency motion of Senator Emler **SCR 1605** was adopted by voice vote.

CHANGE OF REFERENCE

The President withdrew **SB 78, SB 101, SB 137; Sub SB 147; SB 193, SB 196** from the calendar under the heading of general orders and referred the bills to the Committee on **Ways and Means**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2015, HB 2031, HB 2035, HB 2042, HB 2066, HB 2119, HB 2122, HB 2130, HB 2149, HB 2200, HB 2218, HB 2231, HB 2241, HB 2251, HB 2294, HB 2329**.

Announcing adoption of **HCR 5009**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2015, HB 2031, HB 2035, HB 2042, HB 2066, HB 2119, HB 2122, HB 2130, HB 2149, HB 2200, HB 2218, HB 2231, HB 2241, HB 2251, HB 2294, HB 2329, HCR 5009 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Committee on Judiciary introduced the following Senate Resolution, which was read:

SENATE RESOLUTION No. 1817—

RESOLUTION disapproving Executive Reorganization Order No. 34, relating to consolidation of parole review functions in the executive branch by abolishing the parole board as established by K.S.A. 22-3701 et seq. and establishing the prisoner review board within the department of corrections.

Be it resolved by the Senate of the State of Kansas: That Executive Reorganization Order No. 34 is hereby disapproved in accordance with Section 6 of Article 1 of the Constitution of Kansas; and

Be it further resolved: That the secretary of state shall transmit a copy of this resolution to the governor; and

Be it further resolved: That the secretary of state shall cause this resolution to be published in the session laws to show permanently the foregoing disapproval of the Senate of Executive Reorganization Order No. 34.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On the motion of Senator Brungardt the report for the morning and the following afternoon sessions was adopted.

The Senate returned to reconsideration of **SB 1**. Senator Vratil moved to amend **SB 1** on page 1, line 9, by inserting after the word “register” the phrase “or other location readily accessible to the consumer” and **SB 1** be passed as further amended

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 1**, **SB 10**; **Sub SB 50**; **SB 112**, **SB 116**, **SB 124**, **SB 136**, **SB 177**, **SB 198**, **SB 212** and were advanced to Final Action and roll call.

SB 1, AN ACT concerning consumer transactions; relating to the Kansas retailers' sales tax act; notice of the cumulative rate .

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 10, AN ACT concerning sales taxation; relating to countywide retailers' sales tax; Edwards county; amending K.S.A. 2010 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

Sub SB 50, AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2010 Supp. 12-5327, 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5303, 12-5305, 12-5306, 12-5307, 12-5308 and 12-5309 and K.S.A. 2010 Supp. 12-5301, 12-5302, 12-5304, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed, as amended.

SB 112, AN ACT concerning land surveyors; amending K.S.A. 19-1407, 19-1411, 19-1412, 19-1413, 19-1416, 19-1417, 19-1420, 19-1422, 19-1423, 19-1426, 19-1430, 24-106, 24-802, 25-101, 42-358, 58-2001, 58-2002, 58-2003, 58-2004, 58-2005, 58-2011, 58-3102, 68-104, 68-131, 68-1407 and 79-409 and K.S.A. 2010 Supp. 68-1402 and repealing the existing sections; also repealing K.S.A. 19-1403, 19-1421, 19-1432 and 68-108.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 116, AN ACT concerning taxation; regarding tax information; disclosure of information to the state treasurer for the purpose of locating unclaimed property owners; amending K.S.A. 2010 Supp. 79-3234 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 124, AN ACT concerning water; relating to water supply storage access and creating the lower smoky hill water supply access program.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick,

Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 136, AN ACT concerning insurance; relating to the recovery of economic or noneconomic loss sustained as a result of an accident while operating an uninsured motor vehicle.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Hensley, Holland.

Absent or Not Voting: Donovan.

The bill passed.

SB 177, AN ACT concerning taxation; relating to periods of limitation for certain refunds and credits; amending K.S.A. 2010 Supp. 79-3609 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 198, AN ACT concerning economic development; creating rural opportunity zones; relating to income taxation, credit for certain taxpayers, amount and requirements; student loan repayment program.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Hensley, Huntington, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco, Haley, Holland, Kelly, Kultala.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 212, AN ACT concerning taxation; relating to abatement of tax liability; annual report; amending K.S.A. 2010 Supp. 79-3233b and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

On motion of Senator Emler the Senate adjourned until 9:00 a.m., Friday, February 25, 2011.

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 25, 2011, 9:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with twenty-eight senators present.
Senators Brungardt, Donovan, Kelsey, Longbine, Lynn, Masterson, Owens, Petersen, Pilcher-Cook, Schodorf, Steineger, Taddiken were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As the session moves on, please bring out the best in us...

When we're weary, keep us going.
When we're threatened, keep us calm.
When feeling defeated, keep us trying.
When we're tempted, keep us strong.

When disappointed, keep us cheerful.
When things go wrong, keep us right.
When all surrender, keep us fighting.
When all seems dark, give us light.

When people doubt us, keep us patient.
When doors are locked, provide a key.
When evil seems about to crush us.
Help us sustain our faith in Thee.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2015, HB 2200, HB 2251.**

Ethics and Elections: **HB 2130.**

Financial Institutions & Insurance: **HB 2119.**

Judiciary: **HB 2031, HB 2035, HB 2042, HB 2218, HB 2329.**

Local Government: **HB 2066, HB 2294.**
Public Health and Welfare: **HB 2241.**
Transportation: **HB 2192.**
Utilities: **HB 2122; HCR 5009.**
Ways and Means: **HB 2149, HB 2231.**

CHANGE OF REFERENCE

The President withdrew **SB 137** from the Committee on **Ways and Means**, and re-referred the bill to the Committee on **Commerce**.

The President withdrew **SB 18, SB 20, SB 51, SB 75, SB 202** from the Committee on **Ways and Means**, and re-referred the bills to the Committee on **Education**.

The President withdrew **SB 78, SB 101, SB 193, SB 196** from the Committee on **Ways and Means**, and re-referred the bills to the Calendar under the heading of **General Orders**.

The President withdrew **SB 7, SB 39, SB 142, SB 146, SB 159, SB 165** from the Committee on **Ways and Means**, and re-referred the bills to the Committee on **Judiciary**.

The President withdrew **SB 49** from the Committee on **Ways and Means** and re-referred the bill to the Committee on **KPERS Select**.

The President withdrew **SB 30** from the Committee on **Utilities** and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 86, SB 87, SB 95, SB 98, SB 109, SB 197** from the Committee on **Assessment and Taxation** and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 131** from the Committee on **Local Government** and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 157** from the Committee on **Commerce** and referred the bill to the Committee on **Ways and Means**.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** recommends **SB 72** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 72," as follows:

"Substitute for SENATE BILL No. 72

By Committee on Utilities

AN ACT concerning telecommunications; amending K.S.A. 50-6,103 and K.S.A. 2010 Supp. 66-2005 and repealing the existing sections."; and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

SB 112, SB 124, SB 198 reported correctly engrossed February 24, 2011.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5021**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5021 was thereupon introduced and read by title.

On emergency motion of Senator Emler **HCR 5021**, a concurrent resolution relating to the adjournment of the Senate and House of Representatives for periods during the 2011 regular session of the legislature, was adopted by voice vote.

On motion of Senator Emler the Senate adjourned until 2:30 p.m., Wednesday, March 2, 2011.

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 2, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-six senators present.
Senators Donovan, Hensley, McGinn and Morris were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

In the book of Revelation, You told the church in Laodicea, "Because you are lukewarm-neither cold nor hot-I am about to spit you out of my mouth."

Forgive us for being lukewarm about things that matter. When it comes to doing what is best for the people of Kansas, we pray You will find us:

On fire, not lukewarm.
Going full speed, not idling.
A participator, not a spectator.
Enthused, instead of defused.
More intense, than on the fence.
More ecstatic, than static.

After all, Lord, at the judgment we want to hear you say,
"Well done!" Not "Medium Rare!"

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

CHANGE OF REFERENCE

The Vice President withdrew **SB 30** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Utilities**.

The Vice President withdrew **SB 86, SB 87, SB 95, SB 98, SB 109 and SB 197** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Assessment and Taxation**.

The Vice President withdrew **SB 131** from the Committee on **Ways and**

Means, and rereferred the bill to the Committee on **Local Government**.

The Vice President withdrew **SB 157** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Commerce**.

The Vice President withdrew **HB 2122** from the Committee on **Utilities**, and referred the bill to the Committee on **Agriculture**.

MESSAGE FROM THE GOVERNOR

February 25, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-03.

Sam Brownback
Governor

The Vice President announced Executive Order No. 11-03, incorporates by reference Executive Orders 98-5, 00-06, 02-05, 03-06, 05-01, 06-02 and 09-06 and continues the Governor's Military Council.

February 22, 2011

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

Appointments:

Superintendent, Kansas Highway Patrol, Ernie Garcia (R) Overland Park, pursuant to the authority vested in me by KSA 74-2105 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Secretary, Department of Social and Rehabilitation Services, Rob Siedlecki (R) Topeka, pursuant to the authority vested in me by KSA 75-5301 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

State Banking Commissioner, Edwin Splichal (R) Belleville, pursuant to the authority vested in me by KSA 75-1304 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, Lottery Commission, Mike King (R) Hesston, pursuant to the authority vested in me by KSA 74-8709 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Director, Water Office, Tracy Streeter (R) Valley Falls, pursuant to the authority vested in me by KSA 74-2613 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Board of Directors, Kansas Development Finance Authority, Patti Petersen-Klein (R) Topeka, pursuant to the authority vested in me by KSA 74-8903 effective upon the date of confirmation by the Senate, to serve a four-year term ending on January 15, 2013.

COMMUNICATIONS FROM STATE OFFICERS

SUPREME COURT OF KANSAS

February 24, 2011

Pursuant to KSA 8-1008, Howard Schwartz, Judicial Administrator, submitted the 2010 Annual Report of the Statement of Alcohol Drug Safety Action Program.

The Vice President announced the above report 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 2034, HB 2067; Substitute HB 2069; HB 2075, HB 2076, HB 2077, HB 2080, HB 2101, HB 2105, HB 2120, HB 2125, HB 2128; Substitute HB 2135; HB 2139, HB 2147; Substitute HB 2188, Substitute HB 2191; HB 2194, HB 2195, HB 2196, HB 2240, HB 2258; Substitute HB 2271; HB 2282, HB 2312; SCR 1605.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2034, HB 2067; Substitute HB 2069; HB 2075, HB 2076, HB 2077, HB 2080, HB 2101, HB 2105, HB 2120, HB 2125, HB 2128; Substitute HB 2135; HB 2139, HB 2147; Substitute HB 2188, Substitute HB 2191; HB 2194, HB 2195, HB 2196, HB 2240, HB 2258; Substitute HB 2271; HB 2282, HB 2312 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 182** be passed.

Also, **SB 185** be amended on page 1, in line 16, after "bank" by inserting "or a trust company"; also in line 16, by striking ", or a trust"; in line 17, by striking "company"; in line 25, after "bank" by inserting "or trust company";

And the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 1; Sub SB 50; SB 212 reported correctly engrossed February 25, 2011.

REPORT ON ENROLLED BILLS

SCR 1605 reported correctly enrolled, properly signed and presented to the Secretary of State on February 25, 2011.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Thursday, March 3, 2011.

Journal of the Senate

THIRTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 3, 2011, 2:30 p.m.

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

Heavenly Father,

Very deep within me
A battle scene unfolds:
A dual between two forces
For the capture of my soul.

One tells me not to worry
When I feel I need to lie.
The other force says lying
I must never justify.

One force says my survival
Rests on a simple plan:
Just realize most people
Will cheat me when they can.

But the other force reminds me
If that's what I believe,
I'll live a life of misery,
Because myself I will deceive.

I'm assuming that this battle
Will continue for my soul:
Please help me, Lord, to listen
To the force that You control.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Apple introduced and congratulated Susana Kingsley, Mrs. Kansas 2011. Also introduced were Mike Quilling and Fred Burrack, members of the Kansas Music Educators Association. They were welcomed with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 220, AN ACT concerning the state fire marshal; abolishing the office thereof; transferring the duties and functions thereof to the division of facilities management, the Kansas bureau of investigation and the adjutant general; amending K.S.A. 19-1579, 19-4625, 21-4318, 31-134a, 31-135, 31-136, 31-139, 31-141, 31-143, 31-146, 31-147, 31-148, 31-150a, 31-155, 31-156, 31-165, 31-402, 36-132, 36-133, 36-134, 39-928, 39-929, 40-2,110, 48-928, 50-644, 55-1803, 55-1807, 55-1809, 55-1810, 55-1811, 55-1813, 65-429, 65-34,105, 75-1515 and 80-114 and K.S.A. 2010 Supp. 21-4201, 21-4217, 31-133, 31-133a, 31-134, 31-137, 31-140, 31-142, 31-144, 31-150, 31-159, 31-170, 31-501, 31-502, 31-503, 31-504, 31-505, 31-506, 31-603, 31-604, 31-605, 31-606, 31-607, 31-608, 31-609, 31-611, 31-701, 31-702, 31-703, 31-705, 36-510, 39-925, 39-935, 39-938, 39-945, 40-252, 55-1812, 65-506, 65-508, 65-34,133, 65-34,136, 65-34,137, 65-5703, 74-4911f, 74-5602, 74-8841, 75-1508, 75-1514, 75-1517, 75-36,102, 75-36,103, 76-327a, 76-7,105, 76-3319 and 77-618 and repealing the existing sections; also repealing K.S.A. 31-138, 31-157, 46-3201, 74-133, 75-1503, 75-1505, 75-1506, 75-1507, 75-1511, 75-1516, 75-3136 and 75-3137 and K.S.A. 2010 Supp. 74-4978f, 75-1510, 75-1513 and 76-327f, by Committee on Ways and Means.

SB 221, AN ACT concerning corrections; amending K.S.A. 19-1930 and 75-52,103 and repealing the existing sections, by Committee on Ways and Means.

SB 222, AN ACT concerning elections; relating to voter identification; amending K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002 and 25-3104 and repealing the existing sections, by Committee on Ways and Means.

SB 223, AN ACT concerning accessibility standards for public facilities; amending K.S.A. 58-1301b and repealing the existing section, by Committee on Ways and Means.

SB 224, AN ACT concerning the gas safety and reliability surcharge; relating to a petition for rate schedule, extension of deadline for proceeding; amending K.S.A. 2010 Supp. 66-2203 and repealing the existing section, by Committee on Federal and State Affairs.

SB 225, AN ACT designating part of interstate highway 70 as the Eisenhower/Truman Presidential highway; amending K.S.A. 68-1009 and repealing the existing section, by Committee on Federal and State Affairs.

SENATE CONCURRENT RESOLUTION No. 1606—

By Special Committee on Natural Gas Storage Fields and Facilities

A CONCURRENT RESOLUTION urging the United States Department of Transportation to adopt regulations addressing the safety of vertical, down-hole

operations in gas storage fields, thus creating an opportunity for the State Corporation Commission, operating as a designated agent of the Department, to regulate and ensure the safety of all natural gas storage fields in Kansas.

WHEREAS, It is vital to have regulatory oversight to ensure the safe operation of natural gas storage facilities within the State of Kansas; and

WHEREAS, For decades, natural gas transportation companies have integrated underground natural gas storage into their interstate pipeline operations to increase deliverability and decrease overall costs; and

WHEREAS, The growth of the production, transportation and storage of natural gas is an important element in the preservation and creation of jobs in Kansas; and

WHEREAS, The safe underground storage of natural gas within an interstate transportation system is a vital process to ensure efficient development and production of Kansas natural gas resources; and

WHEREAS, Several significant incidents across the United States have occurred where natural gas or hazardous liquids have escaped from storage and resulted in loss of life and property; and

WHEREAS, The Federal Energy Regulatory Commission, which is empowered to establish underground storage sites for interstate gas pipeline companies, and the Department of Transportation, which is empowered to regulate for safety operations of interstate gas pipeline companies, have regulations which do not sufficiently address the safety of vertical, down-hole operations in gas storage fields and do not maintain a physical presence in Kansas, making it difficult to properly regulate and ensure the safety of all natural gas storage facilities in Kansas; and

WHEREAS, The State Corporation Commission not only has the experience and technical ability to regulate the safety of underground storage of gas, but is also best positioned to monitor and safeguard natural gas storage facilities in Kansas; and

WHEREAS, Due to a recent adverse federal court ruling that held 49 U.S.C. § 60104(c) precludes a state authority from adopting or enforcing safety standards for interstate pipeline facilities or pipelines transporting gas in interstate transportation, the State of Kansas may not regulate the safety of underground storage of gas in interstate transportation; and

WHEREAS, It is imperative that the citizens of the State of Kansas be protected from accidents or mishaps at facilities used for the underground storage of natural gas that is in interstate transportation and that both interstate and intrastate gas storage companies be regulated to ensure facilities are operated in a safe manner: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature urges the United States Department of Transportation to adopt regulations addressing the safety of vertical, down-hole operations in gas storage fields and to facilitate the ability of the Kansas Corporation Commission to act as its agent for the enforcement of the regulations, to assure the safety and security of Kansans is protected through the regulation of all operations of all natural gas storage facilities located in the State of Kansas; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the Commissioners of the Federal Energy Regulatory Commission, the United States Secretary of Transportation, members of the Kansas Congressional Delegation, the Governor of Kansas and the Commissioners of the State Corporation Commission.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **Sub HB 2271; HB 2282.**

Commerce: **Sub HB 2135.**

Education: **Sub HB 2191.**

Ethics and Elections: **HB 2067 (Separately); HB 2080, HB 2128.**

Federal and State Affairs: **HB 2120; Sub HB 2188; HB 2194.**

Financial Institutions & Insurance: **HB 2075, HB 2076, HB 2077, HB 2139.**

Judiciary: **HB 2067 (Separately); Sub HB 2069; HB 2101, HB 2105, HB 2196, HB 2312.**

Local Government: **HB 2195, HB 2240.**

Public Health and Welfare: **HB 2125, HB 2147.**

Transportation: **HB 2034.**

Ways and Means: **HB 2258.**

REFERRAL OF APPOINTMENTS

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

Department of Social and Rehabilitation Services,

Rob Siedlecki, Secretary, serves at the pleasure of the Governor.

(Ways and Means)

Kansas Development Finance Authority,

Patti Petersen-Klein, Board of Directors, to serve a four-year term ending January 15, 2013.

(Commerce)

Kansas Highway Patrol,

Ernie Garcia, Superintendent, serves at the pleasure of the Governor.

(Federal and State Affairs)

Lottery Commission,

Mike King, Member, serves at the pleasure of the Governor.

(Federal and State Affairs)

State Banking Commissioner,

Edwin Splichal, serves at the pleasure of the Governor.

(Financial Institutions and Insurance)

Water Office,

Tracy Streeter, Director, serves at the pleasure of the Governor.

(Natural Resources)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1818—

A RESOLUTION proclaiming March 3, 2011, as World Kidney Day and March as Kidney Awareness Month in Kansas.

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, More than 1 in 8 American adults have chronic kidney disease and over 2,500 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 hereby encourage Kansans to monitor and treat high blood pressure and diabetes to the best of their abilities and proclaim March 3, 2011, as World Kidney Day and March as Kidney Awareness Month in Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator McGinn.

On emergency motion of Senator McGinn **SR 1818** was adopted unanimously.

Senator McGinn recognized Cindy Zielke, Johnye Van Hekken, Tom Musick and Carol Musick for their participation in World Kidney Day in the Capitol.

Committee on Federal and State Affairs introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1819—

A RESOLUTION disapproving Executive Reorganization Order No. 39, abolishing the Kansas Arts Commission created by K.S.A. 74-5202 and the office of executive director of the commission under K.S.A. 74-5204 and transferring the powers, duties and functions to the state historical society.

Be it resolved by the Senate of the State of Kansas: That Executive Reorganization Order No. 39 is hereby disapproved in accordance with Section 6 of Article 1 of the Constitution of Kansas; and

Be it further resolved: That the secretary of state shall transmit a copy of this resolution to the governor; and

Be it further resolved: That the secretary of state shall cause this resolution to be published in the session laws to show permanently the foregoing disapproval of the Senate of Executive Reorganization Order No. 39.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2023**, **HB 2030**, as amended by House Committee, be passed.

Also, **HB 2027**, as amended by House Committee of the Whole, be amended on page 11, by striking all in lines 9 through 11; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 214** be amended on page 3, in line 2, by striking "an individual, corporation,."; by striking all in lines 3 and 4; in line 5, by striking "or instrumentality; public corporation"; and inserting "any natural person, public or private corporation, municipality"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2003** 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, **SB 213** be amended on page 5, following line 24, by inserting:

"Sec. 4. K.S.A. 2010 Supp. 79-201k is hereby amended to read as follows: 79-201k. (a) It is the purpose of this section to promote, stimulate and develop the general welfare, economic development and prosperity of the state of Kansas by fostering the growth of commerce within the state; to encourage the location of new business and industry in this state and the expansion, relocation or retention of existing business and industry when so doing will help maintain or increase the level of commerce within the state; and to promote the economic stability of the state by maintaining and providing employment opportunities, thus promoting the general welfare of the citizens of this state, by exempting aircraft used in business and industry, from imposition of the property tax or other ad valorem tax imposed by this state or its taxing subdivisions. Kansas has long been a leader in the manufacture and use of aircraft and the use of aircraft in business and industry is vital to the continued economic growth of the state.

(b) 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:

First. For all taxable years commencing after December 31, 2002, all aircraft used predominantly to earn income for the owner in the conduct of the owner's business or industry. If the owner's business or industry is the leasing of aircraft, the lessee's use of the aircraft shall not be considered in determining this exemption. ~~For purposes of this provision,~~ The term "predominantly" means: (1) At least 80% of the total use of the aircraft; or (2) utilization of the aircraft such that all of the aircraft costs are deductible for federal income tax purposes. *The term "aircraft" shall not include lightweight roadable vehicles, as defined by K.S.A. 8-126, and amendments thereto.*;

And by renumbering sections accordingly;

In line 25, following "8-126" by striking "and" and inserting a comma; also in line 25, following "8-1486" by inserting "and 79-201k";

On page 1, in the title, in line 1 by striking "motor vehicles; relating to"; in line 2, following the semicolon by inserting "relating to registration; uniform traffic code; property tax exemptions;" also in line 2, by striking the "and" where it appears for the first time and inserting a comma; also in line 2, following "8-1486" by inserting "and 79-201k";

And the bill be passed as amended.

HB 2175 be amended on page 1, in line 5, after "K.S.A." by inserting "68-1038,";

On page 1 in the title, after "K.S.A." by inserting "68-1038,"; also in line 1, by striking "the highway", in line 2, by striking "advisory commission" and inserting "roads, highways and scenic byways"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole,

for consideration of bills on the calendar under the heading of General Orders with Senator Schodorf in the chair.

On motion of Senator Schodorf the following report was adopted:

Recommended: **SB 101** be passed.

SB 193 be amended by the adoption of the committee amendments, and **SB 193** be passed as amended. Senator Holland moved **SB 193** be rereferred to the Committee on Assessment and Taxation. The motion failed.

The committee report on **SB 72** recommending a substitute for **SB 72** be adopted,

Sub SB 72 be amended by motion of Senator Francisco, on page 3, following line 6, by inserting:

"Sec. 2. K.S.A. 66-1,187 is hereby amended to read as follows: 66-1,187. As used in this act:

(a) "Broadband" means the transmission of digital signals at rates equal to or greater than 1.5 megabits per second.

(b) "CLASS services" means custom local area signaling services, which include automatic callback, automatic recall, calling number identification, selective call rejection, selective call acceptance, selective call forwarding, distinctive ringing and customer originated trace.

(c) "Commission" means the state corporation commission.

(d) "Dialing parity" means that a person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications carrier of the customer's designation from among two or more telecommunications carriers, including such local exchange carrier.

(e) "Federal act" means the federal telecommunications act of 1996, P.L. 104-104 (amending the communications act of 1934, 47 U.S.C. § 151, et seq.)

(f) "ISDN" means integrated services digital network which is a network and associated technology that provides simultaneous voice and data communications over a single communications channel.

(g) "LATA" has the meaning ascribed to it in the federal act.

(h) "Local exchange carrier" means any telecommunications public utility or its successor providing switched telecommunications service within any local exchange service area, as approved by the commission on or before January 1, 1996. However, with respect to the Hill City exchange area, in which multiple carriers were certified by the commission prior to January 1, 1996, the commission's determination, subject to any court appeals, of which authorized carrier shall serve as the carrier of last resort will determine which carrier shall be deemed the local exchange carrier for that exchange.

(i) "Number portability" has the meaning ascribed to it in the federal act.

(j) "1+ intraLATA dialing parity" means the ability of a local exchange service customer to specify the telecommunications or local exchange carrier that will carry the intraLATA long distance messages when that customer dials either "1" or "0" plus a 10-digit number.

(k) "Operating area" means:

(1) In the case of a rural telephone company, operating area or service area means such company's study area or areas as approved by the federal communications commission;

(2) in the case of a local exchange carrier, other than a rural telephone company, operating area or service area means such carrier's local exchange service area or areas as approved by the commission.

(l) "Rural telephone company" has the meaning ascribed to it in the federal act, excluding any local exchange carrier which together with all of its affiliates has 20,000 or more access lines in the state.

(m) "Telecommunications carrier" means a corporation, company, individual, association of persons, their trustees, lessees or receivers that provides a telecommunications service, including, but not limited to, interexchange carriers and competitive access providers, but not including local exchange carriers certified before January 1, 1996, *except for electing carriers*.

(n) "Telecommunications public utility" means any public utility, as defined in K.S.A. 66-104, and amendments thereto, which owns, controls, operates or manages any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages, as defined in K.S.A. 66-104, and amendments thereto, or the provision of telecommunications services in or throughout any part of Kansas.

(o) "Telecommunications service" means the provision of a service for the transmission of telephone messages, or two-way video or data messages.

(p) "Universal service" means telecommunications services and facilities which include: single party, two-way voice grade calling; stored program controlled switching with vertical service capability; E911 capability; tone dialing; access to operator services; access to directory assistance; and equal access to long distance services.

(q) "Enhanced universal service" means telecommunications services, in addition to those included in universal service, which shall include: Signaling system seven capability, with CLASS service capability; basic and primary rate ISDN capability, or the technological equivalent; full-fiber interconnectivity, or the technological equivalent, between central offices; and broadband capable facilities to: All schools accredited pursuant to K.S.A. 72-1101 et seq., and amendments thereto; hospitals as defined in K.S.A. 65-425, and amendments thereto; public libraries; and state and local government facilities which request broadband services.";

And by renumbering sections accordingly;

On page 15, in line 9, after "carrier." by inserting "A local exchange carrier may make such election by providing the commission with at least 90 days' written notice of election. The notice of election shall include a verified statement that a majority of the carrier's local exchange access lines are price deregulated. Such notification shall include information regarding the number of access lines the carrier serves in each of the carrier's exchanges. Within 45 days of receipt of such a notification, the commission shall review the information concerning the carrier's local exchange access lines and upon failure of the commission, within 45 days of receipt of the notification, to determine that a majority of such lines of the carrier are not price deregulated the commission shall designate the carrier as an electing carrier.";

On page 16, in line 23, after "50-6,103" by inserting "and 66-1,187";

On page 1, in the title, in line 1, after "50-6,103" by inserting "and 66-1,187" and **Sub SB 72** be passed as amended.

SB 114 be amended by the adoption of the committee amendments. Senator Apple moved to amend **SB 114** on page 2, following line 26, by inserting: "(d) The provisions of subsection (a)(6)(B) shall not apply to any common interest community

for a recreational lake development which contains more than 500 units where less than 50% of such units contain a residence."; in line 27, by striking "(d)" and inserting "(e)" and **SB 114** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **Sub SB 72, SB 101, SB 114, SB 193** were advanced to Final Action and roll call.

Sub SB 72, AN ACT concerning telecommunications; amending K.S.A. 50-6,103 and 66-1,187 and K.S.A. 2010 Supp. 66-2005 and repealing the existing sections.

On roll call, the vote was: Yeas 32, Nays 7, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Longbine, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Apple, Bruce, Emler, King, Love, Ostmeyer, Schmidt A.

Absent or Not Voting: Donovan.

The substitute bill passed, as amended.

SB 101, AN ACT concerning homeowners associations; amending K.S.A. 2010 Supp. 58-4605 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 114, AN ACT concerning homeowners associations; amending K.S.A. 2010 Supp. 58-4608, 58-4610 and 58-4618 and repealing the existing sections.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Olson, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 193, AN ACT concerning sales taxation; relating to food sales tax refunds; information required in support of claim; amending K.S.A. 79-3637 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, March 4, 2011.

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 4, 2011, 8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-six senators present.
Senators Brungardt, Donovan, Kelsey and King were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Help us to be willing to pay the price for achievement. We ought to know by now there has to be:

A lot of hurt before the healing;
A lot of clouds before it clears.
A lot of tackles before a touchdown
That turns the silence into cheers.

A lot of battles before the victory;
A lot of sweat to grow the crop.
A lot of tears before the laughter;
A lot of climbing to the top.

A lot of pain before a birth;
A boot camp before the stripes.
Lots of study before diplomas;
A lot of growing before it's ripe.

We should have learned from You, O God, that Jesus had to endure the cross before the resurrection.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 222**.

Federal and State Affairs: **SB 223**.

Transportation: **SB 225**.

Utilities: **SB 224**; **SCR 1606**.

Ways and Means: **SB 220**, **SB 221**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1820—

A RESOLUTION establishing Anti-Bullying Awareness Week in Kansas.

WHEREAS, The State of Kansas recognizes its responsibility to ensure physically safe and emotionally secure environments for all Kansas students and school staff; and

WHEREAS, Bullying creates a climate of fear among students, inhibiting their ability to learn and contributing to other anti-social behavior; and

WHEREAS, It is important that we acknowledge and heighten awareness about the serious issues and the negative effects of bullying; and

WHEREAS, The Kansas Legislature has required local boards of education to adopt and implement plans to address bullying on and while utilizing school property, including a provision for the training and education of staff members and students; and

WHEREAS, Bullying is a community wide issue and students, families, and educators all have a role in addressing bullying situations and changing school culture; and

WHEREAS, October has been designated National Anti-Bullying Awareness Month: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the first full week of October of each year beginning with October 2011 be designated Anti-Bullying Awareness Week in Kansas as a symbol of our commitment to ensuring safe and nurturing school environments; and

Be it further resolved: That the Secretary of the Senate shall send 12 enrolled copies of this resolution to the Kansas Board of Education, 120 SE 10th Avenue, Topeka, KS 66612.

On emergency motion of Senator Schodorf **SR 1820** was adopted unanimously.

POINT OF PERSONAL PRIVILEGE

Senator McGinn rose on a Point of Personal Privilege to pay tribute to Sister Helen Prejean, author of the book “Dead Man Walking” and her involvement regarding the death penalty. Donna Schneweis was also introduced. They were acknowledged with a standing ovation.

REPORT ON ENROLLED BILLS

SR 1818 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 4, 2011.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Monday, March 7, 2011.

Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 7, 2011, 2:30 p.m.

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

Heavenly Father,

As we mature we tend to take pride in our ability to exercise restraint.
We learn to roll with the punches; stay calm under pressure; or as Kipling put it, "To keep our heads, when all around us others are losing theirs and blaming it on us." Or in the current lingo, "Be cool, man."

Composure is an admirable quality most of the time, O God.
But You have shown us that keeping cool, calm, and collected is not always a virtue.
Even Jesus vented his wrath on the money-changers and the Pharisees.
So forgive us, Lord, when we are so stoic nothing outrages us.
When someone is in dire need, we "pass by on the other side."
When we can tolerate injustice with no show of emotion.
Help us to never reach that point, O God, because when we do, we are no longer composed, we have stopped listening to You.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 226, AN ACT concerning insurance; providing for coverage of autism spectrum disorder; amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Federal and State Affairs.

MESSAGE FROM THE GOVERNOR

March 4, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-04 for your information.

Sam Brownback,
Governor

The President announced Executive Order Number 11-04, directing and ordering that all non-Regents human resource directors and staff performing human resource functions of all state agencies, departments or other entities under the Governor's jurisdiction shall report directly to the Director of the Division of Personnel Services.

March 4, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-05 for your information.

Sam Brownback
Governor

The President announced Executive Order No. 11-05, authorizes the Governor's appointment of the Adjutant General of Kansas as the Homeland Security Advisor of the State of Kansas.

COMMUNICATIONS FROM STATE OFFICERS

SECRETARY OF STATE
STATE OF ARIZONA
March 3, 2011

During the first regular session of the State of Arizona Fiftieth Legislature **SR 1001**, a resolution resolving intent to affirm the sovereignty of the state of Arizona under the tenth amendment to the United States Constitution and to oppose the creation of a new Indian Reservation for gaming purposes within the exterior boundaries of a municipality, passed. A copy of the resolution was sent to Senate President Stephen Morris by Ken Bennett, Arizona Secretary of State.

The President announced the above resolution 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 Umbarger and King introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1821—

A RESOLUTION congratulating and commending the Field Kindley Memorial High School Debate Team, Coffeyville, Kansas on winning the 2011 class 4A four-speaker state debate tournament.

WHEREAS, On January 14 and 15, 2011, the Kansas State High School Activities Association held the class 4A state debate tournament at Overland Park-Blue Valley Northwest High School; and

WHEREAS, In compiling a tournament record of 12 wins and only 2 losses, the Field Kindley High School Debate Team won the 2011 Kansas High School class 4A four-speaker state debate tournament; and

WHEREAS, The success of the team is a result of many long hours of hard, concentrated research and practice on the part of the entire Field Kindley debate team and their coaches; and

WHEREAS, This is the fourth four-speaker state debate championship team, and the sixth state debate championship team in the school's history; and

WHEREAS, Each debate team member, their families, the coaches, the school administrators and faculty, and every citizen of this proud community who supported and encouraged the debate team's success, should be recognized and acclaimed for this honor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Field Kindley High School debate team members, especially those who competed in the class 4A state debate tournament: Tiffany Lin, Eric Mueller, Jordan Mecom, Ben Wright, Grant Hendrix and Taylor Stringer; and Coaches Darrel Harbaugh, Kris Crane and Keith Wilson; and

Be it further resolved: That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Umbarger.

On emergency motion of Senator Umbarger **SR 1821** was adopted unanimously.

Senator Umbarger introduced and congratulated the Field Kindley Memorial High School Debate Team, Coffeyville, Kansas on winning the 2011 class 4A four-speaker state debate tournament. The following is the debate team: Tiffany Lin, Eric Mueller, Jordan Mecom, Ben Wright, Grant Hendrix and Taylor Stringer. Also in attendance were coaches Darrel Harbaugh and Kris Crane.

Senators King and Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1822—

A RESOLUTION congratulating and commending the Independence High School Debate Team on winning the 2011 class 4A two-speaker state debate tournament.

WHEREAS, Independence High School students Dalton Mott and Skylar Stacy are the 2011 two-speaker Class 4A state champions in debate. They are the first Independence High School debate team to win the state title in the school's history; and

WHEREAS, On January 14 and 15, 2011, the Kansas State High School Activities Association held the class 4A state debate tournament at Overland Park-Blue Valley Northwest High School; and

WHEREAS, The coach for the Independence High School debate team is Roni Burris, the principal for Independence High School is Mitch Shaw, and the assistant

principal for Independence High School is Mike Long; and

WHEREAS, Dalton is a four-year debater and previously qualified for two other state tournaments. Skylar is a three-year debater and made his first appearance at this state tournament. Together, they advanced into the round of 16 as the eighth seed and made it to the finals where they defeated Michael Mays and Ryan Jones from Rose Hill High School on a 2-1 ballot decision; and

WHEREAS, Each debate team member, their families, the coaches, the school administrators and faculty, and every citizen of this proud community who supported and encouraged the debate team's success, should be recognized and acclaimed for this honor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Dalton Mott and Skylar Scott for winning the 2011 two-speaker Class 4A state debate championship and their coach Roni Burris; 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 1822** was adopted unanimously.

Senator King introduced and congratulated Dalton Mott and Skylar Stacy on winning the 2011 class 4 A two-speaker state debate tournament from Independence High School. Also in attendance were Roni Burris, Coach, and Mike Long, Assistant Principal.

Senators King and Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1823—

A RESOLUTION congratulating and commending the
Caney Valley High School debaters.

WHEREAS, Caney Valley High School students Kurt Lockwood and Jessica Wells are the 2011 two-speaker class 3-2-1A state champions in debate, and were the only undefeated team in the tournament; and this team is the second team from Caney Valley High School to win this state title in the school's history; and

WHEREAS, Caney Valley High School students Bruce Williams and Caleb McIntosh placed third in the two-speaker class 3-2-1A debate tournament, and were undefeated until the semifinal round where they lost to the Silver Lake debate team, which was the team Lockwood and Wells beat in the tournament finale; and

WHEREAS, On January 14 and 15, 2011, the Kansas State High School Activities Association held the class 3-2-1A state debate tournament at Overland Park-Blue Valley Northwest High School; and

WHEREAS, For both teams, the coach is Amber Toth and the assistant coach is Tina McCammon; and

WHEREAS, Each debate team member, their families, the coaches, the school administrators and faculty, and every citizen of this proud community who supported and encouraged the teams' successes, should be recognized and acclaimed for this honor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Kurt Lockwood, Jessica Wells, Bruce Williams and Caleb McIntosh, and their coaches Amber Toth and Tina McCammon; and

Be it further resolved: That the Secretary of the Senate shall send seven enrolled copies of this resolution to Senator King.

On emergency motion of Senator King **SR 1823** was adopted unanimously.

Senator King introduced and congratulated Kurt Lockwood and Jessica Wells from Caney Valley High School for being the 2011 two-speaker class 3-2-1A state champions in debate. Caleb McIntosh and Bruce Williams were also congratulated for placing third in the two-speaker class 3-2-1A debate tournament. Also in attendance were coach Amber Toth and assistant coach Tina McCammon.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2038**, (Corrected), **HB 2057**, **HB 2151** be passed.

Committee on **Natural Resources** recommends **SB 152** be passed.

Committee on **Public Health and Welfare** recommends **SB 92** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 92," as follows:

"Substitute for SENATE BILL No. 92

By Committee on Public Health and Welfare

"AN ACT concerning the board of cosmetology; relating to licensing requirements; amending K.S.A. 2010 Supp. 65-1901, 65-1902, 65-1905 and 65-1912 and repealing the existing sections.";

and the substitute bill be passed.

Also, **HB 2049** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2049," as follows:

"SENATE Substitute for HOUSE BILL No. 2049

By Committee on Public Health and Welfare

"AN ACT concerning controlled substances; amending K.S.A. 2010 Supp. 21-36a05, 21-36a06 and 65-4105 and repealing the existing sections.";

and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

Sub SB 72; SB 114, SB 193 reported correctly engrossed March 4, 2011

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Tuesday, March 8, 2011.

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 8, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Donovan and Petersen were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As the pressure takes its toll,
Words are said and things are done
Which would never have occurred
If our temper had not won.

When we feel we've been betrayed
And our hopes are all undone,
The hardest thing we need to do
Is forgive the guilty ones.

We can ignore them or accept them,
And even understand them, too.
But trying to forgive them
Seems more than we can do.

But we hear your voice within us
Speaking words we know are true:
“What kind of person would you be
If I had not forgiven you?”

“Unforgiveness is an acid
Which cannot be safely stored;
The container's damaged more
Than the one on whom it's poured.”

I pray in the name of Jesus Christ.

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 227, AN ACT concerning anemometer towers; relating to required markings; penalties, by Committee on Ways and Means.

SB 228, AN ACT concerning school districts; relating to the statewide levy for public schools and the exemption therefrom; amending K.S.A. 2010 Supp. 72-6431 and 79-201x and repealing the existing sections, by Committee on Ways and Means.

SB 229, AN ACT concerning state finance; relating to certain credits to the state general fund; amending K.S.A. 1-204, 17-12a601, 17-2236, 17-5610, 17-5701, 20-1a02, 20-1a03, 49-420, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-1951, 65-2011, 65-2855, 65-5413, 65-5513, 65-7210, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903 and 74-7506 and K.S.A. 2010 Supp. 9-1703, 16a-2-302, 31-133a, 31-134, 36-512, 44-324, 44-926, 47-820, 55-155, 58-4107, 65-2911, 65-4024b, 65-6910, 65-7309, 74-50,188, 74-5805, 74-6708, 74-7009, 75-1119b, 75-1308, 75-1514, 75-3170a and 84-9-801 and repealing the existing sections; also repealing K.S.A. 75-3170, by Committee on Ways and Means.

REFERRED TO COMMITTEE

The President referred **SB 229** to the Committee on **Ways and Means**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Financial Institutions & Insurance: **SB 226**.

CHANGE OF REFERENCE

The President withdrew **SB 205** from the Committee on **Commerce**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 220** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **HB 2054** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Commerce**.

The President withdrew **HB 2130** from the Committee on **Ethics and Elections**, and referred the bill to the Committee on **Commerce** (Separately) and the Committee on **Ethics and Elections** (Separately).

MESSAGE FROM THE GOVERNOR

March 7, 2011

To the Senate of the State of Kansas:

Mike King, submitted for confirmation by the Senate on February 22, 2011, herewith is to succeed Jeanine McKenna, made by me as the Governor of the State of Kansas, pursuant to law.

Sam Brownback
Governor

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2001** be passed.

Also, **SB 201** be amended on page 5, in line 39, after "exceed \$10" by inserting "per volunteer";

On page 10, in line 2, after "to" by inserting "the first regular or special game of call bingo operated or conducted by the licensee for such session"; in line 3, by striking "first" and inserting "last"; in line 8, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2029**, be passed.

Also, **HB 2028**, (Corrected), be amended on page 1, in line 16, by striking "that have"; in line 17, after "(A)" by inserting "That have"; in line 18, by striking all following "(B)"; in line 19 by striking all before "if"; and the bill be passed as amended.

HB 2105, as amended by House Committee of the Whole, be amended on page 2, in line 34, by striking "10" and inserting "14";

On page 3, in line 16, by striking "10" and inserting "14"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1820, SR 1821, SR 1822, SR 1823 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 8, 2011.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m., Wednesday, March 9, 2011.

Journal of the Senate

THIRTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 9, 2011, 2:30 p.m.

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

Heavenly Father,

In the twenty-fifth chapter of Matthew we read about the judgment scene where Jesus identified with those to whom the righteous had ministered on earth. Perhaps if Jesus was on earth today He might have put it in contemporary terms:

I was a different color and you showed me respect.
I had AIDS and you cared for me.
I was a battered wife and you comforted me.
I was homeless and you took me in.
I was a pregnant teenager and you wept with me.
I was a nursing home resident and you visited me.
I was a single mother and you comforted me.
I was unemployed and you helped me.
I was a wounded veteran and you saluted me.

Lord, help us to be found among those to whom Jesus could speak these words.

I pray in the name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 230, AN ACT concerning school districts; creating the relevant efficient academic learning education act; amending K.S.A. 72-8233 and repealing the existing sections; also repealing K.S.A. 72-6406, 72-6408, 72-6411, 72-6415, 72-6416, 72-6418, 72-6419, 72-6420, 72-6422, 72-6423, 72-6424, 72-6427, 72-6429, 72-6432, 72-6436, 72-

6437, 72-6444, 72-6446, 72-6447, 72-7105a, 72-8237 and 72-8238 and K.S.A. 2010 Supp. 72-3715, 72-3716, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6417, 72-6421, 72-6425, 72-6426, 72-6428, 72-6430, 72-6431, 72-6433, 72-6433d, 72-6434, 72-6434b, 72-6435, 72-6438, 72-6439, 72-6439a, 72-6441, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-6449, 72-6450, 72-6451, 72-6452, 72-6453, 72-6454, 72-6455, 72-6456, 72-6457, 72-6458, 72-6459, 72-64b01, 72-64c03, 72-8248, 72-8249, 72-8250, 72-8254, 72-9509 and 72-9609, by Committee on Federal and State Affairs.

SB 231, AN ACT establishing the prisoner review board and transferring powers and duties from the Kansas parole board; relating to individuals in the custody of the secretary of corrections; amending K.S.A. 22-3706, 22-3708, 22-3709, 22-3711, 22-3713, 22-3718, 22-3719, 22-3720, 22-4701, 60-4305 and 75-5202 and K.S.A. 2010 Supp. 22-3717, 74-9101, 75-4318, 75-5210a, 75-5217, 75-5266 and 77-603 and repealing the existing sections; also repealing K.S.A. 21-4602, 21-4603b, 21-4614, 21-4703 and 46-3201 and K.S.A. 2010 Supp. 21-4608, 21-4619, 22-3707 and 22-3717c, by Committee on Federal and State Affairs.

SB 232, AN ACT concerning taxation; relating to income tax rates, adjustment, procedure and requirements; sales and compensating use tax rates and distribution; amending K.S.A. 2010 Supp. 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 228**.

Utilities: **SB 227**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2107**.

INTRODUCTIONS OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2107 was thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

HB 2003 having appeared on the Consent Calendar the required two full legislative days without objection from any member, was considered on final action.

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

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.
The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1824—

WHEREAS, Dr. Tom Trigg, Superintendent of Blue Valley Unified School District No. 229, has been selected by the Kansas Association of School Administrators as the 2011 Kansas Superintendent of the Year and was a final four candidate for 2011 national superintendent of the year; and

WHEREAS, After graduating from Shawnee Mission West High School in 1970, Dr. Trigg received a bachelor of arts degree in mathematics and physical education teaching from Ottawa University, a master's degree in educational administration from Emporia State University and a doctorate in education from the University of Kansas; and

WHEREAS, In 1974, Dr. Trigg commenced his teaching career as a math instructor at Shawnee Mission Northwest High School; in 1979, Dr. Trigg was selected to serve as principal of Gardner Edgerton High School; and in 1985, Dr. Trigg began serving as Assistant Superintendent of Gardner Edgerton School District. Dr. Trigg started his career with Blue Valley Schools as Assistant Superintendent of Administrative Services in 1996. In 2001, Dr. Trigg became Deputy Superintendent of Administrative Services for Blue Valley and served in that capacity until he was selected as the district's superintendent in 2004; and

WHEREAS, During Dr. Trigg's time as Superintendent of Blue Valley School District, student proficiency scores in reading have increased by nearly 15% and in mathematics by nearly 16%. Further, 97% of the students in the school district tested at or above the proficient level on the Kansas reading assessment and 96% of the students in the school district tested at or above the proficient level on the Kansas mathematics assessment; and students scoring exemplary in reading have risen from 43% to 56% and in mathematics from 35% to 52%. Additionally, the composite ACT score for Blue Valley School District is at an all time high of 25, with 86% of seniors taking the exam. Since implementation of the No Child Left Behind Act, all subgroups of all grades of all schools have attained adequate yearly progress, resulting in the only school district in the nation with 20,000 or more students to reach this achievement level. Moreover, in addition to his other responsibilities, Dr. Trigg created the Center for Advanced Professional Studies, which connects high school students with more than 230 businesses and 300 mentors in the community, and designed the program to be replicated throughout the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Dr. Tom Trigg upon his selection as the 2011 Kansas Superintendent of the Year; and

Be it further resolved: That the Secretary of the Senate shall send two enrolled copies of this resolution to Senator Vratil.

On emergency motion of Senator Vratil **SR 1824** was adopted unanimously.

Senator Vratil introduced and congratulated Dr. Tom Trigg, Superintendent of Blue Valley School District, for being selected the 2011 Kansas Superintendent of the Year. Dr. Trigg was acknowledged with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2184**, **HB 2205** be passed.

Also, **HB 2282**, as amended by House Committee, be amended on page 2, in line 21, by striking "The license fee shall not"; in line 22, by striking "exceed \$300."; and the bill be passed as amended.

SB 95 be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 95," as follows:

"Substitute for SENATE BILL No. 95

By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to income tax rates, adjustment, procedure and requirements; sales and compensating use tax rates and distribution; amending K.S.A. 2010 Supp. 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections.";

and the substitute bill be reported without recommendation.

Committee on **Education** recommends **SB 51** be amended on page 1, in line 5, by striking all after "(a)"; by striking all in lines 6 through 11 and inserting "All school districts shall consider adopting a policy regarding the administration of over-the-counter medications to students enrolled in such school district. If such a policy is adopted the board of education may designate which over-the-counter medications may be administered pursuant to such policy, and may decide whether the written authorization of a parent or legal guardian shall be required prior to the administration of such over-the-counter medication."; in line 12, after "require" by inserting "or prohibit requiring"; in line 13, by striking "dispensing" and inserting "administering"; in line 16, by striking "dispense" and inserting "administer"; in line 18, by striking "dispense" and inserting "administer"; following line 24 by inserting:

"(e) Any policy adopted pursuant to this section shall be reviewed by the board of education of such school district at least once every three years. Upon completing its review, the board of education shall amend the policy, if necessary, and either adopt such policy, as amended or without amendment, or rescind such policy.";

And by redesignating the remaining subsections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2013** be passed.

Also, 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:

Superintendent, Kansas Highway Patrol: K.S.A. 74-2105

Ernest Garcia, serves at the pleasure of the Governor

Also, 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, Lottery Commission: K.S.A. 74-8709

Mike King, serves at the pleasure of the Governor

Committee on **Judiciary** recommends **SB 81** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 81," as follows:

"Substitute for SENATE BILL No. 81

By Committee on Judiciary

"AN ACT concerning children and minors; relating to temporary custody; permanency planning; adoption; amending K.S.A. 2010 Supp. 38-2243, 38-2263 and 38-2270 and repealing the existing sections. ";

and the substitute bill be passed.

Committee on **Ways and Means** recommends **SB 154** be passed.

Also, **SB 118** be amended on page 1, in line 30, by striking "50" and inserting "60"; in line 35, by striking "50" and inserting "40";

On page 2, in line 1, by striking "50" and inserting "60"; and the bill be passed as amended.

CHANGE OF REFERENCE

The President withdrew **Sub SB 95** from the Calendar under the heading of General Orders, and referred the bill to the Committee on **Assessment and Taxation**.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Huntington in the chair.

On motion of Senator Huntington the following report was adopted:

Recommended: **SB 152, SB 182; HB 2057** be passed.

A motion by Senator McGinn to amend **SB 152** failed and the following amendment was rejected; on page 2, in line 6, after the semicolon by inserting "or"; in line 10 by striking "; or" by striking all in lines 11 through 13; in line 14 by striking all before the period

SB 185, SB 213, SB 214; HB 2175 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 196 be amended by the adoption of the committee amendments, be further amended by Senator King, on page 7, by striking all in line 36 and inserting:

"(a) (1) The secretary shall determine and from time to time shall redetermine the rate at which moneys shall be credited to the IMPACT program repayment fund in order to satisfy all bond repayment obligations which have been incurred to finance program costs for IMPACT programs, which shall be referred to as the debt service rate, and the rate at which moneys shall be credited to the IMPACT program services fund in order to finance program costs that are not financed by bonds, which shall be referred to as the direct funding rate. The total of the debt service rate and the direct funding rate shall be the combined rate. Each rate so determined shall be certified to the secretary of revenue. The combined rate determined under this subsection shall not exceed 2%.

(2) Upon receipt of the rates determined and certified under subsection (a)(1), the secretary of revenue shall apply daily the combined rate to that portion of the moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited as follows: (A) The portion attributable to the debt service rate shall be credited to the IMPACT program repayment fund, and (B) the remaining portion shall be credited to the IMPACT program services fund.

(3) The aggregate of all amounts credited to the IMPACT program repayment fund under this section during any fiscal year to pay bond repayment obligations on bonds to finance major project investments shall not exceed the amount which results when the rate of 2% is applied to all money withheld from the wages of individuals and received under the Kansas withholding and declaration of estimated tax act.

(4) The provisions of this subsection shall remain in effect prior to July 1, 2012.

(b) Commencing July 1, 2012, the secretary of revenue shall apply a";

On page 8, in line 7, by striking "(b)" and inserting "(c)";

On page 25, in line 20, by striking "74-"; in line 21, by striking "50,115(c)" and inserting "74-50,115(e)"

Senator King moved to further amend **SB 196**, on page 2, after line 2, by inserting by inserting: "(c) The secretary shall annually make a report on activities of the department related to administration of the job creation program fund and the funding of projects therefor. Such report shall contain specific and aggregate information regarding all expenditures from the fund, projects receiving funds, the amount of funds expended for each project, the reason and purpose described in subsections (a)(1) through (a)(8) for which funding was approved for each project, the number and characteristics of jobs created or retained in Kansas, the number of such jobs created or retained which do not continue to exist and the circumstances and effect of such discontinuance, and any other accomplishments related thereto. The secretary shall present such report to the president of the senate, the speaker of the house, the senate minority leader, the house minority leader, the house committee on taxation, the senate committee on assessment and taxation, the senate committee on commerce and the house committee on commerce and economic development during January of each year.";

On page 9, in line 37, by striking all after "discontinuances"; by striking all in line 38; in line 39, by striking "funding of projects thereunder" and **SB 196** be passed as further amended.

A motion by Senator Holland to amend **SB 196** failed and the following amendment was rejected: on page 13, in line 38, by striking all after the period; by striking all in line 39;

On page 14, by striking all in lines 1 through 16; and in line 17, by striking all before "The"

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 152**, **SB 182**, **SB 185**, **SB 196**, **SB 213**, **SB 214**; **HB 2057**, **HB 2175** were advanced to Final Action and roll call.

SB 152, AN ACT concerning wildlife; relating to hunting; amending K.S.A. 2010 Supp. 32-1002 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Reitz.

Absent or Not Voting: Donovan.

The bill passed.

SB 182, AN ACT concerning fire insurance premiums; relating to fire marshal fee fund, emergency medical services board operating fund and fire service training program fund; amending K.S.A. 2010 Supp. 75-1514 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 185, AN ACT concerning insurance; designating trust companies as trustees; amending K.S.A. 2010 Supp. 40-2a20 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 196, AN ACT concerning taxation; relating to IMPACT program, withholding, requirements, limitations; income tax deductions, expensing of investment expenditures; income tax credits; sales tax exemptions; creating job creation program fund, administration, expenditures; amending K.S.A. 2010 Supp. 74-50,104, 74-50,106, 74-50,107, 74-50,109, 74-50,110, 74-50,111, 74-50,132, 79-32,160a, 79-32,206 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 74-50,151 and 74-50,152.

On roll call, the vote was: Yeas 34, Nays 4, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Huntington, Kelly, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco, Hensley, Holland, Kultala.

Present and Passing: Haley.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **Senate Bill 196**. Although I agree with the changes to allow expensing and eliminate some of the exiting business tax credits, I do not agree with offering very different investment level thresholds for the High Performance Incentive Program – allowing businesses in most counties to get the credit for the portion of a qualified business facility investment which exceeds \$50,000 but only allowing the portion that exceeds \$1 million for businesses in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte counties. – MARCI FRANCISCO

MR. PRESIDENT: — I vote NO on **SB 196**.

Our state's economic incentives for both small and large businesses are working very well with great success. HPIP, IMPACT, KEOIF, the Business and Job Development Credit, and the Machinery and Equipment Tax Credit programs should continue as they are.

Based on testimony from business people in committee, there are grave concerns that the proposed Expensing model will be paid for by the elimination and changing of current programs that are working. They have also told us they believe the Expensing model will not be beneficial to as many companies as proposed. They believe this will be especially true for smaller companies that don't have the expertise to deal with the complications of Expensing.

Our existing economic incentives based on real life examples are better suited for businesses across the board.

There are a few old adages that come to mind when I consider this bill. One is, “A bird in the hand is worth two in the bush.” Another, “You can't buy a pig a poke.” And yet another, “If it ain't broke, don't fix it.”

For these reasons, I vote NO. – ANTHONY HENSLEY

MR. PRESIDENT: I vote no on **SB 196** because my community is gravely concerned with the proposed changes to the current economic development tools available in the State of Kansas. These tools in their current form have not only brought new capital investment to our community but have allowed retraining dollars to be used which in turn has helped retain the existing workforce as well as adding new. Raising the threshold on HPIP in the larger metro areas will be harmful to our economic development efforts. And based on the advice of our economic development professionals the proposed Expensing model which would be “paid” for by the elimination and changing of the current economic development tools will not be beneficial to as many companies as proposed. I believe this will especially be the case with smaller companies as they may not have the expertise to deal with the proposed formula. – KELLY KULTALA

SB 213, AN ACT concerning lightweight roadable vehicles; relating to registration; uniform traffic code; property tax exemptions; amending K.S.A. 2010 Supp. 8-126 and 8-1486 and 79-201k 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn,

Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 214, AN ACT concerning the groundwater management district act; amending K.S.A. 2010 Supp. 82a-1021 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2057, AN ACT concerning forensic examinations; relating to admissibility; amending K.S.A. 2010 Supp. 22-3437 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2175, AN ACT repealing K.S.A. 68-1038, 75-5002 and 75-5003; relating to roads, highways and scenic byways.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Thursday, March 10, 2011.

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 10, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-seven senators present.
Senators Donovan, Holland and Love were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

It's amazing the number of different ways some people view You. Please point out these false views of You and help us to see You as You really are.

Stop us from seeing You as a supernatural sounding board.

Stop us from treating You as kind of spiritual 9-1-1 who seldom responds to our call.

Correct us if we consider You as a cultural antique passed down from generation to generation.

Don't let us view You as a nationalistic symbol to keep the masses preoccupied.

Correct us from using You as a scapegoat to blame for our failures, aches and pains, untimely deaths and our own bad judgments.

Correct us when we see You as an indulgent grandfather who tolerates anything and everything.

Point out our error of using You as a lucky charm to rub when we encounter icy streets, tornadoes, lottery tickets, and flashing lights on patrol cars.

Convict those who seem to think that the words "God" and "Jesus" should never be spoken publicly except in profanity.

Remind us, Lord, that You can raise up nations and bring them down. That without You no government can survive very long.

Remind us that You are the Creator and we are the creatures, because we are prone to get them backwards.

I pray in the Name of Jesus Christ.

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

POINT OF PERSONAL PRIVILEGE

Senator Longbine rose on a Point of Personal Privilege to pay tribute to the following exchange students: Dusan Bogicevic, a student from Serbia and Yasmine El'Baggari, a student from Morocco. Don Marsolek, a member of American Council of Student Exchange and John O'Connor, an adult sponsor were also introduced.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 233, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2011, June 30, 2012, and June 30, 2013, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

SB 234, AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016 for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas, 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 232**.

Education: **SB 230**.

Federal and State Affairs: **HB 2107**.

Judiciary: **SB 231**.

MESSAGE FROM THE GOVERNOR

March 10, 2011

To the Senate of the State of Kansas:

Mike King, submitted for confirmation by the Senate on February 22, 2011, herewith is to succeed Jeanine McKenna, made by me as the Governor of the State of Kansas, pursuant to law, to serve a four year term to expire on March 15, 2014.

Sam Brownback,
Governor

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2133**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2133 was thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2020**, **HB 2078** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 206** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 206," as follows:

"Substitute for SENATE BILL No. 206

By Committee on Financial Institutions and Insurance

"AN ACT concerning surplus lines insurance; relating to the surplus lines insurance multi-state compliance compact; amending K.S.A. 40-246c and 40-246e and K.S.A. 2010 Supp. 40-246b and repealing the existing sections."; and the substitute bill be passed.

Also, the committee 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

Edwin Splichal, serves at the pleasure of the Governor.

Committee on **Natural Resources** recommends **SB 215** be passed.

Also, the committee 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:

Director, Kansas Water Office: K.S.A. 74-2613

Tracy Streeter, serves at the pleasure of the Governor.

Committee on **Transportation** recommends **HB 2044**, as amended by House Committee, be amended on page 1, in line 28, by striking "6" and inserting "5";

On page 5, in line 18, by striking "or if the current crime of conviction was"; by striking all in line 19; in line 20, by striking "1602, and amendments thereto,"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 224** be passed.

Also, **HCR 5009** be adopted.

REPORT ON ENGROSSED BILLS

SB 185, **SB 196**, **SB 213**, **SB 214** reported correctly engrossed March 10, 2011.

REPORT ON ENROLLED BILLS

SR 1824 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 10, 2011.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, March 11, 2011.

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 11, 2011, 8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-six senators present.
Senators Brungardt, Donovan, Kelsey and Masterson were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Speaking for a legislator, what is it about this job that will give me the most lasting satisfaction?

I suspect it won't be the bills I sponsored,
Nor the committees I chaired,
Nor the plaques on my wall,
Not even the elections I won.

I suspect it will be the times....

When I drove a hundred miles out of my way and lost half a day to help a nursing home resident get what was rightfully hers, knowing full well she voted for my opponent!

When I bypassed my favorite social event to encourage a sixth grade class to just say "No", while knowing that none of them could vote for another seven years.

When I spent half a night making calls in order to help a felon get rehabilitated.

When I skipped a speaking engagement arranged by an influential constituent so I could attend my five year old's birthday party.

Remind me, O God, that the times I will look back on as most satisfying will be those when I performed a service for people I knew had no way to repay me.

I pray in the Name of Jesus Who gave His life for those who could never repay Him,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ways and Means: **SB 233, SB 234; HB 2133.**

CHANGE OF REFERENCE

The President withdrew **Sub SB 206** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **SB 138** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 138," as follows:

"Substitute for SENATE BILL No. 138

By Committee on Public Health and Welfare

"AN ACT concerning pharmacy; creating the pharmacy audit integrity act."; and the substitute bill be passed.

Also, **HB 2083** 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 Emler, the Senate adjourned until 2:30 p.m, Monday, March 14, 2011.

Journal of the Senate

FORTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 14, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-eight senators present.

Senators Donovan and Haley were excused.

President Morris introduced as guest chaplain, Reverend Jeff Davis, Christian Education Director/Children's Minister, Tyro Christian Church, Tyro, KS, who delivered the invocation:

Dear Heavenly Father

I come to you today to lift up these men and women in prayer before you. I pray that you would give them insight and wisdom to make their decisions today in this chamber. I also ask you to bless each one and their families with your love and protection as they serve here each day. May we remember to give you the praise and Glory for what you do through us.

In the name of Jesus I pray,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

MESSAGE FROM THE GOVERNOR

March 11, 2011

To the Senate of the State of Kansas:

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

Sam Brownback
Governor

Member, Racing and Gaming Commission, Dennis McKinney (D) Greensburg, pursuant to the authority vested in me by KSA 74-8803 effective upon the date of confirmation by the Senate, to serve a four year term, expiring March 15, 2015.

Executive Director, Historical Society, Jennie Chinn (U) Topeka, pursuant to the authority vested in me by KSA 75-2701 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, Central Interstate Low-Level Radioactive Waste Commission, Shari Feist-Albrecht (R) Topeka, pursuant to the authority vested in me by KSA 65-34a01 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, Banking Board, Larry Williams (R) Halstead, pursuant to the authority vested in me by KSA 74-3004 effective upon the date of confirmation by the Senate, to serve a three year term expiring January 15, 2013.

Member, Racing and Gaming Commission, Tim Shultz (R) Topeka, pursuant to the authority vested in me by KSA 74-8803 effective upon the date of confirmation by the Senate, to serve a four year term expiring January 15, 2013.

Secretary, Corrections, Raymond Roberts (R) El Dorado, pursuant to the authority vested in me by KSA 75-5201 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, State Banking Board, Kurt Knutson (R) Overland Park, pursuant to the authority vested in me by KSA 74-8803 effective upon the date of confirmation by the Senate, to serve a three year term, expiring March 15, 2013.

Member, Racing and Gaming Commission, Jay Shadwick (R) Overland Park, pursuant to the authority vested in me by KSA 74-3004 effective upon the date of confirmation by the Senate to serve a four year term expiring January 15, 2015.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2318**.

Also, announcing adoption of **HCR 5016**.

Announcing passage of **SB 67, as amended; SB 77, as amended**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2318; HCR 5016 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1825—

A RESOLUTION congratulating the Osage City High School girls volleyball team for winning the 2010 Class 3A State Volleyball Title.

WHEREAS, The Osage City High School girls volleyball team won the 2010 Kansas State High School Activities Association Class 3A State Volleyball Title with a 25-20,

25-23 victory over Atchison County Community High School in the state championship game at the Bicentennial Center in Salina; and

WHEREAS, The Osage City High School girls volleyball team is the first team to win the Class 3A Volleyball Title for the school and the city; and

WHEREAS, The Osage City High School girls volleyball team finished the season with a record of 42-3; and

WHEREAS, The members of the championship team are: Melissa Cox, Kate Garland, Leah Garland, Keely Geisy, Deldra Jones, Taylor Kimball, Kylie Lieber, Lauren Portner, Katelyn Reece, Alex Schwieger, Haley Slimmer, and Carly Spicer. The head coach is Tara Durkin and the assistant coaches are Dennis Fort and Amie Lohmeyer; and

WHEREAS, Not only did the team win the championship, but the Kansas Volleyball Association also announced Carly Spicer as the 2010 Class 3A Player of the Year and a member of the 2010 Class 3A All-State First Team and Taylor Kimball as a member of the 2010 Class 3A All-State Second Team; and

WHEREAS, The Kansas Volleyball Association also announced Coach Durkin as the 2010 Class 3A Coach of the Year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Osage City High School girls volleyball team and Coach Durkin be congratulated for winning the 2010 Kansas State High School Activities Association Class 3A State Volleyball Title. Their hard work and athleticism are points of pride for their families, school and the community of Osage City. 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 be directed to send 16 enrolled copies of this resolution to Osage City High School c/o Tara Durkin, 515 Ellinwood Street, Osage City, Kansas 66523.

On emergency motion of Senator Hensley **SR 1825** was adopted unanimously.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1826—

A RESOLUTION congratulating and commending Sharon O'Connor Schwartz.

WHEREAS, Sharon O'Connor Schwartz retired in December 2010 from her position as office manager of Legislative Administrative Services. She dedicated 29 years of service to the state of Kansas and the Kansas legislature; and

WHEREAS, Ms. Schwartz began her service to the legislature in 1982. She was first hired as an office assistant by the current mayor of Topeka, Bill Bunten. She provided counsel and training to legislators involved in the appropriations process. She was an invaluable source of guidance and support to those with whom she served; and

WHEREAS, Ms. Schwartz joined Legislative Services full time in 1994 and became office manager in 1997. In that role, she assumed the responsibility of hiring all the session employees. She was greatly skilled in attracting and identifying the right people to fill hundreds of positions. Her thoughtful nature and constant pursuit of perfection provided the legislature with a well-qualified and highly-motivated staff; and

WHEREAS, Ms. Schwartz and her husband, Dennis, are the proud parents of two

sons, Shannon and Shawn. They are also the extra-proud grandparents of three grandchildren, Keegan, Evan and Duncan; and

WHEREAS, Ms. Schwartz is known as a consummate professional. She is respected and well-loved by her colleagues at legislative services and by members of the legislature. Her presence at the Kansas Capitol will be missed; and

WHEREAS, Ms. Schwartz's retirement plans include traveling from coast to coast to spend time with her children and grandchildren: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Sharon O'Connor Schwartz for her many years of service to the State of Kansas and extend our best wishes for her continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall send three enrolled copies of this resolution, one each, to: Sharon O'Connor Schwartz, 5441 SE 45th, Tecumseh, KS 66542; Shannon Schwartz, 1560 Glen Una Court, Mountain View, CA 94040; and Shawn Schwartz, 19 Fireside Court, Norwalk, CT 06850.

On emergency motion of Senator Hensley **SR 1826** was adopted unanimously.

Senator Hensley introduced and congratulated Sharon Schwartz, office manager of Legislative Administrative Services, retired after 29 years of dedicated service. Sharon's husband Dennis was introduced. Sharon was acknowledged with a standing ovation.

Senator Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1827—

A RESOLUTION congratulating and commending Jeffrey Hanson for being named one of the top two youth volunteers in Kansas for 2011 by the Prudential Spirit of Community Awards.

WHEREAS, Jeffrey Hanson, 17, a resident of Overland Park and a junior at Horizon Academy, has achieved national recognition for exemplary volunteer service by receiving a 2011 Prudential Spirit of Community Award; and

WHEREAS, Jeffrey has generated more than \$225,000 for various local and national charities over the past five years by selling and donating original paintings and other artistic creations, despite having a genetic condition that causes severe loss of vision; and

WHEREAS, Jeffrey began going blind in the fall of 2005 from neurofibromatosis and an optic nerve tumor. While undergoing chemotherapy and radiation treatment, he began painting watercolor note cards to raise money for neurofibromatosis research and discovered he had a talent for art. Soon after, he set up a "Jeff's Bistro" in his driveway every Saturday where he sold note cards, paintings and baked goods. He raised more than \$15,000 for the Children's Tumor Foundation; and

WHEREAS, Demand for Jeffrey's painted note cards grew and he began selling notepads, calendars, greeting cards and acrylic paintings on canvas, with much of the profit going to various charitable foundations. Jeffrey also donates canvases to his favorite auction fundraisers. Jeffrey's first solo-artist exhibition sold 118 canvases in four hours and generated thousands for Children's Mercy Hospital and an orphanage in South Africa; and

WHEREAS, Because of his efforts, Jeffrey was nominated by Horizon Academy for

the Prudential Spirit of Community Award. This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities. As a state honoree, Jeffrey received \$1,000, an engraved silver medallion and an all-expense paid trip in early May 2011 to Washington, D.C., where he will join other honorees from each of the other states and the District of Columbia for several days of national recognition events; and

WHEREAS, The success of the state of Kansas, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Jeffrey who use their considerable talents and resources to serve others: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Jeffrey Hanson for being named one of two state recipients of the Prudential Spirit of Community Award, we honor his outstanding record of volunteer service, peer leadership and community spirit, and we extend our best wishes for his continued success and happiness; and

Be it further resolved: That the Secretary of the Senate be directed to send two enrolled copies of this resolution to Senator Vratil.

On emergency motion of Senator Vratil **SR 1827** was adopted unanimously.

Senator Vratil introduced and congratulated Jeffrey Owen Hanson for being named one of the top two youth volunteers in Kansas for 2011 by the Prudential Spirit of Community Awards. Also introduced were his parents, Hal and Julie Hanson. The Senate acknowledged Jeffrey with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **Substitute for HB 2134**, as amended by House Committee of the Whole, be amended on page 2, by striking all in lines 13 through 38;

And by renumbering the remaining sections accordingly;

On page 2, in line 2, by striking "may" and inserting "shall";

On page 3, in line 38, by striking the semicolon and inserting a period; by striking all in line 39;

On page 4, by striking all in lines 1 through 14; in line 15, by striking "(c)" and inserting "(b)"; in line 37, by striking "for urine";

And by redesignating the remaining subsections accordingly;

On page 5, by striking all in lines 9 through 15; in line 22, by striking "(c)(1)(C)" and inserting "(b)(1)(C)"; and by striking all in lines 34 through 39;

On page 6, in line 20, by striking "(c)(2)" and inserting "(b)(2)";

On page 7, in line 5, by striking "by the"; and by striking all in lines 6 through 18; in line 19, by striking all before the period and inserting "and made available to the employee within 48 hours of a positive test";

On page 13, in line 7, by striking "at"; in line 8, by striking all before "symptoms" and inserting "produce at the time";

On page 14, in line 3, by striking all after "accident"; in line 4, by striking "disease" and inserting "or repetitive trauma"; by striking all in line 15 and 16; in line 18, by striking "(iii)" and inserting "(ii)";

On page 15, in line 7, by striking "owned or under the exclusive control"; in line 9,

by striking all after "hazard"; by striking all in line 10; in line 11, by striking "exposed"; and by striking all in lines 21 through 39;

On page 16, by striking all in line 1 and inserting:

"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) The "prevailing factor" is defined as 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.";

Also on page 16, in line 5, by striking all after "record"; in line 6, by striking all before the period;

On page 22, in line 30, by striking all after the period; by striking all in lines 31 and 32; in line 33 by striking all before "A";

On page 23, in line 33, by striking "gross";

On page 26, in line 25, by striking "as follows" and inserting "by multiplying the payment rate by the weeks payable. As used in this section"; in line 26, by striking "Find the payment rate which" and inserting "Payment rate"; in line 30, by striking all after "(2)"; by striking all in lines 31 through 39;

On page 27, by striking all in lines 1 and 2 and inserting:

"weeks payable shall be determined as follows: (A) Determine the weeks of benefits provided for the injury on schedule; (B) determine the weeks of temporary compensation paid by adding the amounts of temporary total and temporary partial disability compensation paid and dividing the sum by the payment rate above; (C) subtract the weeks of temporary compensation calculated in (d)(2)(B) from the weeks of benefits provided for the injury as determined in (d)(2)(A); (D) Multiply the weeks as determined in (d)(2)(C) by the percentage of permanent partial impairment of function as determined under subsection (b)(23).";

Also, on page 27, in line 3, by striking "full";

On page 29, in line 5, after "thereto," by inserting "of at least"; in line 13, by striking "means" and inserting "shall mean"; in line 25, by striking "means" and inserting "shall mean";

On page 30, in line 7, by striking all after "to"; in line 8, by striking "510e" and inserting "K.S.A. 44-510e(a)(2)(E)"; in line 14, by striking all after "(F)"; by striking all in lines 15 through 39; and inserting:

"The amount of compensation for permanent partial general disability in excess of the percentage of functional impairment under this section shall be determined by multiplying the payment rate by the weeks payable. As used in this section: (1) The payment rate shall be the lesser of: (A) The amount determined by multiplying the average weekly wage of the worker prior to such injury by 66 ²/₃%; or (B) the maximum provided in K.S.A. 44-510c, and amendments thereto; (2) weeks payable shall be determined as follows: (A) Determine the weeks of temporary compensation paid by adding the amounts of temporary total and temporary partial disability compensation paid and dividing the sum by the payment rate above; (B) subtract from 415 weeks the total number of weeks of temporary compensation paid as determined in (F)(2)(A), excluding the first 15 such weeks; (3) multiply the number of weeks as determined in (F)(2)(B) by the percentage of permanent partial general disability as determined under subsection (a)(2)(C).";

On page 31, in line 2, by striking "full";

On page 35, in line 11, by striking all after "employer"; in line 12, by striking all before "may" and inserting "or insurance carrier";

On page 44, in line 29, by striking all after "examination"; in line 30, by striking all before the period;

On page 46, in line 7, by striking all after "employer"; by striking all in lines 8 through 13; in line 14, by striking all before the period and inserting "within 30 calendar days of the date of accident or the date of injury by repetitive trauma"; in line 28, by striking ", witnesses, if any,";

On page 56, in line 12, by striking "accident or";

On page 60, by striking all in lines 9 through 14;

On page 62, after line 17, by inserting:

"Sec. 27. K.S.A. 2010 Supp. 44-555c is hereby amended to read as follows: 44-555c. (a) There is hereby established the workers compensation board. The board shall have exclusive jurisdiction to review all decisions, findings, orders and awards of compensation of administrative law judges under the workers compensation act. The review by the board shall be upon questions of law and fact as presented and shown by a transcript of the evidence and the proceedings as presented, had and introduced before the administrative law judge. The board shall be within the division of workers compensation of the department of labor and all budgeting, personnel, purchasing and related management functions of the board shall be ~~administered~~ under the supervision and direction of the ~~secretary of labor~~ *director of workers compensation*. The board shall consist of five members who shall be appointed by the secretary in accordance with this section and who shall each serve for a term of four years, except as provided for the first members appointed to the board under subsection (f).

(b) (1) Each board member shall be an attorney regularly admitted to practice law in Kansas for a period of at least seven years and shall have engaged in the active practice of law during such period as a lawyer, judge of a court of record or any court in Kansas or a full-time teacher of law in an accredited law school, or any combination of such types of practice.

(c) Each board member shall receive an annual salary in an amount equal to the salary prescribed by law for a district judge, except that the member who is the chairperson of the workers compensation board shall receive an annual salary in an amount equal to the salary prescribed for a district judge designated as chief judge of a district court of Kansas. The board members shall devote full time to the duties of such office and shall not engage in the private practice of law during their term of office. No board member may receive additional compensation for official services performed by the board member. Each board member shall be reimbursed for expenses incurred in the performance of such official duties under the same circumstances and to the same extent as judges of the district court are reimbursed for such expenses.

(d) Applications for membership on the board shall be submitted to the director of workers compensation. The director shall determine if an applicant meets the qualifications for membership on the board prescribed in subsection (b). Qualified applicants for the board will be submitted by the director to the ~~workers compensation board nominating committee for consideration~~ *secretary of labor*.

~~(e) There is hereby established the workers compensation board nominating committee which shall be composed of two members appointed as follows: The Kansas AFL-CIO and the Kansas chamber of commerce and industry shall each select one representative to serve on the workers compensation board nominating committee and shall give written notice of the selection to the secretary who shall appoint such representatives to the committee. In the event of a vacancy occurring for any reason on the nominating committee, the respective member shall be replaced by the appointing organization with written notice of the appointment to the secretary of labor within 30 days of such vacancy.~~

~~(f) (1) Upon being notified of any vacancy on the board or of the need to appoint a member pro tem under subsection (i), the nominating committee, the secretary of labor shall consider all qualified applicants submitted by the director for the vacant position on the board or the member pro tem position and nominate a person qualified therefor. The nominating committee shall be required to reach unanimous agreement on any nomination to the board. With respect to each person nominated, the secretary either shall accept and appoint the person nominated by the nominating committee to the position on the board for which the nomination was made or shall reject the nomination and request the nominating committee to nominate another person for that position. Upon receipt of any such request for the nomination of another person, the nominating committee shall nominate another person for that position in the same manner.~~

(2) The first members of the board established by this section are hereby appointed as follows: Each person who was a member of the workers compensation board which was in existence on January 12, 1995, is hereby appointed, effective January 13, 1995, as a member of the board established by this section. The term of office of each person so appointed as a member of the board established by this section is for the period equal to the remainder of the term of office such person had as of January 12, 1995, as a member of the workers compensation board which was in existence on January 12, 1995.

(3) Each member of the board shall hold office for the term of the appointment and until the successor shall have been appointed. Successors to such members shall be appointed for terms of four years.

~~(4) If a vacancy should occur on the board during the term of a member, the nominating committee secretary shall nominate an individual from the qualified applicants submitted by the director to complete the remainder of the unexpired portion of the term. With respect to each person so nominated, the secretary either shall accept and appoint the person nominated to the board or shall reject the nomination and request the nominating committee to nominate another person for the position. Upon receipt of any such request for the nomination of another person, the nominating committee shall nominate another person for the position in the same manner.~~

~~(g) (f) Following the completion of a term, board members who wish to be considered for reappointment to the board shall be deemed to have met the qualification requirements for selection to the board and shall be considered for renomination by the workers compensation board nominating committee.~~

~~(h) (g) The members of the board shall annually elect one member to serve as chairperson.~~

~~(i) (h) If illness or other temporary disability, temporary disability, early retirement, death or disablement of a member of the board will not permit the member to serve~~

during a case or in any case in which a member of the board must be excused from serving because of a conflict or is otherwise disqualified with regard to such case, the director shall notify the workers compensation nominating committee of the need to appoint a member pro tem. Upon receipt of such notice, the committee shall act as soon as possible and nominate a qualified person to serve as member pro tem in such case in accordance with subsection (f). Each member pro tem shall receive compensation at the same rate as a member of the board receives, prorated for the hours of actual service as a member pro tem and shall receive expenses under the same circumstances and to the same extent as a member of the board receives. Each member pro tem shall have all the powers, duties and functions of a member of the board with regard to the case.

(j) (i) The board shall maintain principal offices in Topeka, Kansas, and the board may conduct hearings at a courthouse of any county in Kansas or at another location specified by the board. The secretary of labor shall provide a courtroom and other suitable quarters in Topeka, Kansas, for the use of the board and its staff. When the board conducts hearings at any location other than in Topeka, Kansas, the director shall make suitable arrangements for such hearings. Subject to the provisions of appropriation acts, the director shall provide such supplies and equipment and shall appoint such support personnel as may be necessary for the board to fulfill the duties imposed by this act, subject to approval by the secretary.

(k) (j) For purposes of hearing cases, the board may sit together or in panels of two members or more, designated by the chairperson of the board, except that an appeal from a preliminary award entered under K.S.A. 44-534a, and amendments thereto, may be heard by a panel of one member designated by the chairperson. All members of the board shall determine each matter before the board. All decisions, reviews and determinations by the board shall be approved in writing by at least three board members. Whenever the board enters a final order in any proceeding, the board shall make written findings of fact and conclusions of law forming the basis of the board's determination and final order. The findings of fact and conclusions of law of the board shall be made a part of the final order. The board shall mail a copy of the final order of the board to all parties to the proceeding within three days following the issuance of the final order.";

And by renumbering the remaining sections accordingly;

Also on page 62, in line 21, by striking "and 44-596" and inserting "and 44-555c"; in line 24, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 5, by striking "and 44-552" and inserting ", 44-552 and 44-555c"; in line 6, by striking "and K.S.A. 2010 Supp. 44-"; in line 7, by striking "596";

And the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2075** be amended on page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 35 and inserting:

"New Section 1. This act may be cited as the Surplus Lines Insurance Multi-State Compliance Compact.

PREAMBLE

WHEREAS, with regard to Non-Admitted Insurance policies with risk exposures located in multiple states, the 111th United States Congress, has stipulated in Title V, Subtitle B the Non-Admitted and Reinsurance Reform Act of 2010, of the Dodd-Frank

Wall Street Reform and Consumer Protection Act, hereafter, the NRRA, that:

(A) The placement of Non-Admitted Insurance shall be subject to the statutory and regulatory requirements solely of the insured's Home State, and

(B) Any law, regulation, provision, or action of any State that applies or purports to apply to Non-Admitted Insurance sold to, solicited by, or negotiated with an insured whose Home State is another State shall be preempted with respect to such application; except that any State law, rule, or regulation that restricts the placement of workers' compensation insurance or excess insurance for self-funded workers' compensation plans with a Non-Admitted Insurer shall not be preempted.

WHEREAS, in compliance with NRRA, no State other than the Home State of an insured may require any Premium Tax payment for Non-Admitted Insurance; and no State other than an insured's Home State may require a Surplus Lines Broker to be licensed in order to sell, solicit, or negotiate Non-Admitted Insurance with respect to such insured;

WHEREAS, the NRRA intends that the States may enter into a compact or otherwise establish procedures to allocate among the States the premium taxes paid to an insured's Home State; and that each State adopt nationwide uniform requirements, forms, and procedures, such as an interstate compact, that provide for the reporting, payment, collection, and allocation of premium taxes for Non-Admitted Insurance;

WHEREAS, after the expiration of the two-year period beginning on the date of the enactment of the NRRA, a State may not collect any fees relating to licensing of an individual or entity as a Surplus Lines Licensee in the State unless the State has in effect at such time laws or regulations that provide for participation by the State in the national insurance producer database of the NAIC, or any other equivalent uniform national database, for the licensure of Surplus Lines Licensees and the renewal of such licenses;

WHEREAS, a need exists for a system of regulation that will provide for Surplus Lines Insurance to be placed with reputable and financially sound Non-Admitted Insurers, and that will permit orderly access to Surplus Lines Insurance in this state and encourage insurers to make new and innovative types of insurance available to consumers in this state;

WHEREAS, protecting the revenue of this state and other Compacting States may be accomplished by facilitating the payment and collection of Premium Tax on Non-Admitted Insurance and providing for allocation of Premium Tax for Non-Admitted Insurance of Multi-State Risks among the States in accordance with Uniform Allocation Formulas;

WHEREAS, the efficiency of the surplus lines market may be improved by eliminating duplicative and inconsistent tax and regulatory requirements among the States, and by promoting and protecting the interests of Surplus Lines Licensees who assist such insureds and Non-Admitted Insurers, thereby ensuring the continued availability of Non-Admitted Insurance to consumers;

WHEREAS, regulatory compliance with respect to Non-Admitted Insurance placements may be streamlined by providing for exclusive single-state regulatory compliance for Non-Admitted Insurance of Multi-State Risks, thereby providing certainty regarding such compliance to all persons who have an interest in such transactions, including but not limited to insureds, regulators, Surplus Lines Licensees, other insurance producers, and Surplus Lines Insurers;

WHEREAS, coordination of regulatory resources and expertise between State insurance departments and other State agencies, as well as State surplus lines stamping offices, with respect to Non-Admitted Insurance will be improved;

NOW, THEREFORE, in consideration of the foregoing, the State of Kansas and the various other States do hereby solemnly covenant and agree, each with the other as follows:

ARTICLE I

Purpose

The purposes of this Compact are:

1. To implement the express provisions of the NRRRA.
2. To protect the Premium Tax revenues of the Compacting States through facilitating the payment and collection of Premium Tax on Non-Admitted Insurance; and to protect the interests of the Compacting States by supporting the continued availability of such insurance to consumers; and to provide for allocation of Premium Tax for Non-Admitted Insurance of Multi-State Risks among the States in accordance with uniform Allocation Formulas to be developed, adopted, and implemented by the Commission.
3. To streamline and improve the efficiency of the surplus lines market by eliminating duplicative and inconsistent tax and regulatory requirements among the States; and promote and protect the interest of Surplus Lines Licensees who assist such insureds and Surplus Lines Insurers, thereby ensuring the continued availability of Surplus Lines Insurance to consumers.
4. To streamline regulatory compliance with respect to Non-Admitted Insurance placements by providing for exclusive single-state regulatory compliance for Non-Admitted Insurance of Multi-State Risks, in accordance with Rules to be adopted by the Commission, thereby providing certainty regarding such compliance to all persons who have an interest in such transactions, including but not limited to insureds, regulators, Surplus Lines Licensees, other insurance producers, and Surplus Lines Insurers.
5. To establish a Clearinghouse for receipt and dissemination of Premium Tax and Clearinghouse Transaction Data related to Non-Admitted Insurance of Multi-State Risks, in accordance with Rules to be adopted by the Commission.
6. To improve coordination of regulatory resources and expertise between State insurance departments and other State agencies, as well as State surplus lines stamping offices, with respect to Non-Admitted Insurance.
7. To adopt uniform Rules to provide for Premium Tax payment, reporting, allocation, data collection and dissemination for Non-Admitted Insurance of Multi-State Risks and Single-State Risks, in accordance with Rules to be adopted by the Commission, thereby promoting the overall efficiency of the Non-Admitted Insurance market.
8. To adopt uniform mandatory Rules with respect to regulatory compliance requirements for:
 - (i) foreign Insurer Eligibility Requirements;
 - (ii) surplus lines Policyholder Notices;
9. To establish the Surplus Lines Insurance Multi-State Compliance Compact Commission.
10. To coordinate reporting of Clearinghouse Transaction Data on Non-Admitted

Insurance of Multi-State Risks among Compacting States and Contracting States.

11. To perform these and such other related functions as may be consistent with the purposes of the Surplus Lines Insurance Multi-State Compliance Compact.

ARTICLE II

Definitions

For purposes of this Compact the following definitions shall apply:

1. "Admitted Insurer" means an insurer that is licensed, or authorized, to transact the business of insurance under the law of the Home State; for purposes of this Compact "Admitted Insurer" shall not include a domestic surplus lines insurer as may be defined by applicable State law.

2. "Affiliate" means with respect to an insured, any entity that controls, is controlled by, or is under common control with the insured.

3. "Allocation Formula" means the uniform methods promulgated by the Commission by which insured risk exposures will be apportioned to each State for the purpose of calculating Premium Taxes due.

4. "Bylaws" means those bylaws established by the Commission for its governance, or for directing or controlling the Commission's actions or conduct.

5. "Clearinghouse" means the Commission's operations involving the acceptance, processing, and dissemination, among the Compacting States, Contracting States, Surplus Lines Licensees, insureds and other persons, of Premium Tax and Clearinghouse Transaction Data for Non-Admitted Insurance of Multi-State Risks, in accordance with this Compact and Rules to be adopted by the Commission.

6. "Clearinghouse Transaction Data" means the information regarding Non-Admitted Insurance of Multi-State Risks required to be reported, accepted, collected, processed, and disseminated by Surplus Lines Licensees for Surplus Lines Insurance and insureds for Independently Procured Insurance under this Compact and Rules to be adopted by the Commission. Clearinghouse Transaction Data includes information related to Single-State Risks if a state elects to have the Clearinghouse collect taxes on Single-State Risks for such state.

7. "Compacting State" means any State which has enacted this Compact legislation and which has not withdrawn pursuant to Article XIV, Section 1, or been terminated pursuant to Article XIV, Section 2.

8. "Commission" means the "Surplus Lines Insurance Multi-State Compliance Compact Commission" established by this Compact.

9. "Commissioner" means the chief insurance regulatory official of a State including, but not limited to commissioner, superintendent, director or administrator or their designees.

10. "Contracting State" means any State which has not enacted this Compact legislation but has entered into a written contract with the Commission to utilize the services of and fully participate in the Clearinghouse.

11. "Control" An entity has "control" over another entity if:

(A) The entity directly or indirectly or acting through one or more other persons own, controls, or has the power to vote 25% or more of any class of voting securities of the other entity; or

(B) The entity controls in any manner the election of a majority of the directors or trustees of the other entity.

12. "Home State"

(A) IN GENERAL. Except as provided in subparagraph (B), the term “Home State” means, with respect to an insured:

(i) the State in which an insured maintains its principal place of business or, in the case of an individual, the individual’s principal residence; or

(ii) if 100% of the insured risk is located out of the State referred to in subparagraph (A)(i), the State to which the greatest percentage of the insured’s taxable premium for that insurance contract is allocated.

(B) AFFILIATED GROUPS. If more than one insured from an affiliated group are named insureds on a single Non-Admitted Insurance contract, the term “Home State” means the Home State, as determined pursuant to subparagraph (A), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

13. “Independently Procured Insurance” means insurance procured by an insured directly from a Surplus Lines Insurer or other Non-Admitted Insurer as permitted by the laws of the Home State.

14. “Insurer Eligibility Requirements” means the criteria, forms and procedures established to qualify as a Surplus Lines Insurer under the law of the Home State provided that such criteria, forms and procedures are consistent with the express provisions of the NRRA on and after July 21, 2011.

15. “Member” means the person or persons chosen by a Compacting State as its representative or representatives to the Commission provided that each Compacting State shall be limited to one vote.

16. “Multi-State Risk” means a risk with insured exposures in more than one State.

17. “Non-Compacting State” means any State which has not adopted this Compact.

18. “Non-Admitted Insurance” means Surplus Lines Insurance and Independently Procured Insurance.

19. “Non-Admitted Insurer” means an insurer that is not authorized or admitted to transact the business of insurance under the law of the Home State.

20. “NRRA” means the Non-Admitted and Reinsurance Reform Act which is Title V, Subtitle B of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

21. “Policyholder Notice” means the disclosure notice or stamp that is required to be furnished to the applicant or policyholder in connection with a Surplus Lines Insurance placement.

22. “Premium Tax” means with respect to Non-Admitted Insurance, any tax, fee, assessment, or other charge imposed by a government entity directly or indirectly based on any payment made as consideration for such insurance, including premium deposits, assessments, registration fees, and any other compensation given in consideration for a contract of insurance.

23. “Principal Place of Business” means with respect to determining the Home State of the insured, the state where the insured maintains its headquarters and where the insured’s high-level officers direct, control and coordinate the business activities of the insured.

24. “Purchasing Group” means any group formed pursuant to the Liability Risk Retention Act which has as one of its purposes the purchase of liability insurance on a group basis, purchases such insurance only for its group members and only to cover their similar or related liability exposure and is composed of members whose businesses or activities are similar or related with respect to the liability to which

members are exposed by virtue of any related, similar or common business, trade, product, services, premises or operations and is domiciled in any State.

25. "Rule" means a statement of general or particular applicability and future effect promulgated by the Commission designed to implement, interpret, or prescribe law or policy or describing the organization, procedure or practice requirements of the Commission which shall have the force and effect of law in the Compacting States.

26. "Single-State Risk" means a risk with insured exposures in only one State.

27. "State" means any state, district or territory of the United States of America.

28. "State Transaction Documentation" means the information required under the laws of the Home State to be filed by Surplus Lines Licensees in order to report Surplus Lines Insurance and verify compliance with surplus lines laws, and by insureds in order to report Independently Procured Insurance.

29. "Surplus Lines Insurance" means insurance procured by a Surplus Lines Licensee from a Surplus Lines Insurer or other Non-Admitted Insurer as permitted under the law of the Home State; for purposes of this Compact "Surplus Lines Insurance" shall also mean excess lines insurance as may be defined by applicable State law.

30. "Surplus Lines Insurer" means a Non-Admitted Insurer eligible under the law of the Home State to accept business from a Surplus Lines Licensee; for purposes of this Compact "Surplus Lines Insurer" shall also mean an insurer which is permitted to write Surplus Lines Insurance under the laws of the state where such insurer is domiciled.

31. "Surplus Lines Licensee" means an individual, firm or corporation licensed under the law of the Home State to place Surplus Lines Insurance.

ARTICLE III

Establishment of the Commission and Venue

1. The Compacting States hereby create and establish a joint public agency known as the Surplus Lines Insurance Multi-State Compliance Compact Commission.

2. Pursuant to Article IV, the Commission will have the power to adopt mandatory Rules which establish exclusive Home State authority regarding Non-Admitted Insurance of Multi State Risks, Allocation Formulas, Clearinghouse Transaction Data, a Clearinghouse for receipt and distribution of allocated Premium Tax and Clearinghouse Transaction Data, and uniform rulemaking procedures and Rules for the purpose of financing, administering, operating and enforcing compliance with the provisions of this Compact, its Bylaws and Rules.

3. Pursuant to Article IV, the Commission will have the power to adopt mandatory Rules establishing foreign Insurer Eligibility Requirements and a concise and objective Policyholder Notice regarding the nature of a surplus lines placement.

4. The Commission is a body corporate and politic, and an instrumentality of the Compacting States.

5. The Commission is solely responsible for its liabilities except as otherwise specifically provided in this Compact.

6. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

ARTICLE IV**Authority to Establish Mandatory Rules**

The Commission shall adopt mandatory Rules which establish:

1. Allocation Formulas for each type of Non-Admitted Insurance coverage, which Allocation Formulas must be used by each Compacting State and Contracting State in acquiring Premium Tax and Clearinghouse Transaction Data from Surplus Lines Licensees and insureds for reporting to the Clearinghouse created by the Compact Commission. Such Allocation Formulas will be established with input from Surplus lines Licensees and be based upon readily available data with simplicity and uniformity for the Surplus Line Licensee as a material consideration.

2. Uniform Clearinghouse Transaction Data reporting requirements for all information reported to the Clearinghouse.

3. Methods by which Compacting States and Contracting States require Surplus Lines Licensees and insureds to pay Premium Tax and to report Clearinghouse Transaction Data to the Clearinghouse, including but not limited to processing Clearinghouse Transaction Data through State stamping and service offices, State insurance departments, or other State designated agencies or entities.

4. That Non-Admitted Insurance of Multi-State Risks shall be subject to all of the regulatory compliance requirements of the Home State exclusively. Home State regulatory compliance requirements applicable to Surplus Lines Insurance shall include but not be limited to, (i) person(s) required to be licensed to sell, solicit, or negotiate Surplus Lines Insurance; (ii) Insurer Eligibility Requirements or other approved Non-Admitted Insurer requirements; (iii) Diligent Search; (iv) State Transaction Documentation and Clearinghouse Transaction Data regarding the payment of Premium Tax as set forth in this Compact and Rules to be adopted by the Commission. Home State regulatory compliance requirements applicable to Independently Procured Insurance placements shall include but not be limited to providing State Transaction Documentation and Clearinghouse Transaction Data regarding the payment of Premium Tax as set forth in this Compact and Rules to be adopted by the Commission.

5. That each Compacting State and Contracting State may charge its own rate of taxation on the premium allocated to such State based on the applicable Allocation Formula provided that the state establishes one single rate of taxation applicable to all Non-Admitted Insurance transactions and no other tax, fee assessment or other charge by any governmental or quasi governmental agency be permitted. Notwithstanding the foregoing, stamping office fees may be charged as a separate, additional cost unless such fees are incorporated into a state's single rate of taxation.

6. That any change in the rate of taxation by any Compacting State or Contracting State be restricted to changes made prospectively on not less than 90 days advance notice to the Compact Commission.

7. That each Compacting State and Contracting State shall require Premium Tax payments either annually, semi-annually, or quarterly utilizing one or more of the following dates only: March 1, June 1, September 1, and December 1.

8. That each Compacting State and Contracting State prohibit any other State agency or political subdivision from requiring Surplus Lines Licensees to provide Clearinghouse Transaction Data and State Transaction Documentation other than to the insurance department or tax officials of the Home State or one single designated agent thereof.

9. The obligation of the Home State by itself, through a designated agent, surplus lines stamping or service office, to collect Clearinghouse Transaction Data from Surplus Line Licensees and from insureds for Independently Procured Insurance, where applicable, for reporting to the Clearinghouse.

10. A method for the Clearinghouse to periodically report to Compacting States, Contracting States, Surplus Lines Licensees and insureds who independently procure insurance, all Premium Taxes owed to each of the Compacting States and Contracting States, the dates upon which payment of such Premium Taxes are due and a method to pay them through the Clearinghouse.

11. That each Surplus Line Licensee is required to be licensed only in the Home State of each insured for whom Surplus Lines Insurance has been procured.

12. That a policy considered to be Surplus Lines Insurance in the insured's Home State shall be considered Surplus Lines Insurance in all Compacting States and Contracting States, and taxed as a Surplus Lines transaction in all states to which a portion of the risk is allocated. Each Compacting State and Contracting State shall require each Surplus Lines Licensee to pay to every other Compacting State and Contracting State Premium Taxes on each Multi-State Risk through the Clearinghouse at such tax rate charged on surplus lines transactions in such other Compacting States and Contracting States on the portion of the risk in each such Compacting State and Contracting State as determined by the applicable uniform Allocation Formula adopted by the Commission. A policy considered to be Independently Procured Insurance in the insured's Home State shall be considered Independently Procured Insurance in all Compacting States and Contracting States. Each Compacting State and Contracting State shall require the insured to pay every other Compacting State and Contracting State the Independently Procured Insurance Premium Tax on each Multi-State Risk through the Clearinghouse pursuant to the uniform Allocation Formula adopted by the Commission.

13. Uniform foreign Insurer Eligibility Requirements as authorized by the NRRRA.

14. A uniform Policyholder Notice.

15. Uniform treatment of Purchasing Group Surplus Lines Insurance placements.

ARTICLE V

Powers of the Commission

The Commission shall have the following powers:

1. To promulgate Rules and operating procedures, pursuant to Article VIII of this Compact, which shall have the force and effect of law and shall be binding in the Compacting States to the extent and in the manner provided in this Compact;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State insurance department to sue or be sued under applicable law shall not be affected;

3. To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence, provided however, the Commission is not empowered to demand or subpoena records or data from Non-Admitted Insurers;

4. To establish and maintain offices including the creation of a Clearinghouse for the receipt of Premium Tax and Clearinghouse Transaction Data regarding Non-Admitted Insurance of Multi-State Risks, Single-State Risks for states which elect to require Surplus Lines Licensees to pay Premium Tax on Single State Risks through the Clearinghouse and tax reporting forms;

5. To purchase and maintain insurance and bonds;
6. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compacting State or stamping office, pursuant to an open, transparent, objective competitive process and procedure adopted by the Commission;
7. To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the Compact, and determine their qualifications, pursuant to an open, transparent, objective competitive process and procedure adopted by the Commission; and to establish the Commission's personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel, and other related personnel matters;
8. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;
9. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;
10. To sell convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;
11. To provide for tax audit Rules and procedures for the Compacting States with respect to the allocation of Premium Taxes including:
 - a. Minimum audit standards, including sampling methods,
 - b. Review of internal controls,
 - c. Cooperation and sharing of audit responsibilities between Compacting States,
 - d. Handling of refunds or credits due to overpayments or improper allocation of Premium Taxes,
 - e. Taxpayer records to be reviewed including a minimum retention period,
 - f. Authority of Compacting States to review, challenge, or re-audit taxpayer records.
12. To enforce compliance by Compacting States and Contracting States with Rules, and Bylaws pursuant to the authority set forth in Article XIV;
13. To provide for dispute resolution among Compacting States and Contracting States;
14. To advise Compacting States and Contracting States on tax-related issues relating to insurers, insureds, Surplus Lines Licensees, agents or brokers domiciled or doing business in Non-Compacting States, consistent with the purposes of this Compact;
15. To make available advice and training to those personnel in State stamping offices, State insurance departments or other State departments for record keeping, tax compliance, and tax allocations; and to be a resource for State insurance departments and other State departments;
16. To establish a budget and make expenditures;
17. To borrow money;
18. To appoint and oversee committees, including advisory committees comprised of Members, State insurance regulators, State legislators or their representatives, insurance industry and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;

19. To establish an Executive Committee of not less than seven (7) nor more than fifteen (15) representatives, which shall include officers elected by the Commission and such other representatives as provided for herein and determined by the Bylaws. Representatives of the Executive Committee shall serve a one year term. Representatives of the Executive Committee shall be entitled to one vote each. The Executive Committee shall have the power to act on behalf of the Commission, with the exception of rulemaking, during periods when the Commission is not in session. The Executive Committee shall oversee the day to day activities of the administration of the Compact, including the activities of the Operations Committee created under this Article and compliance and enforcement of the provisions of the Compact, its Bylaws, and Rules, and such other duties as provided herein and as deemed necessary.

20. To establish an Operations Committee of not less than seven (7) and not more than fifteen (15) representatives to provide analysis, advice, determinations and recommendations regarding technology, software, and systems integration to be acquired by the Commission and to provide analysis, advice, determinations and recommendations regarding the establishment of mandatory Rules to be adopted to be by the Commission.

21. To enter into contracts with Contracting States so that Contracting States can utilize the services of and fully participate in the Clearinghouse subject to the terms and conditions set forth in such contracts;

22. To adopt and use a corporate seal; and

23. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of the business of insurance.

ARTICLE VI

Organization of the Commission

1. Membership, Voting and Bylaws

a. Each Compacting State shall have and be limited to one Member. Each State shall determine the qualifications and the method by which it selects a Member and set forth the selection process in the enabling provision of the legislation which enacts this Compact. In the absence of such a provision the Member shall be appointed by the governor of such Compacting State. Any Member may be removed or suspended from office as provided by the law of the State from which he or she shall be appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compacting State wherein the vacancy exists.

b. Each Member shall be entitled to one (1) vote and shall otherwise have an opportunity to participate in the governance of the Commission in accordance with the Bylaws.

c. The Commission shall, by a majority vote of the Members, prescribe Bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact including, but not limited to:

- i. Establishing the fiscal year of the Commission;
- ii. Providing reasonable procedures for holding meetings of the Commission the Executive Committee and the Operations Committee;
- iii. Providing reasonable standards and procedures: (i) for the establishment and meetings of committees, and (ii) governing any general or specific delegation of any authority or function of the Commission;

iv. Providing reasonable procedures for calling and conducting meetings of the Commission that consist of a majority of Commission Members, ensuring reasonable advance notice of each such meeting and providing for the right of citizens to attend each such meeting with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and insurers' and Surplus Lines Licensees' proprietary information, including trade secrets. The Commission may meet in camera only after a majority of the entire membership votes to close a meeting in toto or in part. As soon as practicable, the Commission must make public: (i) a copy of the vote to close the meeting revealing the vote of each Member with no proxy votes allowed, and (ii) votes taken during such meeting;

v. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;

vi. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar 18 laws of any Compacting State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;

vii. Promulgating a code of ethics to address permissible and prohibited activities of Commission Members and employees;

viii. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

d. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compacting States.

2. Executive Committee, Personnel and Chairperson

a. An Executive Committee of the Commission ("Executive Committee") shall be established. All actions, of the Executive Committee, including compliance and enforcement are subject to the review and ratification of the Commission as provided in the Bylaws. The Executive Committee shall have no more than fifteen (15) representatives, or one for each State if there are less than fifteen (15) Compacting States, who shall serve for a term and be established in accordance with the Bylaws.

b. The Executive Committee shall have such authority and duties as may be set forth in the Bylaws, including but not limited to:

i. Managing the affairs of the Commission in a manner consistent with the Bylaws and purposes of the Commission;

ii. Establishing and overseeing an organizational structure within, and appropriate procedures for the Commission to provide for the creation of Rules and operating procedures.

iii. Overseeing the offices of the Commission; and

iv. Planning, implementing, and coordinating communications and activities with other State, federal and local government organizations in order to advance the goals of the Commission.

c. The Commission shall annually elect officers from the Executive Committee, with each having such authority and duties, as may be specified in the Bylaws.

d. The Executive Committee may, subject to the approval of the Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Commission may deem appropriate. The executive

director shall serve as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other persons as may be authorized by the Commission.

3. Operations Committee

a. An Operations Committee shall be established. All actions of the Operations Committee are subject to the review and oversight of the Commission and the Executive Committee and must be approved by the Commission. The Executive Committee will accept the determinations and recommendations of the Operations Committee unless good cause is shown why such determinations and recommendations should not be approved. Any disputes as to whether good cause exists to reject any determination or recommendation of the Operations Committee shall be resolved by the majority vote of the Commission.

The Operations Committee shall have no more than fifteen (15) representatives or one for each State if there are less than fifteen (15) Compacting States, who shall serve for a term and shall be established as set forth in the Bylaws.

The Operations Committee shall have responsibility for:

i. Evaluating technology requirements for the Clearinghouse, assessing existing systems used by state regulatory agencies and state stamping offices to maximize the efficiency and successful integration of the Clearinghouse technology systems with state and state stamping office technology platforms and to minimize costs to the states, state stamping offices and the Clearinghouse.

ii. Making recommendations to the Executive Committee based on its analysis and determination of the Clearinghouse technology requirements and compatibility with existing state and state stamping office systems.

iii. Evaluating the most suitable proposals for adoption as mandatory Rules, assessing such proposals for ease of integration by states, and likelihood of successful implementation and to report to the Executive Committee its determinations and recommendations.

iv. Such other duties and responsibilities as are delegated to it by the Bylaws, the Executive Committee or the Commission.

b. All representatives of the Operations Committee shall be individuals who have extensive experience and/or employment in the Surplus Lines Insurance business including but not limited to executives and attorneys employed by Surplus Line Insurers, Surplus Line Licensees, Law Firms, State Insurance Departments and or State stamping offices. Operations Committee representatives from Compacting States which utilize the services of a state stamping office must appoint the Chief Operating Officer or a senior manager of the state stamping office to the Operations Committee.

4. Legislative and Advisory Committees

a. A legislative committee comprised of State legislators or their designees shall be established to monitor the operations of and make recommendations to, the Commission, including the Executive Committee; provided that the manner of selection and term of any legislative committee member shall be as set forth in the Bylaws. Prior to the adoption by the Commission of any Uniform Standard, revision to the Bylaws, annual budget or other significant matter as may be provided in the Bylaws, the Executive Committee shall consult with and report to the legislative committee.

b. The Commission may establish additional advisory committees as its Bylaws may provide for the carrying out of its functions.

5. Corporate Records of the Commission

The Commission shall maintain its corporate books and records in accordance with the Bylaws.

6. Qualified Immunity, Defense and Indemnification

a. The Members, officers, executive director, employees and representatives of the Commission, the Executive Committee and any other Committee of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

b. The Commission shall defend any Member, officer, executive director, employee or representative of the Commission, the Executive Committee or any other Committee of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act error or omission did not result from that person's intentional or willful or wanton misconduct.

c. The Commission shall indemnify and hold harmless any Member, officer, executive director, employee or representative of the Commission, Executive Committee or any other Committee of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE VII

Meetings and Acts of the Commission

1. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

2. Each Member of the Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Commission. A Member shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Members' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

4. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or otherwise provided in the Compact.

5. The Commission shall promulgate Rules concerning its meetings consistent with

the principles contained in the “Government in the Sunshine Act,” 5 U.S.C., § 552b, as may be amended.

6. The Commission and its committees may close a meeting, or portion thereof, where it determines by majority vote that an open meeting would be likely to:

- a. Relate solely to the Commission’s internal personnel practices and procedures;
- b. Disclose matters specifically exempted from disclosure by federal and State statute;
- c. Disclose trade secrets or commercial or financial information which is privileged or confidential;
- d. Involve accusing a person of a crime, or formally censuring a person;
- e. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- f. Disclose investigative records compiled for law enforcement purposes;
- g. Specifically relate to the Commission’s issuance of a subpoena, or its participation in a civil action or other legal proceeding.

7. For a meeting, or portion of a meeting, closed pursuant to this provision, the Commission’s legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptive provision. The Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission.

ARTICLE VIII

Rules and Operating Procedures: Rulemaking

Functions of the Commission

Rulemaking functions of the Commission:

1. Rulemaking Authority.—The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.

2. Rulemaking Procedure.—Rules shall be made pursuant to a rulemaking process that substantially conforms to the “Model State Administrative Procedure Act,” of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Commission.

3. Effective Date — All Rules and amendments, thereto, shall become effective as of the date specified in each Rule, operating procedure or amendment.

4. Not later than thirty (30) days after a Rule is promulgated, any person may file a petition for judicial review of the Rule; provided that the filing of such a petition shall not stay or otherwise prevent the Rule from becoming effective unless the court finds that the Petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Commission consistent with applicable law and shall not find the Rule to be unlawful if the Rule represents a reasonable exercise of the Commission’s authority.

ARTICLE IX**Commission Records and Enforcement**

1. The Commission shall promulgate Rules establishing conditions and procedures for public inspection and copying of its information and official records, except such information and records involving the privacy of individuals, insurers, insureds or Surplus Lines Licensee trade secrets. State Transaction Documentation and Clearinghouse Transaction Data collected by the Clearinghouse shall be used for only those purposes expressed in or reasonably implied under the provisions of this Compact and the Commission shall afford this data the broadest protections as permitted by any applicable law for proprietary information, trade secrets or personal data. The Commission may promulgate additional Rules under which it may make available to federal and State agencies, including law enforcement agencies, records and information otherwise exempt from disclosure, and may enter into agreements with such agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

2. Except as to privileged records, data and information, the laws of any Compacting State pertaining to confidentiality or nondisclosure shall not relieve any Compacting State Member of the duty to disclose any relevant records, data or information to the Commission; provided that disclosure to the Commission shall not be deemed to waive or otherwise affect any confidentiality requirement, and further provided that, except as otherwise expressly provided in this Act, the Commission shall not be subject to the Compacting State's laws pertaining to confidentiality and nondisclosure with respect to records, data and information in its possession. Confidential information of the Commission shall remain confidential after such information is provided to any Member, and the Commission shall maintain the confidentiality of any information provided by a member that is confidential under that Member's State Law.

3. The Commission shall monitor Compacting States for compliance with duly adopted Bylaws and Rules. The Commission shall notify any non-complying Compacting State in writing of its noncompliance with Commission Bylaws or Rules. If a non-complying Compacting State fails to remedy its noncompliance within the time specified in the notice of noncompliance, the Compacting State shall be deemed to be in default as set forth in Article XIV.

ARTICLE X**Dispute Resolution**

1. Before a Member may bring an action in a court of competent jurisdiction for violation of any provision, standard or requirement of the Compact, the Commission shall attempt, upon the request of a Member, to resolve any disputes or other issues that are subject to this Compact and which may arise between two or more Compacting States, Contracting States or Non-Compacting States, and the Commission shall promulgate a Rule providing alternative dispute resolution procedures for such disputes.

2. The Commission shall also provide alternative dispute resolution procedures to resolve any disputes between insureds or Surplus Lines Licensees concerning a tax calculation or allocation or related issues which are the subject of this Compact.

3. Any alternative dispute resolution procedures shall be utilized in circumstances where a dispute arises as to which State constitutes the Home State.

ARTICLE XI
Review of Commission Decisions

Regarding Commission decisions:

1. Except as necessary for promulgating Rules to fulfill the purposes of this Compact, the Commission shall not have authority to otherwise regulate insurance in the Compacting States.
2. Not later than thirty (30) days after the Commission has given notice of any Rule or Allocation Formula, any third party filer or Compacting State may appeal the determination to a review panel appointed by the Commission. The Commission shall promulgate Rules to establish procedures for appointing such review panels and provide for notice and hearing. An allegation that the Commission, in making compliance or tax determinations acted arbitrarily, capriciously, or in a manner that is an abuse of discretion or otherwise not in accordance with the law, is subject to judicial review in accordance with Article III, Section 6.
3. The Commission shall have authority to monitor, review and reconsider Commission decisions upon a finding that the determinations or allocations do not meet the relevant Rule. Where appropriate, the Commission may withdraw or modify its determination or allocation after proper notice and hearing, subject to the appeal process in Section 2 above.

ARTICLE XII
Finance

1. The Commission shall pay or provide for the payment of the reasonable expenses of its establishment and organization. To fund the cost of its initial operations the Commission may accept contributions, grants, and other forms of funding from the State stamping offices, Compacting States and other sources.
2. The Commission shall collect a fee payable by the insured directly or through a Surplus Lines Licensee on each transaction processed through the Compact Clearinghouse, to cover the cost of the operations and activities of the Commission and its staff in a total amount sufficient to cover the Commission's annual budget.
3. The Commission's budget for a fiscal year shall not be approved until it has been subject to notice and comment as set forth in Article VIII of this Compact.
4. The Commission shall be regarded as performing essential governmental functions in exercising such powers and functions and in carrying out the provisions of this Compact and of any law relating thereto, and shall not be required to pay any taxes or assessments of any character, levied by any State or political subdivision thereof, upon any of the property used by it for such purposes, or any income or revenue therefrom, including any profit from a sale or exchange.
5. The Commission shall keep complete and accurate accounts of all its internal receipts, including grants and donations, and disbursements for all funds under its control. The internal financial accounts of the Commission shall be subject to the accounting procedures established under its Bylaws. The financial accounts and reports including the system of internal controls and procedures of the Commission shall be audited annually by an independent certified public accountant. Upon the determination of the Commission, but not less frequently than every three (3) years, the review of the independent auditor shall include a management and performance audit of the Commission. The Commission shall make an annual report to the Governor and legislature of the Compacting States, which shall include a report of the independent

audit. The Commission's internal accounts shall not be confidential and such materials may be shared with the Commissioner, the controller, or the stamping office of any Compacting State upon request provided, however, that any work papers related to any internal or independent audit and any information regarding the privacy of individuals, and licensees' and insurers' proprietary information, including trade secrets, shall remain confidential.

6. No Compacting State shall have any claim to or ownership of any property held by or vested in the Commission or to any Commission funds held pursuant to the provisions of this Compact.

7. The Commission shall not make any political contributions to candidates for elected office, elected officials, political parties nor political action committees. The Commission shall not engage in lobbying except with respect to changes to this Compact.

ARTICLE XIII

Compacting States, Effective Date and Amendment

1. Any State is eligible to become a Compacting State.

2. The Compact shall become effective and binding upon legislative enactment of the Compact into law by two (2) Compacting States, provided the Commission shall become effective for purposes of adopting Rules, and creating the Clearinghouse when there are a total of ten (10) Compacting States and Contracting States or, alternatively, when there are Compacting States and Contracting States representing greater than forty percent (40%) of the Surplus Lines Insurance premium volume based on records of the percentage of Surplus Lines Insurance premium set forth in Appendix A hereto. Thereafter, it shall become effective and binding as to any other Compacting State upon enactment of the Compact into law by that State. Notwithstanding the foregoing, the Clearinghouse operations and the duty to report Clearinghouse Transaction Data shall begin on the first January 1st or July 1st following the first anniversary of the Commission effective date. For States which join the Compact subsequent to the effective date, a start date for reporting Clearinghouse Transaction Data shall be set by the Commission provided Surplus Lines Licensees and all other interested parties receive not less than 90 days advance notice.

3. Amendments to the Compact may be proposed by the Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Commission and the Compacting States unless and until all Compacting States enact the amendment into law.

ARTICLE XIV

Withdrawal, Default and Termination

1. Withdrawal

a. Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State, provided that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.

b. The effective date of withdrawal is the effective date of the repealing statute. However, the withdrawal shall not apply to any tax or compliance determinations approved on the date the repealing statute becomes effective, except by mutual agreement of the Commission and the Withdrawing State unless the approval is rescinded by the Commission.

c. The Member of the Withdrawing State shall immediately notify the Executive Committee of the Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.

d. The Commission shall notify the other Compacting States of the introduction of such legislation within ten (10) days after its receipt of notice thereof.

e. The Withdrawing State is responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. To the extent those obligations may have been released or relinquished by mutual agreement of the Commission and the Withdrawing State, the Commission's determinations prior to the effective date of withdrawal shall continue to be effective and be given full force and effect in the Withdrawing State, unless formally rescinded by the Commission.

f. Reinstatement following withdrawal of any Compacting State shall occur upon the effective date of the Withdrawing State reenacting the Compact.

2. Default

a. If the Commission determines that any Compacting State has at anytime defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the Bylaws or duly promulgated Rules then after notice and hearing as set forth in the Bylaws, all rights, privileges and benefits conferred by this Compact on the Defaulting State shall be suspended from the effective date of default as fixed by the Commission. The grounds for default include, but are not limited to, failure of a Compacting State to perform its obligations or responsibilities, and any other grounds designated in Commission Rules. The Commission shall immediately notify the Defaulting State in writing of the Defaulting State's suspension pending a cure of the default. The Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Commission, the Defaulting State shall be terminated from the Compact and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of termination.

b. Decisions of the Commission that are issued on the effective date of termination shall remain in force in the Defaulting State in the same manner as if the Defaulting State had withdrawn voluntarily pursuant to Section 1 of this Article.

c. Reinstatement following termination of any Compacting State requires a reenactment of the Compact.

3. Dissolution of Compact

a. The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

b. Upon the dissolution of this Compact, the Compact becomes null and void and shall have no further force or effect, and the business and affairs of the Commission shall be wound up and any surplus funds shall be distributed in accordance with the Rules and Bylaws.

ARTICLE XV

Severability and Construction

1. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

2. The provisions of this Compact shall be liberally construed to effectuate its

purposes.

3. Throughout this Compact the use of the singular shall include the plural and vice-versa.

4. The headings and captions of articles, sections and sub-sections used in this Compact are for convenience only and shall be ignored in construing the substantive provisions of this Compact.

ARTICLE XVI

Binding Effect of Compact and Other Laws

1. Other Laws

a. Nothing herein prevents the enforcement of any other law of a Compacting State except as provided in Paragraph b. of this section.

b. Decisions of the Commission, and any Rules, and any other requirements of the Commission shall constitute the exclusive Rule, or determination applicable to the Compacting States. Any law or regulation regarding Non-Admitted Insurance of Multi-State Risks that is contrary to Rules of the Commission, is preempted with respect to the following:

- (i) Clearinghouse Transaction Data reporting requirements;
 - (ii) Allocation Formula;
 - (iii) Clearinghouse Transaction Data collection requirements;
 - (iv) Premium Tax payment time frames and Rules concerning dissemination of data among the Compacting States for Non-Admitted Insurance of Multi-State Risks and Single-State Risks;
 - (v) Exclusive compliance with surplus lines law of the Home State of the insured;
- and
- (vi) Rules for reporting to a Clearinghouse for receipt and distribution of Clearinghouse Transaction Data related to Non-Admitted Insurance of Multi-State Risks;

(vii) Uniform foreign Insurers Eligibility Requirements;

(viii) Uniform Policyholder Notice; and

(ix) Uniform treatment of Purchasing Groups procuring Non-Admitted Insurance.

c. Except as stated in paragraph b, any Rule, Uniform Standard or other requirement of the Commission shall constitute the exclusive provision that a Commissioner may apply to compliance or tax determinations. Notwithstanding the foregoing, no action taken by the commission shall abrogate or restrict: (i) the access of any person to State courts; (ii) the availability of alternative dispute resolution under Article X of this Compact (iii) remedies available under State law related to breach of contract, tort, or other laws not specifically directed to compliance or tax determinations; (iv) State law relating to the construction of insurance contracts; or (v) the authority of the attorney general of the State, including but not limited to maintaining any actions or proceedings, as authorized by law.

2. Binding Effect of this Compact

a. All lawful actions of the Commission, including all Rules promulgated by the Commission, are binding upon the Compacting States, except as provided herein.

b. All agreements between the Commission and the Compacting States are binding in accordance with their terms.

c. Upon the request of a party to a conflict over the meaning or interpretation of Commission actions, and upon a majority vote of the Compacting States, the

Commission may issue advisory opinions regarding the meaning or interpretation in dispute. This provision may be implemented by Rule at the discretion of the Commission.

d. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by that provision upon the Commission shall be ineffective as to that State and those obligations duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which those obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

Surplus Line Insurance Premiums by State

Appendix A

State	Premiums based on taxes paid	Share of Total Premiums
Alabama	445,746,000	1.47%
Alaska	89,453,519	0.29%
Arizona	663,703,267	2.18%
Arkansas	201,859,750	0.66%
California	5,622,450,467	18.49%
Colorado	543,781,333	1.79%
Connecticut	329,358,800	1.08%
Delaware	92,835,950	0.31%
Florida	2,660,908,760	8.75%
Georgia	895,643,150	2.95%
Hawaii	232,951,489	0.77%
Idaho	74,202,255	0.24%
Illinois	1,016,504,629	3.34%
Indiana	412,265,320	1.36%
Iowa	135,130,933	0.44%
Kansas	160,279,300	0.53%
Kentucky	167,996,133	0.55%
Louisiana	853,173,280	2.81%
Maine	60,111,200	0.20%
Maryland	434,887,600	1.43%
Massachusetts	708,640,225	2.33%
Michigan	703,357,040	2.31%
Minnesota	393,128,400	1.29%
Mississippi	263,313,175	0.87%
Missouri	404,489,860	1.33%
Montana	64,692,873	0.21%
Nebraska	92,141,167	0.30%
Nevada	354,271,514	1.17%
New Hampshire	102,946,250	0.34%
New Jersey	1,087,994,033	3.58%
New Mexico	67,608,458	0.22%
New York	2,768,618,083	9.11%
North Carolina	514,965,060	1.69%
North Dakota	36,223,943	0.12%

Ohio	342,000,000	1.12%
Oklahoma	319,526,400	1.05%
Oregon	312,702,150	1.03%
Pennsylvania	780,666,667	2.57%
Rhode Island	71,794,067	0.24%
South Carolina	412,489,825	1.36%
South Dakota	38,702,120	0.13%
Tennessee	451,775,240	1.49%
Texas	3,059,170,454	10.06%
Utah	142,593,412	0.47%
Vermont	41,919,433	0.14%
Virginia	611,530,667	2.01%
Washington	739,932,050	2.43%
West Virginia	130,476,250	0.43%
Wisconsin	248,758,333	0.82%
Wyoming	40,526,967	0.13%
Total	30,400,197,251	100.00%

This Data is 2005 Calendar Year Data excerpted from a study dated February 27, 2007 by Mackin & Company.

New Sec. 2. The commissioner of insurance shall represent this state on the surplus lines insurance multi-state compliance compact.

New Sec. 3. The member representing this state on the surplus lines insurance multi-state compliance compact may be represented thereon by an alternate designated by the commissioner of insurance. Any such alternate shall be an assistant commissioner or a division director of the insurance department.

Sec. 4. K.S.A. 2010 Supp. 40-246b is hereby amended to read as follows: 40-246b. ~~The~~ *Upon receipt of a proper application, the commissioner of insurance may issue to any duly licensed resident agent of this state, who has been licensed as a fire or casualty, or both, resident agent in this or any other state or combination thereof, for three consecutive years immediately prior to application for the type of license herein prescribed, upon proper application, an excess coverage license to negotiate an excess lines coverage license to any licensed property and casualty agent of this state or any other state. Any agent so licensed may negotiate for insureds whose home state is this state, the types of contracts of fire insurance enumerated in K.S.A. 40-901, and amendments thereto, and the type of casualty insurance contracts enumerated in K.S.A. 40-1102, and amendments thereto, or reinsurance, or to place risks, or to effect insurance or reinsurance for persons or corporations other than such agent, with insurers not authorized to do business in this state. An agent, as defined in K.S.A. 40-241e 2010 Supp. 40-4902, and amendments thereto, may place the kind or kinds of business specified in this act for which such agent is licensed pursuant to K.S.A. 40-240 and 40-241 2010 Supp. 40-4903 and subsection (d) of 40-4906, and amendments thereto, with an insurer not authorized to do business in this state by placing such business with a person licensed pursuant to the provisions of this act and may share in the applicable commissions on such business. Before any such license shall be issued, the applicant shall submit proper application on a form prescribed by the commissioner, which application shall be accompanied by a fee of \$50. Such license shall be renewable each year on May 1, upon the payment of a \$50 fee. Excess lines agents licensed by the*

~~department on the effective date of this act shall be exempt from the experience requirement.~~

(b) The agent so licensed shall on or before March 1 of each year, file with the insurance department of this state, a sworn affidavit or statement to the effect that, after diligent effort, such agent has been unable to secure the amount of insurance required to protect the property, person, or firm described in such agent's affidavit or statement from loss or damage in regularly admitted companies during the preceding year. Mere rate differential shall not be grounds for placing a particular risk in a nonadmitted carrier when an admitted carrier would accept such risk at a different rate. The licensed excess coverage agent must, prior to placing insurance with an insurer not authorized to do business in this state, obtain the written consent of the prospective named insured and provide such insured the following information in a form promulgated by the commissioner:

(a) (1) A statement that the coverage will be obtained from an insurer not authorized to do business in this state;

(b) (2) a statement that the insurer's name appears on the list of companies maintained by the commissioner pursuant to K.S.A. 40-246e, and amendments thereto;

(c) (3) a notice that the insurer's financial condition, policy forms, rates and trade practices are not subject to the review or jurisdiction of the commissioner;

(d) (4) a statement that the protection of the guaranty associations is not afforded to policyholders of the insurer; and

(e) (5) a statement or notice with respect to any other information deemed necessary by the commissioner pertinent to insuring with an insurer not authorized to do business in this state.

(c) In the event the insured desires that coverage be bound with an insurer not admitted to this state and it is not possible to obtain the written consent of the insured prior to binding the coverage, the excess lines agent may bind the coverage after advising the insured of the information set out above and shall obtain written confirmation that the insured desires that coverage be placed with an insurer not admitted to this state within 30 days after binding coverage.

(d) When business comes to a licensed excess lines agent *in which this state is the home state* for placement with an insurer not authorized to do business in this state from an agent not licensed as an excess lines agent, it shall be the responsibility of the licensed excess lines agent to ascertain that the insured has been provided the preceding information and has consented to being insured with an insurer not authorized to do business in this state. Each excess lines agent shall keep a separate record book in such agent's office showing the transactions of fire and casualty insurance and reinsurance placed in companies not authorized to do business in this state, the amount of gross premiums charged thereon, the insurer ~~in which~~ *with which the policy was placed*, the date, term and number of the policy, the location and nature of the risk, the name of the ~~assured~~ *insured* and such other information as the commissioner may require and such record shall be available at all times for inspection by the commissioner of insurance or the commissioner's authorized representatives. The commissioner may revoke or suspend any license issued pursuant to the provisions of this act in the same manner and for the same reasons prescribed by K.S.A. 40-242 2010 *Supp.* 40-4909, and amendments thereto.

Any policy issued under the provisions of this statute shall have stamped or endorsed in a prominent manner thereon, the following: This policy is issued by an insurer not authorized to do business in Kansas and, as such, the form, financial condition and rates are not subject to review by the commissioner of insurance and the insured is not protected by any guaranty fund.

If business is placed with a nonadmitted company that is subsequently determined to be insolvent, the excess lines agent placing such business with such company is relieved of any responsibility to the insured as it relates to such insolvency, if the excess lines agent has satisfactorily complied with all requirements of this section pertaining to notification of the insured, has properly obtained the written consent of the insured and has used due diligence in selecting the insurer. It shall be presumed that due diligence was used in selecting the insurer if such insurer was on the list compiled pursuant to K.S.A. 40-246e, and amendments thereto, at the time coverage first became effective.

Sec. 5. K.S.A. 40-246c is hereby amended to read as follows: 40-246c. ~~Each licensed agent shall file with the commissioner on or before March 1 of each year a statement on a form prescribed by the commissioner, accounting for the gross premiums upon all policies written on risks situated in this state up to January 1 in each year for the year next preceding and the licensee shall transmit to the commissioner, with such affidavit or statement, a sum equal to 6% of the gross premiums upon all policies procured by such agent on risks situated in this state written under the provisions of this act. Any individual placing a policy with an insurer not authorized to do business in this state on a risk domiciled in a state other than this state, but also covering a risk or location in Kansas, shall file with the commissioner a statement in the form prescribed by the commissioner, describing the risk and shall pay to the commissioner a sum equal to 6% of the portion of the premium applicable to the risk located in Kansas within 120 days after writing the risk.~~

(a) On March 1 of each year, each licensed agent shall collect and pay to the commissioner a sum based on the total gross premiums charged, less any return premiums, for surplus lines insurance provided by the licensee pursuant to the license. Where the insurance covers properties, risks or exposures located or to be performed both in and out of this state, the sum payable shall be computed based on:

(1) An amount equal to 6% of that portion of the gross premiums allocated to this state; plus

(2) an amount equal to the portion of the premiums allocated to other states or territories on the basis of the tax rates and fees applicable to properties, risks or exposures located or to be performed outside of this state; less

(3) the amount of gross premiums allocated to this state and returned to the insured.

(b) The tax on any portion of the premium unearned at termination of insurance, if any, having been credited by the state to the licensee shall be returned to the policyholder directly by the surplus lines licensee or through the producing broker. The surplus lines licensee is prohibited from rebating any part of the tax for any reason. To the extent that other states where portions of the properties, risks or exposures reside have failed to enter into a compact or reciprocal allocation procedure with this state, the net premium tax collected shall be retained by this state.

(c) The individual responsible for filing the statement shall be the agent who signs the policy or the agent of record with the company. The commissioner of insurance

shall collect double the amount of tax herein provided from any licensee or other responsible individual as herein described who shall fail, refuse or neglect to transmit the required affidavit or statement or shall fail to pay the tax imposed by this section; to the commissioner within the period specified.

Sec. 6. K.S.A. 40-246e is hereby amended to read as follows: 40-246e. The commissioner shall maintain a list of insurers not authorized to do business in this state for review by any interested person. Only those insurers who have filed a certified copy of their most recent annual statement with the commissioner in the form prescribed by K.S.A. 40-225, and amendments thereto, or, if domiciled outside the United States, have filed their most recent annual statement with the national association of insurance commissioners may appear on the list. No excess lines agent shall place insurance on a Kansas domiciled risk with an insurer whose name does not appear on this list. No company shall appear on the list whose capital or surplus as shown on the annual statement does not equal or exceed ~~\$1,500,000~~ \$4,500,000. Individual unincorporated insurers not listed by the national association of insurance commissioners may appear on the list if they are authorized to transact an insurance business in at least one state of the United States, possess assets which are held in trust for the benefit of American policyholders in the sum of not less than \$50,000,000 and pay the filing fee required by this section. Insurance exchanges who issue contracts on behalf of their members and pay the filing fee required by this section may appear on the list if their individual members have a capital or surplus equal to or in excess of \$1,500,000 and the aggregate capital or surplus of all members of the exchange is at least \$15,000,000. A nonrefundable filing fee of \$200 shall be required of any insurer submitting its annual statement for review by the commissioner for inclusion on such list. The commissioner shall remove an insurer's name from the listing only when: (a) The insurer requests such removal; or (b) the insurer fails to file its latest annual statement and required filing fee prior to May 1 of each year as required by this section; or (c) the commissioner is notified by the insurance supervisory authority of any state of the United States that such insurer has had its authority to transact business restricted; or has been declared insolvent or placed in receivership, conservatorship, rehabilitation or any similar status wherein the business of the insurer is formally supervised by an insurance supervisory authority; or (d) the commissioner is notified by the N.A.I.C. that any insurer domiciled outside the United States has been declared insolvent or placed in receivership, conservatorship, rehabilitation or any similar status wherein the business of the insurer is formally supervised by an insurance supervisory authority pursuant to an order by any court of competent jurisdiction; or (e) the insurer has failed to effectuate reasonably prompt, fair and equitable payment of just losses and claims in this state; or (f) the insurer encourages, promotes or rewards an agent to violate the provisions of K.S.A. 40-246b, and amendments thereto. There shall be no liability on the part of and no cause of action of any nature shall arise against the commissioner, the commissioner's employees, or the state of Kansas as a result of any insurer's name appearing or not appearing on the list required by this section if such list is constructed and maintained in good faith and without malice.

Sec. 7. K.S.A. 40-246c and 40-246e and K.S.A. 2010 Supp. 40-246b are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.";

On page 1, in the title by striking all in lines 1 through 3 and inserting:
"AN ACT concerning surplus lines insurance; relating to the surplus lines insurance multi-state compliance compact; amending K.S.A. 40-246c and 40-246e and K.S.A. 2010 Supp. 40-246b and repealing the existing sections.";

And the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 191** be amended on page 1, in line 10, by striking "The enrollment period for" and inserting "A water right may be enrolled in"; also in line 10, after "program" by inserting "for a period that"; and the bill be passed as amended.

On motion of Senator Emler the Senate adjourned until 2:30 p.m., Tuesday, March 15, 2011.

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 15, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-nine senators present.
Senator Donovan was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father

Legislators get all kinds of messages.

Messages by letters,
Messages by phone.
Message by Email,
With varying tones.

Messages by visits,
Messages by texts,
Making them wonder
What's coming next?

Some messages are pleasant,
Some of them bland.
Some meant for Washington
For Jenkins or Moran.

There are at least hundreds,
On that we could bet.
But there's always one
They seldom get.

So I'm asking You, Lord,
When folks like their vote,
Would You inspire them to send
A little "Thank You" note?

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 235, AN ACT enacting the university engineering initiative act; amending K.S.A. 2010 Supp. 74-8768 and repealing the existing section, by Committee on Ways and Means.

SB 236, AN ACT concerning lodging inspections; relating to lodging inspection fees; amending K.S.A. 2010 Supp. 36-502, 36-518 and 74-591 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 36-512, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HCR 5016**.

Judiciary: **Sub HB 2318**.

REFERRAL OF APPOINTMENTS

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

Central Interstate Low-Level Radioactive Waste Commission: Shari Feist Albrecht, Member, serves at the pleasure of the Governor
(Natural Resources)

Corrections: Raymond Roberts, Secretary, serves at the pleasure of the Governor
(Federal and State Affairs)

Historical Society: Jennie Chinn, Executive Director, serves at the pleasure of the Governor
(Federal and State Affairs)

Racing and Gaming Commission: Dennis McKinney, Member, to serve a four year term expiring March 15, 2015
(Federal and State Affairs)

Racing and Gaming Commission: Jay Shadwick, Member, to serve a four year term, expiring January 15, 2015
(Federal and State Affairs)

Racing and Gaming Commission: Tim Shultz, Member, to serve a four year term expiring January 15, 2013
(Federal and State Affairs)

State Banking Board: Kurt Knutson, Member, to serve a three year term expiring March 15, 2013

(Financial Institutions and Insurance)

State Banking Board: Larry Williams, Member, to serve a three year term, expiring March 15, 2013

(Financial Institutions and Insurance)

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF CORRECTIONS

March 4, 2011

In accordance with the provisions of KSA 60-4117, Ray Roberts, Secretary of Corrections, submitted the report for the Kansas Department of Corrections State Forfeiture Fund for the period of December 1, 2009 through December 1, 2010.

DEPARTMENT OF REVENUE

March 15, 2011

In compliance with KSA 79-1490, Mark S. Beck, Director, Division of Property Valuation, submitted the 2010 Preliminary Real Estate Appraisal/Sales Ratio Study.

The Vice President 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 passage of **HB 2339**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2339 was thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Huntington the Senate nonconcurred in the House amendments to **SB 67** and requested a conference committee be appointed.

The Vice President appointed Senators Huntington, V. Schmidt and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Wagle the Senate nonconcurred in the House amendments to **SB 77** and requested a conference committee be appointed.

The Vice President appointed Senators Wagle, Lynn and Holland as a conference committee on the part of the Senate.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments submitted by the Governor, were considered.

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor of the State of Kansas:

On the appointment to the:

Kansas Highway Patrol:

Ernest Garcia, Superintendent, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

Kansas Water Office:

Tracy Streeter, Director, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

Lottery Commission:

Mike King, Member, to serve a four year term to expire on March 15, 2014.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

State Bank Commissioner:

Edwin Splichal, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1828—

A RESOLUTION recognizing and commending sculptor Elden Tefft.

WHEREAS, Elden Tefft was born December 1919, in Hartford, Kansas. He served in the United States Army Air Forces from 1942 to 1946; received a bachelor's degree in fine arts in 1949 and a master's degree in fine arts in 1950 at the University of Kansas; and initiated the major and master's sculpture programs at the University of Kansas. Presently, he is a Professor Emeritus of Art at the University of Kansas; and

WHEREAS, Mr. Tefft has used his talents to become a nationally recognized sculptor of bronze. His famous pieces include "Moses," which is located outside Smith Hall at the University of Kansas; "Jayhawk," which is located outside Strong Hall at the University of Kansas and stands as the school's symbol; "Ichabod," which is located at the Washburn University stadium; "Wildcat," which is located at Baker University; "James Naismith," which is located at Springfield College in Massachusetts and a second, identical statue is scheduled for installation this spring at Naismith's hometown in Almonte, Ontario; "Keepers of the Universe," which is located at Burcham Park in Lawrence; "Trails West," which was first located at the former Kansas Travel Information Center in Olathe but is now located at Lone Elm Park in Olathe; "Chesty Lion," which is located at Lawrence High School; and "Hawk," which is located at Olathe East High School; and

WHEREAS, In addition to his sculpture work, Mr. Tefft redesigned the University of Kansas' seal, which is now the current seal of the university; and

WHEREAS, Mr. Tefft began experimenting with bronze work in the 1940's. In the early 1950's, he received permission to establish a sculpture foundry while teaching sculpture classes on the third floor of Strong Hall at the University of Kansas. The foundry was first built in Bailey Annex and the sculpture classes were then moved to that facility. In 1960, he established a biennial conference that brought together sculptors from around the world and founded what would eventually become the International Sculpture Center based in New Jersey; and

WHEREAS, Since 1960, Mr. Tefft has published numerous books and articles on sculpture and bronze casting, wax sculpting, waste mold casting and head and figure molding; he has documented his research in techniques, sculpture founding and finished sculptures in film and has edited and compiled the first nine biennial International

Sculpture Conferences; and

WHEREAS, During his accomplished career, Mr. Tefft helped to further establish educational sculpture foundries throughout the United States, Latin America and Asia. He has a monumental sculpture in Tianjin, China, titled "Peace Star," which was placed in 2009 as part of "The China and the United States Memorial Sculpture of Peace and Friendship Project," in commemoration of the 30th anniversary of opening diplomatic relations between China and the United States; and

WHEREAS, Mr. Tefft is the recipient of the Phoenix Award in exceptional artistic achievement from the Lawrence Cultural Arts Commission in 2008, an honorary Doctorate of Fine Arts from Baker University in 1999, the state of Kansas Governor's Artist Award for Lifetime Achievement in 1997, Recognition of Contribution to City Enhancement and Cultural Interchange from the Lawrence Cultural Arts Commission in 1982, the Outstanding Service to Contemporary Sculpture citation from the Southern Association of Sculptors in 1977, and is listed in *Who's Who in American Art*; and

WHEREAS, Mr. Tefft continues to create bronze and stone artwork on a daily basis out of his and his son's studio, Tefft Terra Studios: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Elden Tefft for his outstanding accomplishments and thank him for his many contributions to Kansas; and

Be it further resolved: That the Secretary of the Senate shall be directed to provide 15 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1828** was adopted unanimously.

Senator Holland and members of the Senate welcomed and recognized Elden Tefft with a standing ovation for his outstanding talents of becoming a nationally recognized sculptor of bronze. His son and wife, Kim and Wanda Tefft, and their children Jared, Janell, Jonathan and Jonanna were introduced as well as guests Mary Weisert, Maura Landry, Chuck Schlitter and John and Teresa McCoy.

Senators Abrams, Apple, Faust-Goudeau, Francisco, Hensley, Holland, Kelly, Kelsey, Kultala, Masterson, Owens, Petersen, Schodorf, Teichman, Umbarger and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1829—

A RESOLUTION recognizing the Kansas Small Business Development Center's 2010 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase the 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 up to eight Emerging Business of the Year award recipients and up to 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, Existing Business of the Year Award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and demonstrated

good corporate citizenship through community contributions; and

WHEREAS, The 2010 KSBDC Emerging Businesses of the Year are The New Breck, in Americus, Kansas, owned by Jena Johnson and Doug Disney; Couture for Men in Hays, Kansas, owned by Leland Olive; Accelacare Physical Therapy in Garden City, Kansas, owned by Wes and Amy Wickwar; The Next Step in Lenexa, Kansas, owned by John L. White; Audio/Video Concepts in Ottawa, Kansas, owned by Shawn Markley; SayCheez PhotoBooth in Topeka, Kansas, owned by Scott and Nikki Lewien; Thiessen-Elise Salon in Salina, Kansas, owned by John and Amber Klassen; and

WHEREAS, The 2010 KSBDC Existing Businesses of the Year are Granada Coffee Company in Emporia, Kansas, owned by Rocky Slaymaker and managed by Bev Beers; T&C Manufacturing & Operating, Inc. in Great Bend, Kansas, owned by Craig Pangburn and Thomas McGlinn; Fleener Funeral Home in Greensburg, Kansas, owned by J. Wynn Fleener; Weather or Not, Inc. in Shawnee, Kansas, owned by Sara Croke; Printpop.com in Lawrence, Kansas, owned by Devin Walker and Ladd Epp; TLC Garden Center in LaHarpe, Kansas, owned by Savanna Flory; Lifetime Eye Care in Holton, Kansas, owned by Dr. Leslie Gallagher and Dr. Nicole Meerpohl; Intake Studio in Wichita, Kansas, owned by Troy Lott, Roberta Feist, Heath Balderson and Todd Schwartz; 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 2010 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 be directed to send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1829** was adopted unanimously.

Senator Holland recognized the participants of the Kansas Small Business Development Center's 2010 Businesses of the year.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2130** be amended on page 1, in line 7, by striking "other"; also in line 7, by striking "required of a member or to"; in line 8 by striking "deduct" and inserting "deducted"; in line 8, by striking "any moneys"; in line 9, after "(c)" by inserting "without first receiving from the member annually written authorization to do so"; in line 23, by striking "established by the labor organization"; in line 27, by striking "whose activities are not pertinent to the labor"; by striking all in line 28, by striking all before the period; in line 33, by striking "other"; also in line 33, by striking "required"; in line 34, by striking "of a member or to deduct" and inserting "deducted"; also in line 34, by striking "any moneys";

On page 2, in line 14, by striking "established by the professional employees"; in line 15, by striking "organization"; in line 18, by striking "whose activities are not pertinent"; by striking all in line 19; in line 20, by striking all before the period;

On page 3, in line 24, after "income" by inserting "in the form of or"; in line 25, by striking "required of its members"; in line 35, by striking "established by the public employee"; in line 36 by striking "organization"; in line 39, by striking "whose activities are not"; by striking all in line 40; in line 41, by striking all before the period;

On page 4, in line 12, by striking "and 2 and" and inserting "or 2 or"; after line 32, by

inserting:

"New Sec. 5. If any provision of this act, including any amendment made by this act, or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this act, or the application of such provision to other persons and circumstances, shall not be affected thereby.";

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

Committee on **Financial Institutions and Insurance** recommends **HB 2076** be amended on page 3, after line 35, by inserting the following:

"New Sec. 3. (a) For purposes of this act a "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include: fraud investigators, who may be insurer employees or independent contractors; or an antifraud plan submitted to the commissioner no later than July 1, 2007. Each insurer that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer shall submit to the commissioner in writing the amended antifraud plan.

The requirement for submitting any antifraud plan, or any amendment thereof, to the commissioner shall expire on the date specified in paragraph (2) of this subsection unless the legislature reviews and reenacts the provisions of paragraph (2) pursuant to K.S.A. 45-229, and amendments thereto.

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this paragraph shall expire on July 1, 2016, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2016.

(e) Except as otherwise specifically provided in K.S.A. 21-3718, and amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a fraudulent insurance act shall

constitute a severity level 6, nonperson felony if the amount involved is \$25,000 or more; a severity level 7, nonperson felony if the amount is at least \$5,000 but less than \$25,000; a severity level 8, nonperson felony if the amount is at least \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the amount is less than \$1,000. Any combination of fraudulent acts as defined in subsection (a) which occur in a period of six consecutive months which involves \$25,000 or more shall have a presumptive sentence of imprisonment regardless of its location on the sentencing grid block.

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) This act shall apply to all insurance applications, ratings, claims and other benefits made pursuant to any insurance policy.

Sec. 4. K.S.A. 2010 Supp. 44-584 is hereby amended to read as follows: 44-584.

(a) The application for a new certificate shall be signed by the trustees of the trust fund created by the pool. Any application for a renewal of an existing certificate shall meet at least the standards established in subsections (a)(6) through (a)(14) of K.S.A. 44-582, and amendments thereto. After evaluating the application the commissioner shall notify the applicant that the plan submitted is approved or conversely, if the plan submitted is inadequate, the commissioner shall then fully explain to the applicant what additional requirements must be met. If the application is denied, the applicant shall have 15 days to make an application for hearing by the commissioner after service of the denial notice. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) An approved certificate of authority shall remain in full force and effect until such certificate is suspended or revoked by the commissioner. An existing pool operating under an approved certificate of authority must file with the commissioner, within 120 days following the close of the pool's fiscal year, a current financial statement on a form approved by the commissioner showing the financial ability of the pool to meet its obligations under the worker compensation act and confirmation of specific and aggregate excess insurance as required by law for the pool. If an existing pool's certificate of authority is suspended or revoked, such pool shall have the same rights to a hearing by the commissioner as for applicants for new certificates of authority as set forth in subsection (a) above.

(c) Whenever the commissioner shall deem it necessary the commissioner may make, or direct to be made, an examination of the affairs and financial condition of any pool in accordance with K.S.A. 40-222 and 40-223, and amendments thereto, except that once every five years the commissioner shall conduct an examination of the affairs and financial condition of each pool. Each pool shall submit a certified independent audited financial statement no later than ~~90~~ 150 days after the end of the pool's fiscal year. The financial statement shall include outstanding reserves for claims and for claims incurred but not reported. Each pool shall file payroll records, accident experience and compensation reports and such other reports and statements at such times and in such manner as the commissioner shall require. Whenever it appears to the commissioner from such examination or other satisfactory evidence that the solvency of any such pool 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 ability to

pay or cause to be paid the compensation in the amount, manner and time due as provided for in the Kansas workers compensation act, the commissioner shall, before filing such report or making the same public, grant such pool upon reasonable notice a hearing in accordance with the provisions of the Kansas administrative procedure act, and, if on such hearing the report be confirmed, the commissioner shall suspend the certificate of authority for such pool 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 pool and in complying with the law, revoke the certificate of authority of such pool to do business in this state. Upon revoking any such certificate the commissioner shall communicate the fact to the attorney general, whose duty it shall be to commence and prosecute an action in the proper court to dissolve such pool or to enjoin the same from doing or transacting business in this state. The commissioner of insurance may call a hearing under K.S.A. 40-222b, and amendments thereto, and the provisions shall apply to group workers compensation pools.";

And by renumbering sections accordingly;

Also on page 3, in line 36, after "12-2618" by inserting ", 40-2,118 and 44-584";

On page 1, in the title, in line 1, after "pools;" by inserting "relating to group-funded pool filings with the insurance commissioner; relating to the extension of the insurance department's anti-fraud divisions exception to disclosure of records under the open records act;"; in line 2, after "12-2618" by inserting "and 44-584"; in line 3, after "sections" by inserting "; also repealing K.S.A. 2010 Supp. 40-2,118";

And the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2082**; **HB 2182**, as amended by House Committee, be passed; and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2172** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2010 Supp. 8-116a is hereby amended to read as follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments thereto, when an application is made for a vehicle which has been assembled, reconstructed, reconstituted or restored from one or more vehicles, or the proper identification number of a vehicle is in doubt, the procedure in this section shall be followed. The owner of the vehicle shall request the Kansas highway patrol to check the vehicle and the highway patrol shall within a reasonable period of time perform such vehicle check. At the time of such check the owner shall supply the highway patrol with information concerning the history of the various parts of the vehicle. Such information shall be supplied by affidavit of the owner, if so requested by the highway patrol. If the highway patrol is satisfied that the vehicle contains no stolen parts, it shall assign an existing or new identification number to the vehicle and direct the places and manner in which the identification number is to be located and affixed or implanted. A charge of ~~\$10~~ \$15 per hour or part thereof, with a minimum charge of ~~\$10~~ \$15, *and on and after July 1, 2012, a charge of \$20 per hour or part thereof, with a minimum charge of \$20*, shall be made to the owner of a vehicle requesting check under this subsection, and such charge shall be paid prior to the check under this section. When a check has been made under subsection (b), not more than 60 days prior to a check of the same vehicle identification number, requested by the owner of the vehicle to obtain a regular certificate of title in

lieu of a nonhighway certificate of title or *to* obtain a rebuilt salvage title in lieu of a salvage title, no charge shall be made for such second check.

(b) Any person making application for any original Kansas title for a used vehicle which, at the time of making application, is titled in another jurisdiction, as a condition precedent to obtaining any Kansas title, shall have such vehicle checked by the Kansas highway patrol for verification that the vehicle identification number shown on the foreign title is genuine and agrees with the identification number on the vehicle. Checks under this section may include inspection for possible violation of K.S.A. 21-3757, and amendments thereto, or other evidence of possible fraud. The verification shall be made upon forms prescribed by the division of vehicles which shall contain such information as the secretary of revenue shall require by rules and regulations. A charge of ~~\$10~~ \$15 per hour or part thereof, with a minimum charge of ~~\$10~~ \$15, *and on and after July 1, 2012, a charge of \$20 per hour or part thereof, with a minimum charge of \$20*, shall be made for checks under this subsection. When a vehicle is registered in another state, but is financed by a Kansas financial institution and is repossessed in another state and such vehicle will not be returned to Kansas, the check required by this subsection ~~(b)~~ shall not be required to obtain a valid Kansas title or registration.

(c) As used in this act, "identification number" or "vehicle identification number" means an identifying number, serial number, engine number, transmission number or other distinguishing number or mark, placed on a vehicle, engine, transmission or other essential part by its manufacturer or by authority of the division of vehicles or the Kansas highway patrol or in accordance with the laws of another state or country.

(d) The checks made under subsection (b) may be made by:

- (1) A designee of the superintendent of the Kansas highway patrol; or
- (2) an employee of a new vehicle dealer, as defined in subsection (b) of K.S.A. 8-2401, and amendments thereto, for the purposes provided for in subsection (f). For checks made by a designee *or new vehicle dealer*, ~~\$4~~ 10% of each charge shall be remitted to the Kansas highway patrol and the balance of such charges shall be retained by such designee *or new vehicle dealer*. *If the designee is a city or county law enforcement agency, then the balance shall be paid to the law enforcement agency that conducted the inspection.* When a check is made under either subsection (a) or (b) by personnel of the Kansas highway patrol ~~or when a check is made under subsection (b) by an employee of a new vehicle dealer~~, the entire amount of the charge therefor shall be paid to the highway patrol.

(e) There is hereby created the vehicle identification number fee fund. The Kansas highway patrol shall remit all moneys received by the Kansas highway patrol from fees collected under subsection (d) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the vehicle identification number fee fund. All expenditures from the vehicle identification number fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the Kansas highway patrol or by a person or persons designated by the superintendent.

(f) An employee of a new vehicle dealer, who has received initial training and certification from the highway patrol, and has met continuing certification requirements, in accordance with rules and regulations adopted by the superintendent of

the highway patrol, may provide the checks under subsection (b), in accordance with rules and regulations adopted by the superintendent of the highway patrol, on motor vehicles *that a new vehicle dealer purchases through a manufacturer's sponsored auction or on motor vehicles* repurchased or reacquired by a manufacturer, distributor or financing subsidiary of such manufacturer and which are purchased by the new vehicle dealer. At any time, after a hearing in accordance with the provisions of the Kansas administrative procedure act, the superintendent of the highway patrol may revoke, suspend, decline to renew or decline to issue certification for failure to comply with the provisions of this subsection, including any rules and regulations.";

And by renumbering sections accordingly;

On page 2, in line 19, after "Supp." by inserting "8-116a and"; also, in line 19, by striking "is " and inserting "are";

On page 1, in the title, in line 1, by striking all following "motor"; in line 2, by striking "financial security" and inserting " vehicles; relating to vehicle registration; VIN inspection fees"; also, in line 2, after "Supp." by inserting "8-116a and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **HB 2192**, as amended by House Committee of the Whole, be amended on page 3, following line 16, by inserting:

"Sec. 2. K.S.A. 8-1516 is hereby amended to read as follows: 8-1516. The following rules shall govern the overtaking and passing of vehicles *and bicycles* proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(c) (1) *The driver of a vehicle overtaking a bicycle proceeding in the same direction shall pass to the left thereof at a distance of not less than three feet and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.*

(2) *The driver of a vehicle may pass a bicycle proceeding in the same direction in a no-passing zone with the duty to execute the pass only when it is safe to do so.*";

And by renumbering subsections accordingly;

Also on page 3, by striking all in lines 17 through 43;

On page 4, by striking all in lines 1 through 34; in line 35, by striking "8-2204 and K.S.A. 2010 Supp. 8-2503 and"; in line 36, by striking "8-2504" and inserting "8-1516"; in line 38, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 2 by striking "safety belts;"; in line 3, after "lights;" by inserting "passing bicycles;"; also in line 3 by striking "8-2204 and K.S.A. 2010"; in line 4, by striking "Supp. 8-2503 and 8-2504" and inserting "8-1516" and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2258**, as amended by House Committee, be passed.

REPORT ON ENROLLED BILLS

SR 1825, SR 1826, SR 1827 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 15, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Teichman in the chair.

On motion of Senator Teichman the following report was adopted:

Recommended: **SB 154; HB 2001, HB 2023, HB 2029, HB 2030, HB 2038** be passed.

Senator Haley moved to amend **HB 2023**, on page 7, following line 10, by inserting:

"(6) Substituted cathinones

Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(A) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.";

Also, on page 7, by striking all in lines 17 through 19;

And by redesignating subsections accordingly

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

On roll call, the vote was: Yeas 8, Nays 24, Present and Passing 1, Absent or Not Voting 7.

Yeas: Faust-Goudeau, Francisco, Haley, Hensley, Holland, King, Kultala, Petersen.

Nays: Abrams, Bruce, Brungardt, Emler, Huntington, Kelly, Kelsey, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Olson, Ostmeyer, Owens, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Taddiken, Teichman, Vratil.

Present and Passing: Apple.

Absent or Not Voting: Donovan, Marshall, Morris, Schodorf, Steineger, Umbarger, Wagle.

The motion failed and the amendment was rejected.

EXPLANATION OF VOTE

MR. PRESIDENT: Based on the empirical data made available during testimony before our Committee, "bath salts" (a street name for currently legal compounds ingested as a recreational drug) pose an undue risk to health and to public safety and have even resulted in death.

The Kansas Senate should not delay another moment in taking action to make these proven dangerous compounds (sold as "bath salts" and "potpourri" among other names) illegal. I vote "AYE" to ban "bath salts" immediately and wonder why any other of my responsible colleagues might wait until some other, future, time to, hopefully,

potentially, do the same? – DAVID HALEY

SB 51, SB 118, SB 201; HB 2105 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 81**, recommending a **Sub SB 81** be adopted, and the substitute bill be passed.

The committee report on **SB 138**, recommending a **Sub SB 138** be adopted, and the substitute bill be passed.

Sub SB 92 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator V. Schmidt, on page 5, in line 33, following "provided" by inserting "written" and **Sub SB 92** be passed as amended.

HB 2151 be amended by motion of Senator Bruce, on page 1, in line 24, by striking "outside" and inserting "without the use of such device"; on page 2, in line 23, by striking ", but does not include a place to which the public has lawful"; in line 24, by striking all before the period and **HB 2151** be passed as amended.

HB 2027 be amended by motion of Senator Taddiken, on page 9, following line 27, by inserting:

“(f) Any agency that issues a guidance document shall provide a copy of such document to the joint committee on administrative rules and regulation. Such document may be submitted electronically.” and **HB 2027** be passed as further amended.

HB 2028 be amended by motion of Senator Owens, on page 1, in line 16, before the colon by inserting "that have"; in line 17, by striking "That have"; in line 19, before "if" by inserting "a substantial interest engendered by love and affection in the continuation of the life of the insured and," and **HB 2028** be passed as further amended.

The Committee report on **S Sub for HB 2049** was adopted, be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 51, Sub SB 81; Sub SB 92, SB 118; Sub SB 138, SB 154, SB 201; HB 2001, HB 2023, HB 2027, HB 2028, HB 2029, HB 2030, HB 2038, HB 2105** and **HB 2151** were advanced to Final Action and roll call.

SB 51, AN ACT concerning school districts; relating to the dispensing of medication.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Schmidt A.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "NO" on Senate **Bill 51**.

I strongly support parents' rights in requesting school officials to administer OTC medications to their children when the parents authorize them to do so. I also support

the local school district's authority and responsibility to establish both a policy and a list of approved medications that may or may not be administered. This ensures both the medical oversight and board responsibility necessary.

I feel **SB 51** is merely a recommendation. It lacks clarity, substance and direction to become an effective Kansas statute. – ALLEN SCHMIDT

Sub Bill SB 81, AN ACT concerning children and minors; relating to temporary custody; permanency planning; adoption; amending K.S.A. 2010 Supp. 38-2243, 38-2263 and 38-2270 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed.

Sub SB 92, AN ACT concerning the board of cosmetology; relating to licensing requirements; amending K.S.A. 2010 Supp. 65-1901, 65-1902, 65-1905 and 65-1912 and repealing the existing sections.

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Merrick, Olson, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 118, AN ACT concerning board of barbering; relating to fees; amending K.S.A. 2010 Supp. 65-1817 and repealing the existing section.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Merrick, Olson, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

Sub SB 138, AN ACT concerning pharmacy; creating the pharmacy audit integrity act.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A,

Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Olson, Pilcher-Cook, Pyle, Steineger.

Absent or Not Voting: Donovan.

The substitute bill passed.

SB 154, AN ACT concerning abstracters; relating to license fees; amending K.S.A. 58-2801 and repealing the existing section.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Merrick, Olson, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed.

SB 201, AN ACT concerning bingo games; relating to the operation thereof and prizes awarded; amending K.S.A. 2010 Supp. 79-4701 and 79-4706 and repealing the existing sections.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Olson, Pyle.

Present and Passing: Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

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

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2023, AN ACT concerning controlled substances; amending K.S.A. 65-4107, 65-4109 and 65-4111 and K.S.A. 2010 Supp. 65-4105 and 65-4113 and repealing the existing sections.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley,

Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2027, AN ACT concerning the rules and regulations filing act; amending K.S.A. 77-438 and K.S.A. 2010 Supp. 77-415, 77-421 and 77-436 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 77-421a.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2028, AN ACT concerning trusts; relating to insurable interests of trustees.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2029, AN ACT concerning the Kansas tort claims act; concerning charitable health care providers; amending K.S.A. 2010 Supp. 75-6102 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2030, AN ACT concerning open records; relating to exceptions to disclosure; amending K.S.A. 12-2819 and, 2010 Supp. 9-513c, K.S.A. 2010 Supp. 12-5611, 12-5711, 12-5811, 40-2,118, 40-4913 and 45-229 and repealing the existing sections.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn,

Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2038, AN ACT concerning crimes, criminal procedure and punishment; amending section 298 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2105, AN ACT concerning children in need of care; relating to removal of a child from parent's custody; amending K.S.A. 2010 Supp. 38-2255 and repealing the existing section; also repealing K.S.A. 2010 Supp. 38-2255a.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2151, AN ACT concerning crimes, criminal procedure and punishment; relating to breach of privacy and blackmail; amending sections 64 and 171 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections.

On roll call, the vote was: Yeas 23, Nays 14, Present and Passing 2, Absent or Not Voting 1.

Yeas: Apple, Bruce, Brungardt, Emler, Holland, Kelsey, King, Kultala, Longbine, Lynn, Marshall, Masterson, Morris, Olson, Ostmeyer, Pilcher-Cook, Pyle, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Faust-Goudeau, Haley, Hensley, Huntington, Kelly, Love, Merrick, Owens, Petersen, Reitz, Steineger, Taddiken, Wagle.

Present and Passing: Francisco, McGinn.

Absent or Not Voting: Donovan.

The bill passed, as amended.

On motion of Senator Emler the Senate adjourned until 2:30 p.m., Wednesday, March 16, 2011.

Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 16, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-seven senators present.
Senators Donovan, Ostmeyer and Taddiken were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

What an awesome God You are!

Powerful enough to create the universe;
Sensitive enough to notice a falling sparrow.

Powerful enough to guide the destiny of nations;
Sensitive enough to hear an infant cry.

Powerful enough to hear everyone's prayers;
Sensitive enough to hear the prayer of one Senator.

Powerful enough to influence the decisions of presidents;
Sensitive enough to listen to one tired Senator.

Powerful enough to create life;
Sensitive enough to empower a discouraged Senator.

Powerful enough to raise the dead;
Sensitive enough to raise the hopes of a defeated Senator.

What an awesome God You are!!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

SPECIAL ORDER OF BUSINESS

The time having arrived, other business was suspended and the Senate turned its attention to the Special Order of Business which had been scheduled for that day, **Executive Reorganization Order No. 39**, abolishing the Kansas Arts Commission established by K.S.A. 74-5202 and the office of executive director of the commission

established by K.S.A. 74-5204 and transferring the powers, duties, and functions to the state historical society, and **Senate Resolution 1819** were considered.

SR 1819, A RESOLUTION disapproving Executive Reorganization Order No. 39, abolishing the Kansas Arts Commission created by K.S.A. 74-5202 and the office of executive director of the commission under K.S.A. 74-5204 and transferring the powers, duties and functions to the state historical society, was considered on final action.

On roll call, the vote was: Yeas 24, Nays 13, Present and Passing 0, Absent or Not Voting 3.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Kelsey, Love, Lynn, Masterson, Merrick, Olson, Petersen, Pilcher-Cook, Pyle, Wagle.

Absent or Not Voting: Donovan, Ostmeyer, Taddiken.

The resolution was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote YES on **SR 1819**, disapproving Executive Reorganization Order No. 39 that would abolish the Kansas Arts Commission. In the legislature we have and are continuing, even in this difficult economy, to approve of funding to support businesses that create and retain jobs. There is a program in Lawrence for at-risk youth that goes by the acronym JAMS – Jobs in the Arts Make Sense. In many ways, our support for the Kansas Arts Commission is supporting jobs, and to me, and many others across the state, Jobs in the Arts Make Sense. — MARCI FRANCISCO

MR. PRESIDENT: Today we make a choice about where to put our treasured tax dollars. To date, we have not produced a recession budget and our revenues suffer daily from a down economy. Now is the time to produce different approaches to solving problems, to utilize our collective creative thinking, and to break out of old models and move eagerly towards new solutions. That is our charge, MR. PRESIDENT, and for this reason I vote No on **SR 1819**.—JULIA LYNN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **HB 2339**.

Ways and Means: **SB 235**, **SB 236**.

CHANGE OF REFERENCE

The President withdrew **HB 2067** from the Committee on Ethics and Elections (separately) and the Committee on **Judiciary** (separately), and rereferred the bill to the Committee on **Ethics and Elections**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2371**.

Announcing adoption of **HCR 5023**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2371; HCR 5023 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators A. Schmidt, Morris, Abrams, Holland, Kelly, Kultala, Masterson, Ostmeyer, Pyle, V. Schmidt, Taddiken, Teichman, Umbarger, and Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1830—

A RESOLUTION congratulating and commending the trailblazer class of the Kansas Academy of Mathematics and Science.

WHEREAS, The Legislature of the state of Kansas enacted legislation in 2006 authorizing the establishment of the Kansas Academy of Mathematics and Science to promote mathematics and science education, increase retention of intellectual capital and promote economic development; and

WHEREAS, The Legislature of the state of Kansas approved five years of funding for the Kansas Academy of Mathematics and Science in 2008; and

WHEREAS, Fort Hays State University is a forward-thinking liberal and applied arts university and is recognized internationally for offering more than 60 degrees in a technology-rich environment. Fort Hays State University aggressively seeks innovative solutions to meet the educational needs of Kansans and enhance the economic future of the state; and

WHEREAS, The State Board of Regents selected Fort Hays State University as the site to host the Kansas Academy of Mathematics and Science in 2007; and

WHEREAS, Fort Hays State University established the Kansas Academy of Mathematics and Science allowing Kansas to become the sixteenth state in the country with an academic early-entry-to-college program 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 doctoral-level faculty that focuses on academics, research, leadership development and civic engagement allowing Fort Hays State University to cultivate future citizen-leaders; and

WHEREAS, Students who graduate from the Kansas Academy of Mathematics and Science will receive a high school diploma and 68 hours of college credit; and

WHEREAS, The trailblazer class of the Kansas Academy of Mathematics and Science will graduate in 2012; and

WHEREAS, The members of the trailblazer class of the Kansas Academy of Mathematics and Science who will graduate in 2012 are: Justin Arnsperger, Ashland; Peter Betzen, Parsons; Rachel Bieniecki, Tonganoxie; Krysten Brake, Kinsley; Bria Carder, Eudora; Janae Carter, Andover; Jonathan Folkerts, Hays; Kaylin Hawman, WaKeeney; Clint Herrmann, Sabetha; Chance Kahle, Wamego; Taylor Kane, Scott City; Abbey Killinger, Topeka; Soo Bum Kim, Dukso-ri, Wabu-eub Republic of Korea; Alexander Lee, Lansing; Nyasha Maforo, Winfield; Manvitha Marni, Leawood; Aleta Martin, Topeka; Alondra Meraz, Hugoton; Cole Mosier, Holton; Rachel Schmidt, Atchison; Kara Schnake, Augusta; Logan Smith, Richfield; Elsie Suhr, Sabetha; and

Shaley White, Leoti: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the trailblazer class of the Kansas Academy of Mathematics and Science as they approach graduation and wish them continued success in their academic and personal pursuits and encourage them to use their significant gifts to improve the future of their home state; and

Be it further resolved: That we express gratitude to the educators and support staff at the Kansas Academy of Mathematics and Science who, through their dedication and commitment to excellence in education in the fields of mathematics and science, have brought this program to fruition through the success of the trailblazer class. The efforts of the educators and support staff of the Kansas Academy of Mathematics and Sciences are helping to forge the future for the state of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send two enrolled copies of this resolution, one each to Ronald Keller, Director of the Kansas Academy of Mathematics and Science, and to Dr. Edward Hammond, President, Fort Hays State University, plus 30 copies to Debra Prideaux, Executive Director Alumni and Governmental Relations, Fort Hays State University.

On emergency motion of Senator A. Schmidt **SR 1830** was adopted unanimously.

Senator A. Schmidt introduced Dr. Edward H. Hammond, President of Ft. Hays State University. Also introduced were the following Kansas Academy of Math and Science Students from Ft. Hays State University: Justin Arnspiger, Peter Betzen, Rachel Bieniecki, Krysten Brake, Bria Carder, Janae Carter, Jonathan Folkerts, Kaylin Hawman, Clint Herrmann, Chance Kahle, Taylor Kane, Abbey Killinger, Soo Bum Kim, Alexander Lee, Nyasha Maforo, Manvitha Marni, Aleta Martin, Alondra Meraz, Cole Mosier, Rachel Schmidt, Kara Schnake, Logan Smith, Elsie Suhr and Shaley White. The students were congratulated on their achievements.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2122**, as amended by House Committee, be amended on page 2, in line 32, by striking "and"; in line 34, after "1, 2001," by inserting "prior to July 1, 2012,";

On page 3, in line 1, after "fund" by inserting "; and

(4) any producer who commences cellulosic alcohol production on or after July 1, 2012, the amount shall be \$.035 for each gallon of agricultural ethyl alcohol sold by such producer to an alcohol blender, if such producer has sold at least 5,000,000 gallons. No producer shall receive the production incentive pursuant to this subsection for more than 15,000,000 gallons sold. Any such amounts shall be paid from the new production account of the fund. This provision shall not apply to producers who commence alcohol production from grain"; and the bill be passed as amended.

Committee on **Commerce** 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:

KDFA, Board of Directors, Member: K.S.A. 74-8901

Patrice Petersen-Klein, serves at the pleasure of the Governor.

Committee on **Federal and State Affairs** recommends **SB 223; HB 2060**, as amended by house committee, be passed.

Also, **HB 2006** be not passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2074** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2119**, as amended by House Committee of the Whole, be amended on page 2, in line 34, by striking "police, fire" and inserting "the actual costs of police, fire, technical rescue situations, including, but not limited to, vehicle extrication, trench rescue, high-angle rescue, confined-space rescue and swift-water rescue"; in line 38, after "threats" by inserting "involving hazardous material";

On page 3, by striking all in line 3; in line 4, by striking all before the period; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2240**, as amended by House Committee of the Whole, be passed.

Also, **HB 2195**, as amended by House Committee, be amended on page 3, in line 10, after "4." by inserting "(a)"; in line 11, by striking "implementation" and inserting "development"; following line 11, by inserting "(b) The provisions of this act shall not apply to the collection of waste tires as defined by K.S.A. 65-3424(m), and amendments thereto, from any facility for the purpose of recycling or disposal."; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 225** be passed.

Also, **HB 2132** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2132," as follows:

"SENATE Substitute for HOUSE BILL No. 2132

By Committee on Transportation

"AN ACT relating to motor vehicles; providing for the issuance of the families of the fallen license plate; amending K.S.A. 2010 Supp. 8-1,141 and 8-1,147 and repealing the existing sections.";

and the substitute bill be passed.

Committee on **Utilities** recommends **SCR 1606** be adopted.

Also, **SB 227** be amended on page 1, in line 9, by striking "for the"; by striking all in line 10; in line 11, by striking "the operation of a wind turbine generator"; in line 13, by striking "exterior" and inserting "corporate"; also in line 13, by striking "municipality" and inserting "city"; in line 28, after "wires;" by inserting "and"; by striking all in lines 29 through 34; in line 35, by striking "(4)"; and inserting "(3)"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 229** be amended on page 1, after line 13, by inserting "New Section. 1. On or before January 1, 2012, the secretary of administration and the director of the division of the budget shall prepare and present a report to the house committee on appropriations and the senate committee on ways and means which accounts for and explains the costs of all services provided to fee agencies. Such report shall include the actual amount credited from each fee agency to the state general fund pursuant to the sections referred to in subsection (a) of K.S.A. 75-3170a, and amendments thereto, and the actual costs of the accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, that were provided to each fee agency.";

And by renumbering the sections accordingly;

Also on page 1, in line 16, by striking "for fiscal year 2012"; in line 36, before

"fiscal" by inserting "any";

On page 2, in line 1, by striking "2012"; by striking all in lines 14 through 16; in line 25, by striking all following the period; in line 26, by striking all before "All";

On page 4, in line 17, by striking all following the period; in line 18, by striking all before "All";

On page 5, in line 26, by striking all following the period; by striking all in line 27; in line 28, by striking all before "All" ;

On page 7, in line 32, by striking all following the period; by striking all in lines 33 and 34;

On page 9, in line 29, by striking all following the period; by striking all in line 30;

On page 10, by striking all in lines 14 and 15; in line 25, by striking all following the period; by striking all in lines 26 and 27;

On page 11, in line 1, by striking all following the period; in line 2, by striking all before "All"; in line 18, by striking all following the period; by striking all in line 19; in line 20, by striking all before "All";

On page 12, in line 12, by striking all following the period; by striking all in line 13;

On page 13, in line 6, by striking all following the period; by striking all in line 7;

On page 14, in line 6, by striking all following the period; by striking all in line 7; in line 8, by striking all before "Expenditures";

On page 15, in line 6, by striking all following the period; by striking all in line 7; in line 8, by striking all before "All"; in line 37, by striking all following the period; by striking all in line 38; in line 39, by striking all before "All";

On page 16, in line 7, by striking all following the period; in line 8, by striking all before "Costs"; in line 24, by striking all following the period; by striking all in line 25; in line 26, by striking all before "All";

On page 19, in line 11, by striking all following the period; by striking all in line 12; by striking all in lines 33 and 34;

On page 20, in line 8, by striking all following the period; by striking all in line 9; by striking all in lines 30 and 31;

On page 21, by striking all in lines 17 and 18;

On page 22, in line 34, by striking all following the period; by striking all in line 35; in line 36, by striking all before "All";

On page 23, in line 13, by striking all following the period; by striking all in line 14;

On page 25, in line 1, by striking all following the period; by striking all in line 2; in line 23, by striking all following the period; in line 24 by striking all before "All"; in line 36, by striking all following the period; by striking all in line 37; in line 38, by striking all before "All";

On page 26, in line 15, by striking all following the period; in line 16, by striking all before "All"; in line 28, by striking all following the period; by striking all in lines 29 and 30; in line 38, by striking all following the period; by striking all in line 39;

On page 27, in line 6, by striking all following the period; in line 7, by striking all before "All";

On page 28, by striking all in line 12; in line 13, by striking all before "All"; in line 26, by striking all following the period; by striking all in lines 27 and 28; in line 36, by striking all following the period; in line 37, by striking all before "All";

On page 29, in line 6, by striking all following the period; in line 7, by striking all before "All"; by striking all in line 36; in line 37, by striking all before "All";

On page 30, in line 6, by striking all following the period; in line 7, by striking all before "All"; in line 21, by striking all following the period; in line 22, by striking all before "All"; in line 35, by striking all following the period; by striking all in line 36; in line 37, by striking all before "All";

On page 31, in line 41, by striking all following the period; by striking all in lines 42 and 43;

On page 32, by striking all in line 12; in line 13, by striking all before "All"; in line 26, by striking all following the period; by striking all in line 27; in line 28, by striking all before "All";

On page 33, in line 34, by striking all following the period; by striking all in line 35;

On page 34, in line 14, by striking all following the period; by striking all in line 15; in line 36, by striking all following the period; in line 37 by striking all before "All";

On page 35, in line 9, by striking all following the period; in line 10, by striking all before "All"; in line 21, by striking all following the period; by striking all in line 22; in line 36, by striking all following the period; by striking all in line 37; in line 38, by striking all before "All";

On page 36, by striking all in line 27; in line 28, by striking all before "All";

On page 37, in line 4, by striking all following the period; by striking all in line 5; in line 6, by striking all before "All"; in line 41, by striking all following the period; by striking all in line 42; in line 43, by striking all before "All";

On page 38, in line 13, by striking all following the period; by striking all in line 14; in line 15, by striking all before "All"; in line 28, by striking all following the period; by striking all in line 29; in line 41, by striking all following the period; by striking all in line 42; in line 43, by striking all before "All";

On page 39, in line 15, by striking "After"; by striking all in lines 16 and 17;

On page 40, in line 2, by striking all following the period; by striking all in lines 3 and 4; by striking all in lines 20 and 21; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 51; Sub SB 92; SB 118, SB 201 reported correctly engrossed March 16, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Bruce in the chair.

On motion of Senator Bruce the following report was adopted:

Recommended: **SB 215, SB 224; HB 2013, HB 2078, HB 2205, HB 2258** be passed. **SB 191; HB 2044, HB 2076, HB 2172, HB 2192, HB 2282** be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2049** recommending a **S Sub for HB 2049** was adopted Tuesday, March 15, 2011.

A motion by Senator Haley to amend **S Sub for HB 2049** failed and the following amendment was rejected:

On page 1, by striking all in lines 5 through 36; On page 2, by striking all in page 2;

On page 3, by striking all in lines 1 through 12;

And renumbering the remaining sections accordingly;

On page 6, following line 42, by inserting the following:

"(24) Tetrahydrocannabinols.....7370

Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.);

And redesignating the remaining paragraphs accordingly;

On page 8, by striking all in lines 34 through 43;

On page 9, by striking all in page 9;

On page 10, by striking all in lines 1 through 5;

Pursuant to Senate Rule 27, Senator Haley requested the question of **S Sub for HB 2049** be divided into two parts.

The first part contains the provisions of the bill which relate to cannabinoids and their salts, isomers and salts of isomers, commonly known as "K3," and contains amendments in lines 23, 25, 26 and 27 on page 1; amendments in lines 37, 39, 40 and 41 on page 2; amendments in lines 1 and 7 through 9 on page 3; amendments in lines 35 through 43 on page 6; amendments in lines 3, 5, 8, 10, 12, 16, 20 through 27 and 29 on page 7; amendments in lines 34 through 43 on page 8; all amendments on page 9: and amendments in lines 1 through 5 on page 10.

The second part contains the provisions of the bill which relate to substituted cathinones, commonly know as "bath salts," and contains amendments in lines 8 through 19, 26 through 28 and 31 on page 8.

The title and the repealer shall be adjusted accordingly.

Part 1 of the division was adopted.

Part 2 of the division was adopted.

Recommended **S Sub for HB 2049** be passed.

HCR 5009 be adopted.

HB 2020 be amended by motion of Senator Huntington on page 1, following line 5, by inserting:

"Section 1. K.S.A. 19-5003 is hereby amended to read as follows: 19-5003. (a) If a majority of the electors voting at the election provided in K.S.A. 19-5002, and amendments thereto, shall approve such proposition to create the Johnson county education research triangle authority and to grant authority to impose a retailers' sales or levy an annual tax on real property within the county, or combination of both, the authority shall be created and the board of county commissioners shall provide by resolution for the imposition of the sales tax or levy of the annual tax on real property, or combination of both, and pledging the revenues received therefrom for such purposes as specified in this section. With regard to the retailers' sales tax, Johnson county shall utilize the services of the state department of revenue to administer, enforce and collect such tax. The sales tax shall be administered, enforced and collected in the same manner and by the same procedure as other countywide retailers' sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Upon receipt of a certified copy of a resolution authorizing the levy of a countywide retailers' sales

tax pursuant to this act, the state director of taxation shall cause such tax to be collected within and outside the boundaries of Johnson county at the same time and in the same manner provided for the collection of the state retailers' sales tax and local retailers' sales tax. All retailers' sales tax moneys collected by the director of taxation under the provisions of 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 to the credit of the Johnson county education research triangle authority retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any 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 retailers' sales tax revenue collected pursuant to this act. All retailers' sales tax revenue collected within any county pursuant to this act shall be remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of Johnson county.

(b) Any such sales tax imposed or tax levy on real property enacted by the voters of Johnson county shall be subject to voter recall upon proper petition and submission of the issue to a recall ballot in a general election.

(c) (1) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Johnson county education research triangle fund of the university of Kansas interest earnings based on: (A) The average daily balance of moneys in the Johnson county education research triangle fund of the university of Kansas for the preceding month; and (B) the net earnings rate for the pooled money investment portfolio for the preceding month.

(2) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Johnson county education research triangle fund of Kansas state university interest earnings based on: (A) The average daily balance of moneys in the Johnson county education research triangle fund of Kansas state university for the preceding month; and (B) the net earnings rate for the pooled money investment portfolio for the preceding month.

(3) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Johnson county education research triangle fund of the university of Kansas medical center interest earnings based on: (A) The average daily balance of moneys in the Johnson county education research triangle fund of the university of Kansas medical center for the preceding month; and (B) the net earnings rate for the pooled money investment portfolio for the preceding month."

And by renumbering the remaining subsections accordingly;

On page 2, in line 13, before "K.S.A." by inserting "K.S.A. 19-5003 and"; also in line 13, by striking "is " and inserting "are";

On page 1, in the title, in line 1, by striking all after "ACT"; in line 2 by striking all before the semicolon and inserting "concerning postsecondary educational institutions; relating to certain funds; authorizing interest earnings on Johnson county education research triangle authority funds; authorizing certain credits to housing system funds"; also in line 2, after "amending" by inserting "K.S.A. 19-5003 and"; in line 3, by striking "section" and inserting "sections" and **HB 2020** be passed as amended.

HB 2075 be passed over and retain a place on the calendar.

On motion of Senator Emler the Senate adjourned until 2:30 p.m., Thursday, March 17, 2011.

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 17, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight senators present.
Senators Donovan and Wagle were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

They say everybody's Irish
On St. Patrick's Day.
Everyone is wearing green
And there's a parade today.

What St. Patrick's famous for
Is chasing out the snakes,
But what was more important
Was turning sinners into saints.

Actually, You did it, Lord,
But St. Patrick was Your man
Who helped sinners get to know You,
And built churches in the land.

But isn't that just like us, Lord,
To focus on the snakes,
While in the meantime peoples lives
Were being changed, for goodness sake!

We focus on the trivia,
And ignore important things.
We pacify our appetites
And ignore the KING OF KINGS!

Lord, Help us not to spend much time
On what happened to the snakes.

It's like consuming cotton candy
When we could be eating steaks!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 237, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; amending K.S.A. 2010 Supp. 74-8734, 74-8741, 74-8744, 74-8747, 74-8751 and 74-8768 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 238, AN ACT concerning the Kansas commission on veterans affairs; relating to Vietnam war era veteran's medallions and certificates, by Committee on Ways and Means.

SB 239, AN ACT concerning crimes, punishment and criminal procedure; relating to abolition of the death penalty; creating the crime of aggravated murder; sentences of imprisonment for life without the possibility of parole; amending K.S.A. 22-3405, 22-3705 and 22-4210 and K.S.A. 2010 Supp. 22-3717, 22-3728, 22-4902, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117, 72-1397 and 75-52,148 and sections 54, 254, 258, 260, 262, 266, 268, 269 and 287 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-4619, 21-4623, 21-4624, 21-4634, 21-4642, 22-3717c and 38-2255a and sections 36, 257 and 259 of chapter 136 of the 2010 Session Laws of Kansas, by Committee on Ways and Means.

SB 240, AN ACT concerning information technology; abolish the joint committee on information technology; creating the committee on technology oversight.; amending K.S.A. 2010 Supp. 75-5147, 75-7201 and 76-3,100 and repealing the existing sections; also repealing K.S.A. 46-2101 and 46-2102, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **HB 2371**.

Utilities: **HCR 5023**.

CHANGE OF REFERENCE

The Vice President withdrew **HB 2194** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **KPERS Select**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2357**, **HB 2374**.

Announcing adoption of **HCR 5020**.

The House nonconcurrs in Senate amendments to **HB 2175**, requests a conference and has appointed Representatives Burgess, Hayzlett and Trimmer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 67** and has appointed Representatives Schwab, Goico and Mah as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2357, HB 2374; HCR 5020 were thereupon introduced and read by title.

CONFIRMATION OF APPOINTMENTS

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

Senator Emler moved the following appointment be confirmed as recommended by the Standing Senate Committee:

By the Governor of the State of Kansas

On the appointment to the:

Kansas Development Finance Authority:

Patrice Petersen-Klein, Board of Directors, to serve a four year term expiring January 15, 2013.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

HB 2083 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

HB 2083, AN ACT relating to mortuary arts; concerning the notification of individuals with prefinanced funeral agreements; amending K.S.A. 65-1713a and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 191, AN ACT concerning water; relating to the water rights conservation program; amending K.S.A. 2010 Supp. 82a-718 and 82a-731 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed, as amended.

SB 215, AN ACT abolishing the liquefied petroleum gas advisory board; repealing K.S.A. 55-1811, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed.

SB 224, AN ACT concerning the gas safety and reliability surcharge; relating to a petition for rate schedule, extension of deadline for proceeding; amending K.S.A. 2010 Supp. 66-2203 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed.

HB 2013, AN ACT repealing K.S.A. 48-1901, 48-1902, 48-1903, 48-1904 and 48-1905; concerning the sale and purchase of certain firearms, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed.

HB 2020, AN ACT concerning postsecondary educational institutions; relating to certain funds; authorizing interest earnings on Johnson county education research

triangle authority funds; authorizing certain credits to housing system funds; amending K.S.A. 19-5003 and K.S.A. 2010 Supp. 76-762 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed, as amended.

HB 2044, AN ACT concerning motor vehicles; relating to requirements after a collision; amending K.S.A. 8-1604 and K.S.A. 2010 Supp. 8-1602, 8-1605 and section 292 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 8-1603 and 8-1606, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed, as amended.

S Sub for HB 2049, AN ACT concerning controlled substances; amending K.S.A. 2010 Supp. 21-36a05, 21-36a06 and 65-4105 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36, Nays 1, Present and Passing 1, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Haley.

Present and Passing: Francisco.

Absent or Not Voting: Donovan, Wagle.

The substitute bill passed.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: As seemingly the Kansas Senates' most stalwart civil libertarian and as a consistent fiscal conservative, it is my distinct honor to be the SOLITARY vote against **HB 2049**, intending to ban chemical compounds used as a recreational, euphoria-producing drug with nicknames such as "K-3."

Last year during the 2010 Session, I alone voted against a ban on “K-2” attempting to reason then that the demand for natural, and also now for synthetic, marijuana has not abated over many decades. I explained that a trillion-plus dollar “war on drugs” has been costly; ineffective and has created a “criminal” class of people whose only “crime” was in choosing to ingest a product proven to be safer to the human body than tobacco, alcohol, or many prescription drugs. I attempted to reason then, and now, that we should regulate and tax both this naturally grown crop and synthetic chemical compounds for recreational and/or medicinal uses. We should free our jail and prison beds of possession offenders and, since neither product has been found to be addictive, use those funds to help recovering alcoholics, prescription drug addicts and cigarette smokers to quit their habits.

Last year, “K-2” which, after the hyperbole died down, only fourteen (14) States ended up with a ban. This year, the hype is “K-3”. Next year, “K-?” Mr. Vice-President, why continue to waste the Legislature’s precious and costly time in attempting to prohibit people from the pursuit of ever-evolving relatively benign flights of fancy? There ARE legal, truly dangerous substances which cannot be outlawed found on hardware store shelves that folks might then turn to for euphoria (or “highs”). For the record, I DID vote to ban “bath salts” on a roll call vote amendment to **HB 2023** on March 15 of this year. “Bath salts” were amended to this bill (**HB 2049** pertaining to “K-3”) as if all chemical substances are all the same, which reasonable people realize is not so.

Today, Kansas Legislative history will once again record that only ONE Senator dared to brave the hypocrisy and to outspokenly support what the majority in this Chamber, I believe, TOO know to be the Truth. I am proud to be that one Senator. –
DAVID HALEY

HB 2076, AN ACT concerning insurance; relating to municipal pools; relating to group-funded pool filings with the insurance commissioner; relating to the extension of the insurance department’s anti-fraud divisions exception to disclosure of records under the open records act; amending K.S.A. 12-2620 and K.S.A. 2010 Supp. 12-2618 and 44-584 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 40-2,118, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed, as amended.

HB 2078, AN ACT concerning the state school for the blind and the state school for the deaf; relating to training programs; amending K.S.A. 76-1102a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn,

Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed.

HB 2172, AN ACT concerning motor vehicles; relating to vehicle registration; VIN inspection fees; amending K.S.A. 2010 Supp. 8-116a and 8-173 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 32, Nays 5, Present and Passing 1, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Love, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Lynn, Merrick, Pilcher-Cook, Pyle, Steineger.

Present and Passing: Longbine.

Absent or Not Voting: Donovan, Wagle.

The bill passed, as amended.

HB 2192, AN ACT regulating traffic; concerning traffic controlled lights; passing bicycles; amending K.S.A. 8-1508 and 8-1516 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Lynn, Pilcher-Cook.

Absent or Not Voting: Donovan, Wagle.

The bill passed, as amended.

HB 2205, AN ACT concerning weights and measures; relating to measuring devices; amending K.S.A. 2010 Supp. 83-202 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed.

HB 2258, AN ACT authorizing the secretary of social and rehabilitation services to convey certain real estate to the evangelical lutheran good samaritan society in Ellsworth county, Kansas, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The bill passed.

HB 2282, AN ACT concerning lodging inspections; relating to lodging inspection fees; amending K.S.A. 2010 Supp. 36-502, 36-518 and 74-591 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 36-512, was considered on final action.

On roll call, the vote was: Yeas 34, Nays 4, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Lynn, Pilcher-Cook, Pyle, Steineger.

Absent or Not Voting: Donovan, Wagle.

The bill passed, as amended.

HCR 5009, A CONCURRENT RESOLUTION urging the Environmental Protection Agency to develop regulations and standards that minimize adverse impacts and continue to let state permit writers to determine the best available technology for site specific ecosystems, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Wagle.

The resolution was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **Substitute for HB 2271**, as amended by House Committee of the Whole, be amended on page 3, in line 22, by striking all following "the" where it appears for the first time; in line 23, by striking "possession thereof" and inserting "person in possession thereof, or agent of such person"; in line 26, by striking "or"; in line 27, by striking "owner or agent" and inserting "person in possession thereof, or agent of such person"; in line 28, by striking "owner" and inserting "person"; in line 30, by striking the period and inserting the following:

"; or

(c) if such person is a live plant dealer,";

Also on page 3, in line 32, by striking "owner any" and inserting "live plant dealer any reasonable";

On page 4, in line 36, by striking "\$30" and inserting "\$80"; in line 37, after "assess"

by inserting "reasonable";

And the bill be passed as amended.

Committee on **Education** recommends **HB 2251** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2251," as follows:

"SENATE Substitute for HOUSE BILL No. HB 2251

By Committee on Education

"AN ACT concerning school districts; relating to the statewide levy for public schools and the exemption therefrom; amending K.S.A. 2010 Supp. 72-6431 and 79-201x and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2015**, as amended by House Committee, be amended on page 2, by striking all in line 1; 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:

Member, State Banking Board: K.S.A. 74-3004

Kurt Knutson, to fill a term expiring on March 15, 2013

Also, 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, Banking Board: K.S.A. 74-3004

Larry Williams, to fill a term expiring on March 15, 2013

Committee on **Judiciary** recommends **HB 2071**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2071," as follows:

"SENATE Substitute for HOUSE BILL No. 2071

By Committee on Judiciary

"AN ACT concerning community corrections; relating to grant programs; amending K.S.A. 2010 Supp. 75-5291 and 75-52,112 and repealing the existing sections."; and the substitute bill be passed.

Committee on **Natural Resources** 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 of the Central Interstate Low-Level Radioactive Waste Commission representing Kansas: K.S.A. 65-34a02

Shari Feist Albrecht, serves at the pleasure of the Governor

Committee on **Ways and Means** recommends **SB 210** be passed.

REPORT ON ENGROSSED BILLS

SB 191 reported correctly engrossed March 16, 2011.

REPORT ON ENROLLED BILLS

SR 1828, SR 1829, SR 1830 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 17, 2011.

SR 1819 reported correctly enrolled, properly signed and presented to the Secretary of State on March 17, 2011.

On motion of Senator Emler, the Senate adjourned until 8:00 a.m., Friday, March 18, 2011.

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 18, 2011, 8:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-two senators present.
Senators Brungardt, Donovan, Kelsey, King, Love, Masterson, Steineger and Taddiken were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

What if I come to believe that I have taken the wrong side of an issue. Do I switch sides?
But what will my colleagues think?
Even more important, what will my constituents think?
Just as important, years from now what will my grandchildren think?
More important than that, when I look in the mirror what will I think?
Most important of all, O God, what will You think?

After much soul-searching and prayer, and conferring with others I respect –
If I become convinced that in Your eyes I'm on the wrong side, help me to switch sides regardless of what others think, and even if no one else switches.

In the Name of Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 241, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; creating the Kansas agricultural opportunity act; amending K.S.A. 74-8826 and K.S.A. 2010 Supp. 74-8734, 74-8741, 74-8744, 74-8747 and 74-8751 and repealing the existing section; also repealing K.S.A. 74-8824, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 237; HCR 5020.**

Judiciary: **SB 239.**

Ways and Means: **SB 238, SB 240; HB 2357, HB 2374.**

COMMUNICATIONS FROM STATE OFFICERS

Kansas Department of Health & Environment
March 16, 2011

In accordance with KSA 49-512(h), Bob Jurgens, Chief, Assessment & Restoration Section, Bureau of Environmental Remediation, submitted the TRA Trust Expenditures/Income Report for the February 2011 reporting period.

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

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 111** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 111" as follows:

"Substitute for SENATE BILL No. 111

By Committee on Education

"AN ACT concerning school districts; relating to special education state aid; amending K.S.A. 2010 Supp. 72-978 and repealing the existing section."; and the substitute bill be passed.

Also, **Substitute for HB 2191** be amended on page 2, in line 25, by striking "Except for subsection (c)(5)," and inserting "(1)"; in line 28, after "employment" by inserting "and if the requirements of paragraph (2) have been satisfied"; in line 30, after "fourth" by inserting "year or a fourth"; in line 33, after the period, by inserting the following:

“(2) Any teacher offered a contract pursuant to this subsection shall be evaluated in accordance with state law and the school district's evaluation system prior to any such contract being offered. The teacher's performance evaluations shall support the decision to offer the teacher a contract pursuant to this subsection, and a plan of assistance shall be written to address those areas of the performance evaluation which form the basis for the decision to offer such a contract to the teacher. The teacher shall be given the opportunity to review any plan of assistance and to have such plan reviewed by such teacher's mentor, if one exists, or by another teacher employed by the school district who is selected by the teacher to conduct such review.

(3)";

Also on page 2, in line 36, by striking "paragraphs (1) through (4)" and inserting "subparagraphs (A) through (D)"; in line 37, by striking "(1)" and inserting "(A)"; in line 39, by striking "(2)" and inserting "(B)"; in line 41, by striking "(3)" and inserting "(C)"; in line 43, by striking "(4)" and inserting "(D)";

On page 3, in line 2, by striking "; and"; in line 3, by striking "(5)" and inserting "(4)"; also in line 3, by striking "this subsection for"; in line 4, by striking "paragraphs (1) through (4)" and inserting "paragraph (3)"; in line 11, before "The" by inserting "(5)"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2139**, as amended by House Committee of the Whole, be amended on page 1, in line 9, after "insurance" by inserting "from an admitted carrier";

On page 2, in line 42, by striking all after the period; by striking all in line 43;

On page 3, by striking all in lines 1 and 2; in line 3 by striking all before "Personal";

On page 5, following line 20, by inserting:

"(m) (1) Any entity that purchases a workers compensation policy for the covered employees of more than one employer pursuant to a shared employment relationship with each employer must purchase the workers compensation policy on a separate multiple coordinate policy basis. Such workers compensation policies must be issued pursuant to K.S.A. 44-501 et seq., and amendments thereto, from an insurer holding a certificate of authority to do business in this state and providing workers compensation coverage.

(2) The commissioner of insurance shall be authorized to adopt such rules and regulation as are reasonable and necessary to carry out the purpose and the provisions of this subsection.";

On page 7, following line 12, by inserting:

"Sec. 4. K.S.A. 40-954 is hereby amended to read as follows: 40-954. In determining whether rates are not excessive or inadequate or not unfairly discriminatory:

(a) Due consideration shall be given to:

(1) Past and prospective loss and expense experience within and outside the state;

(2) catastrophe hazards and contingencies;

(3) trends within and outside this state;

(4) loadings for leveling premium rates over time;

(5) dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers and the investment income of the insurer; and

(6) all other relevant factors within and outside the state, including the judgment of technical personnel.

(b) The expense provisions included in the rates to be used by an insurer may reflect the operating methods of the insurer, or group of insurers, and, so far as it is credible, its own expense experience.

(c) Risks may be classified in any reasonable way for the establishment of rates and minimum premiums, except that no classification may be based on race, color, creed or national origin and classifications in automobile insurance may not be based on physical disability of an insured. Rates thus produced may be modified for individual risks in accordance with rating plans, schedules, ~~except for workers compensation~~, individual risk premium modification plans and expense reduction plans that establish reasonable standards for measuring probable variations in experience, hazards, expenses or any combination of those factors.

Such standards shall permit recognition of expected differences in loss or expense characteristics, and shall be designed so that such plans are reasonable and equitable in their application, and are not unfairly discriminatory, violative of public policy or otherwise contrary to the best interests of the people of this state. This section shall not prevent the development of new or innovative rating methods which otherwise comply with this act.

(d) Rates may be modified for individual risks, upon written application of the insured, stating the insured's reasons therefore, filed with and not disapproved by the commissioner within 10 days after filings.

(e) The rates may contain provisions for contingencies and an allowance permitting a reasonable profit. In determining the reasonableness of the profit, consideration shall be given to the investment income attributable to the line of insurance.

(f) The commissioner may by rule exempt any person or class of persons, line of insurance, or any market segment from any or all of the provisions of this chapter, if and to the extent that the commissioner finds their application unnecessary to achieve the purposes of this act.

(g) Once it has been filed, use of any rating plan shall be mandatory and such plan shall be applied uniformly for eligible risks in a manner that is not unfairly discriminatory.";

And by renumbering the remaining sections accordingly;

Also on page 7, in line 13, before "40-2109" by inserting "40-954 and";

On page 1, in the title, in line 3, after "K.S.A." by inserting "40-954 and"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 7** be amended by substituting a new bill to be designated as 'Substitute for SENATE BILL No. 7,' as follows:

“Substitute for SENATE BILL No. 7

By Committee on Judiciary

“AN ACT concerning driving under the influence; creating the Kansas bureau of investigation central repository fund; relating to testing; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 8-285, 8-1008, 8-1009, 8-1016, 8-1017, 12-4414, 12-4415, 12-4416, 22-2908, 22-3610, 22-4704, 22-4705 and 79-4101 and K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 8-235, 8-262, 8-2,142, 8-2,144, 8-1001, 8-1012, 8-1013, 8-1014, 8-1015, 8-1020, 8-1022, 12-4104, 12-4106, 12-4516, 12-4517, 22-2802, 22-2909, 22-3717, 28-176, 60-427, 74-2012, 74-7301, 75-5291 and 79-4108 and sections 14, 254, 285, 292 and 299 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2009 Supp. 21-4704, as amended by section 6 of chapter 147 of the 2010 Session Laws of Kansas, 22-2908, as amended by section 9 of chapter 101 of the 2010 Session Laws of Kansas, and 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas, and K.S.A. 2010 Supp. 8-1020a, 8-1567, 21-4704 and 22-3717c.”;

and the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 211** be passed.

Also, **SB 216** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.

(b) The emergency medical services board shall be composed of ~~13~~ 15 members to be appointed as follows:

(1) ~~Nine~~ Eleven members shall be appointed by the governor. Of such members:

(A) ~~One~~ Three shall be a member of the Kansas medical society physicians who ~~is~~ are actively involved in emergency medical services;

(B) two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;

(C) one shall be an instructor-coordinator;

(D) one shall be a hospital administrator actively involved in emergency medical services;

(E) one shall be a member of a firefighting unit which provides emergency medical service; and

(F) three shall be attendants who are actively involved in emergency medical service. At least two classifications of attendants shall be represented. At least one of such members shall be from a volunteer emergency medical service; and

(2) four members shall be appointed as follows:

(A) One shall be a member of the Kansas senate to be appointed by the president of the senate;

(B) one shall be a member of the Kansas senate to be appointed by the minority leader of the senate;

(C) one shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and

(D) one shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.

All members of the board shall be residents of the state of Kansas. Appointments to the board shall be made with due consideration that representation of the various geographical areas of the state is ensured. The governor may remove any member of the board upon recommendation of the board. Any person appointed to a position on the board shall forfeit such position upon vacating the office or position which qualified such person to be appointed as a member of the board.

(c) ~~Of the members first appointed to the board, four shall be appointed for terms of one year, three for terms of two years, three for terms of three years and three for terms of four years. Of the two additional physician members appointed by the governor after July 1, 2011, one shall be appointed for a term of three years and one shall be appointed for a term of four years.~~ Thereafter, members shall be appointed for terms of four years and until their successors are appointed and qualified. In the case of a vacancy in the membership of the board, the vacancy shall be filled for the unexpired term.

(d) The board shall meet at least six times annually and at least once each quarter and at the call of the chairperson or at the request of the administrator of the emergency medical services board or of any six members of the board. At the first meeting of the board after January 1 each year, the members shall elect a chairperson and a vice-chairperson who shall serve for a term of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, the board shall fill such vacancy by election of one of its members to serve the unexpired term of such office. Members of the board attending meetings of the board or attending a subcommittee meeting thereof authorized by the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(e) Except as otherwise provided by law, all vouchers for expenditures and all payrolls of the emergency medical services board shall be approved by the emergency medical services board or a person designated by the board.";

And by renumbering sections accordingly";

On page 4, in line 5, by striking "and" and inserting "or";

On page 6, in line 11, after "of" by inserting "a"; in line 36, by striking "technician – intermediate" and inserting "technician-intermediate"; in line 37, by striking "technician-defibrillator" and inserting "technician-defibrillator";

On page 11, in line 4, after the comma by inserting "and implement medical protocols,";

On page 15, in line 17, after "K.S.A." by inserting "65-6102,";

On page 1, in the title, in line 1, after "K.S.A." by inserting "65-6102,";

And the bill be passed as amended.

HB 2125 be amended on page 6, in line 40, by striking "license" and inserting "resolution"; in line 42, by striking "license" and inserting "resolution"; and the bill be passed as amended.

HB 2147 be amended on page 2, in line 35, after "contiguous." by inserting "Personnel of any home plus who provide services for residents with dementia shall be required to take dementia care training."; and the bill be passed as amended.

HB 2241, as amended by House Committee, be amended on page 1, in line 19, following the period, by inserting the following:

"A person or entity is not a dental franchisor if the agreement with the dentist:

(A) Permits the person or entity to interfere with the independent judgment of the dentist in the performance of such dentist's professional duties; or

(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.";

Also on page 1, following line 29, by inserting the following:

"(3) "Unlicensed proprietor" means any person or entity not authorized to own or operate a dental practice that enters into an agreement with a dentist or dental hygienist related to the practice of dentistry or dental hygiene which:

(A) Permits the person or entity to interfere with the independent judgment of the dentist in the performance of such dentist's professional duties; or

(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.";

On page 2, following line 2, by inserting the following:

"Sec. 2. K.S.A. 65-1425 is hereby amended to read as follows: 65-1425. Except as provided in K.S.A. 17-2706 et seq., and amendments thereto, no corporation shall practice, offer, or undertake to practice or hold itself out as practicing dentistry. Every person practicing dentistry as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice is conducted: ~~Provided, however, That nothing herein contained.~~ *Nothing in this section* shall prohibit a licensed dentist from practicing dentistry as the agent or employee of another licensed dentist in this state, or from practicing dentistry as the agent or employee of any state hospital or state institution where ~~his~~ *such dentist's* only remuneration is from the state, or from any corporation which provides

dental service for its employees at no profit to the corporation. *Nothing in this section shall prohibit a licensed dentist from practicing dentistry as an employee of a general hospital defined in K.S.A. 65-425, and amendments thereto, in a county with population of less than 50,000.*";

And renumbering sections accordingly;

Also on page 2, in line 12, after "public" by inserting "as determined by the Kansas dental board";

On page 7, in line 9, by striking "nor" and inserting "or"; in line 18, by striking "Such registered person or entity shall provided" and inserting "Any person or entity registered under this section shall provide"; in line 19, after "days" by inserting "of any changes to the information provided in paragraph (1)";

On page 8, in line 32, after "65-1424" by inserting "and 65-1425";

On page 1, in the title, in line 3, after "65-1424" by inserting "and 65-1425";

And the bill be passed as amended.

ORIGINAL MOTION

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2175**.

The President appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Monday, March 21, 2011.

Journal of the Senate

FORTY-SIXTH DAY

Senate Chamber, Topeka, Kansas
Monday, March 21, 2011, 10:00 a.m.

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

Heavenly Father,

All of us would like to see
That quality of life
Where healthy children laugh and play
In streets devoid of strife.

Where people have enough to eat
And a roof above their head,
And able bodied people work
To earn their bed and bread.

Where those with disabilities
Receive the care they need,
And no one is prohibited
From trying to succeed.

But we should know by now, O God,
If all of this came true,
It would not assure the happiness
That all of us pursue.

Wealthy people take their lives
And healthy people find
A healthy body does not assure
Joy and peace of mind.

Educated people find
The going can be tough,
And even the unprejudiced
Find it's not enough.

Those of us who've lived a while
Should not find it odd
That fulfillment only comes to those
Who find their peace with God.

In the Name of Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Federal and State Affairs: **SB 241**.

CHANGE OF REFERENCE

The President withdrew **HB 2017** from the Committee on **Education**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **Sub HB 2135** from the Committee on **Commerce**, and referred the bill to the Committee on **Ways and Means**.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2182** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2056**; **HB 2124**, as amended by House Committee, be passed.

On motion of Senator Emler, the Senate recessed until 11:00 a.m.

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

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator King in the chair.

The morning session recommended:

SB 210, SB 223, SB 225; HB 2240 be passed.

SB 227, SB 229 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2132** recommending a **S Sub for HB 2132** be adopted, and the substitute bill be passed.

SCR 1606 be adopted.

HB 2122 be amended by adoption of the committee amendments, be further amended by motion of Senator Taddiken, on page 2, in line 31, after the comma where it appears for the first time, by inserting "but" and **HB 2122** be passed as further amended.

HB 2075 be amended by adoption of the committee amendments, be further amended by motion of Senator Teichman, on page 28, in line 3, before "Upon" by inserting "(a)" and **HB 2075** passed as further amended.

HB 2119 be amended by adoption of the committee amendments, be further amended be motion of Senator Teichman on page 2, in line 40, after "of" by inserting "providing such emergency service in response to"; and **HB 2119** be passed over and retain a place on the calendar.

HB 2060; S Sub HB 2134 be passed over and retain a place on the calendar.

The Committee rose and reported progress (see Committee of the Whole, afternoon session.)

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **HB 2080** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2080," as follows:

"SENATE Substitute for HOUSE BILL No. 2080

By Committee on Ethics and Elections

"AN ACT concerning elections; amending K.S.A. 25-321, 25-1215, 25-1218, 25-4004, 25-4153, 25-4502 and 25-4503 and K.S.A. 2010 Supp. 25-205, 25-1216, 25-4156 and 25-4501 and repealing the existing sections.";

and the substitute bill be passed.

Also, **HB 2067**, as amended by House Committee of the Whole, be amended on page 2, in line 37, following "require" by inserting "or accept"; in line 39, by striking "registration" and inserting "identification"; also in line 39, by striking "25-2309" and inserting "25-2908"; in line 40, by striking all following "shall"; by striking all in lines 41 through 44;

On page 3, by striking all in lines 1 through 9 and inserting ": (A) Swear under oath that such person desires an identification card in order to vote in an election in Kansas and that such person does not possess any of the forms of identification acceptable under K.S.A. 25-2908, and amendments thereto. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908, and amendments thereto.

(B) Such person shall also produce evidence that such person is registered to vote in Kansas.";

On page 13, in line 33, by striking all before the period and inserting "class C misdemeanor";

On page 19, and following line 39, by inserting: "(q) If evidence of citizenship is deemed to be unsatisfactory due to an inconsistency between the document submitted as evidence and the name or sex provided on the application for registration, such

applicant may sign an affidavit:

(1) Stating the inconsistency or inconsistencies related to the name or sex, and the reason therefor; and

(2) swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship. However, there shall be no inconsistency between the date of birth on the document provided as evidence of citizenship and the date of birth provided on the application for registration. If such an affidavit is submitted by the applicant, the county election officer or secretary of state shall assess the eligibility of the applicant without regard to any inconsistency stated in the affidavit.";

And by redesignating subsections accordingly;

On page 20, following line 10, by inserting: "(u) The proof of citizenship requirements of this section shall not become effective until January 1, 2013.";

On page 22, by striking all in lines 3 through 44;

On page 23, by striking all in lines 1 through 4;

And by renumbering sections accordingly;

On page 28, in line 3, following "charge" by inserting "or accept"; in line 7, by striking all following "shall" ; by striking all in lines 8 through 19 and inserting: "swear under oath: (1) That such person plans to register to vote in Kansas; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(1), and amendments thereto. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(1), and amendments thereto.";

On page 29, by striking all in lines 12 through 30 and inserting:

"New Sec. 14. The secretary of state shall provide advance notice of the personal identification requirements of this act in a manner calculated to inform the public generally of the requirements for forms of personal identification as provided in this act. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio and cable television media, as well as the posting of information on the opening pages of the official internet websites of the secretary of state and governor.

New Sec. 15. The boards of county commissioners shall designate a county office or department to provide assistance at no charge to any person applying for a birth certificate from the state registrar of vital statistics for the purpose of registering to vote. Such county departments shall transmit the necessary forms to the state registrar's office at no cost to the person applying for the birth certificate.

Sec. 16. K.S.A. 25-208a is hereby amended to read as follows: 25-208a. (a) Within 10 days, Saturdays, Sundays and holidays not included, from the date of the filing of nomination petitions or a declaration of intention to become a candidate for United States senator or representative or for state office, the secretary of state shall determine the validity of such petitions or declaration.

The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days; ~~Saturdays, Sundays and holidays not included~~, of the date the petitions were filed with the secretary. The secretary of state upon receipt of the validated petition from the county election officer shall notify

the candidate of the validity of the petition.

(b) Within three days from the date of the filing of nomination petitions or a declaration of intention to become a candidate for county or township office or for precinct committeeman or committeewoman, the county election officer shall determine the validity of such petitions or declaration.

(c) If any nomination petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case may be, shall notify the candidate on whose behalf the petitions or declaration was filed that such nomination petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the secretary of state or the county election officer in accordance with K.S.A. 25-308, and amendments thereto.

Sec. 17. K.S.A. 25-3203 is hereby amended to read as follows: 25-3203. If the secretary of state fails to receive the final abstract of the intermediate canvass of any national or state election from any county by the second Tuesday next after any election, the secretary shall dispatch a special messenger to obtain a copy of the same, and the county election officer shall immediately, on demand of such messenger, make out and deliver to such messenger the copy required. Thereupon, the messenger shall deliver such copy to the secretary of state without delay. The expenses of such messenger shall be paid by the secretary of state, and the secretary of state shall be reimbursed therefor by such county.

Any county conducting a recount pursuant to K.S.A. 25-3107, and amendments thereto, shall notify the secretary of state of the recount and shall set a date, subject to approval by the secretary of state, when the county election officer shall submit the intermediate abstract of the county to the secretary of state.

Sec. 18. K.S.A. 2010 Supp. 25-3104 is hereby amended to read as follows: 25-3104. The original canvass of every election shall be performed by the election boards at the voting places. The county election officer shall present the original returns, together with the ballots, books and any other records of the election, for the purpose of canvass, to the county board of canvassers at any time between ~~8-00~~ 8 a.m. and ~~10:00~~ 10 a.m. on the ~~Friday~~ *Monday* next following any election held on a Tuesday, except that the county election officer may move the canvass to the ~~Monday next~~ *second Thursday* following the election if notice is published prior to the canvass in a newspaper with general circulation in the county. For elections not held on a Tuesday, the canvass by the county board of canvassers shall be held on a day and hour designated by it, and not later than the fifth day following the day of such election.

Sec. 19. K.S.A. 2010 Supp. 25-3107 is hereby amended to read as follows: 25-3107. (a) At the time of commencement of any canvass by the county board of canvassers the county election officer shall present to the county board of canvassers the preliminary abstracts of election returns, together with the ballots and records returned by the election boards. The county board of canvassers shall inspect and check the records presented by the county election officer and shall hear any questions which the county election officer believes appropriate for determination of the board. The county board of canvassers shall do what is necessary to obtain an accurate and just canvass of the election and shall finalize the preliminary abstract of election returns by making any needed changes, and certifying its authenticity and accuracy. The certification of the county board of canvassers shall be attested by the county election officer. Neither the county board of canvassers nor the county election officer shall open or unseal sacks or

envelopes of ballots, except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and amendments thereto, or other specific provision of law or as is authorized to carry out a recount under subsection (b).

(b) If a majority of the members of the county board of canvassers shall determine that there are manifest errors appearing on the face of the poll books of any election board, which might make a difference in the result of any election, or if any candidate shall request the recount of the ballots cast in all or in only specified voting areas for the office for which such person is a candidate, or if any registered elector who cast a ballot in a question submitted election requests a recount in all or only specified voting areas to determine the result of the election, the county board of canvassers shall cause a special election board appointed by the county election officer to meet under the supervision of the county election officer and recount the ballots with respect to any office or question submitted specified by the county board of canvassers or requested by such candidate or elector. If a recount is required in a county that uses optical scanning systems as defined in K.S.A. 25-4601 et seq., and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting such recount. The county election officer shall not be a member of such special election board. Before the special election board meets to recount the ballots upon a properly filed request, the party who makes the request shall file with the county election officer a bond, with security to be approved by the county or district attorney, conditioned to pay all costs incurred by the county in making such recount. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, or if as a result of the recount a question submitted is overturned, no action shall be taken on the person's bond and the county shall bear the costs incurred for the recount. Any recount must be requested in writing and filed with the county election officer not later than ~~12:00 noon on the Monday following the election~~ or, ~~if the canvass is held on Monday, not later than 5:00 p.m. on the Tuesday next following the election~~ *5 p.m. on the day following the meeting of the county board of canvassers*. The request shall specify which voting areas are to be recounted. The county election officer shall immediately notify any candidate involved in the election for which such recount is requested, or shall notify the county chairperson of each candidate's party. Any such recount shall be initiated not later than the following day and shall be completed not later than ~~5:00~~ *5 p.m. on Friday of such week* or, ~~if the recount request is made on the Tuesday after the election because of a Monday canvass, not later than 5:00 p.m. the next following Monday~~ *the fifth day following the filing of the request for a recount, including Saturdays, Sundays and holidays*. Upon completion of any recount under this subsection, the election board shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811, and amendments thereto, for time actually spent making the recount.

(c) (1) The provisions of this subsection shall apply to candidates at any election for:

- (A) Any state or national office elected on a statewide basis;
- (B) the office of president or vice president of the United States;
- (C) the office of members of United States house of representatives;
- (D) office of members of state senate or house of representative whose district is

located in two or more counties; and

(E) office of members of state board of education.

(2) Any candidate may request a recount in one or more counties. Any such recount must be requested in writing and filed with the secretary of state not later than ~~12:00 noon on the Monday following the election or, if the canvass in one or more counties in the district is held on Monday, not later than 5:00 p.m. on the Tuesday next following the election~~ *5 p.m. on the second Friday following the election*. The request shall specify which counties are to be recounted. If a recount is required in a county that uses optical scanning systems as defined in K.S.A. 25-4601, and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting such recount. Except as provided by this subsection and subsection (d), the person requesting the recount shall file with the secretary of state a bond, with security to be approved by the secretary of state, conditioned to pay all costs incurred by the counties and the secretary of state in making such recount. The amount of the bond shall be determined by the secretary of state. A candidate described in paragraphs (D) and (E) of subsection (c)(1) may post a bond as provided by subsection (b) in lieu of the bond required by this subsection. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, no action shall be taken on the candidate's bond and the counties shall bear the costs incurred for the recount.

(3) The secretary of state immediately shall notify each county election officer affected by the recount and any candidate involved in the election for which such recount is requested. If the candidate cannot be reached, then the secretary of state shall notify the state chairperson of such candidate's party. Any such recount shall be conducted under the supervision of the county election officers at the direction of the secretary of state, and shall be initiated not later than the following day and shall be completed not later than ~~5:00 p.m. on Friday of such week or, if the request is made on the Tuesday after the election because of a Monday canvass, not later than 5:00 p.m. on the next following Monday~~ *the fifth day following the filing of the request for a recount, including Saturdays, Sundays and holidays*. Each county election officer involved in the recount shall appoint a special election board to recount the ballots. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811, and amendments thereto, for time actually spent making the recount. Upon completion of any recount under this subsection, the special election board in each county shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The county election officer in each county immediately shall certify the results of the recount to the secretary of state.

(d) (1) The provisions of this subsection shall apply to candidates at general elections for:

- (A) Any state or national office elected on a statewide basis;
- (B) the office of president or vice president of the United States;
- (C) the office of members of United States house of representatives;
- (D) office of members of state senate or house of representative; and
- (E) office of members of state board of education.

(2) Whenever the election returns reflect that a candidate for office was defeated by ~~one-half~~ $\frac{1}{2}$ of ~~one percent~~ 1% or less of the total number of votes cast and if such

candidate requests a recount in one or more counties of the ballots, the state shall bear the cost of any recount performed using the method by which such ballots were counted originally.

(3) Not later than 60 days following a recount conducted pursuant to this subsection, the board of county commissioners of each county in which the recount occurred shall certify to the secretary of state the amount of all necessary direct expenses incurred by the county. Payment for such expenses shall be made to the county treasurer of the county upon warrants of the director of accounts and reports pursuant to vouchers approved by the secretary of state. Upon receipt of such payment and reimbursements, the county treasurer shall deposit the entire amount thereof in the county election fund, if there is one and if there is not then to the county general fund.

(4) The secretary of state, with the advice of the director of accounts and reports, shall determine the correctness of each amount certified under this section and adjust any discrepancies discovered before approving vouchers for payment to any county.";

And renumbering sections accordingly;

Also on page 29, in line 35, following "K.S.A." by inserting "25-208a,"; also in line 35, by striking ", 25-2411, 25-2416, 25-"; in line 36, by striking all before the second "and" and inserting "and 25-3203"; in line 37, following "25-3002" by inserting ", 25-3104, 25-3107";

On page 1, in the title, in line 1, by striking "relating to voter identification,"; in line 2, by striking all following "K.S.A." and inserting "25-208a, 25-2203, 25-2352 and 25-3203 and"; in line 4, following "25-3002" by inserting ", 25-3104, 25-3107";

and the bill be passed as amended.

Committee on **Judiciary** recommend **HB 2010, HB 2227** be passed.

Also, **SB 159** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 159," as follows:

"Substitute for SENATE BILL No. 159

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to conditions of release; searches of parolees and persons on postrelease supervision; conditions for sex offenders; conditions for persons on probation; amending K.S.A. 2010 Supp. 22-3717 and section 247 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-4610a and 22-3717c.";

and the substitute bill be passed.

HB 2008, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2008," as follows:

"SENATE Substitute for HOUSE BILL No. 2008

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to identity theft and identity fraud; amending section 285 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 2009 Supp. 21-4704, as amended by section 6 of chapter 147 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 21-4704.";

and the substitute bill be passed.

Committee on **Judiciary** recommends **SB 142** be amended on page 1, in line 8, after "condolence" by inserting ", or waivers of charges for medical care provided,"; in line

12, by striking "acknowledges or implies" and inserting "admits"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2104**, as amended by House Committee, be amended on page 3, in line 18, by striking "detained" and inserting "arrested"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2118**, as amended by House Committee, be amended on page 11, in line 3, after "magistrate." by inserting: "The magistrate may order the person to pay for any costs associated with the supervision provided by the court services department in an amount not to exceed \$15 per week of such supervision. The magistrate may also order the person to pay for all other costs associated with the supervision and conditions for compliance in addition to the \$15 per week."; and the bill be passed as amended.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 242, AN ACT concerning certain elections, enacting the interstate compact on the agreement among the states to elect the president by national popular vote act, by Committee on Federal and State Affairs.

SB 243, AN ACT concerning state authorities; creating the joint committee on state authorities oversight, by Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5017**.

The House concurs in Senate amendments to **HB 2027**.

The House concurs in Senate amendments to **HB 2028**.

The House nonconcur in Senate amendments to **HB 2020**, requests a conference and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2044**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute HB 2049**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2076**, requests a conference and has appointed Representatives Shultz, Hermanson and Grant as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2172**, requests a conference and has appointed Representatives Hayzlett, Prescott and Wetta as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2192**, requests a conference and has appointed Representatives Hayzlett, Prescott and Wetta as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2282**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5017 was thereupon introduced and read by title.

CONFIRMATION OF APPOINTMENTS

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

Senator Emler moved the following appointments be confirmed as recommended by the Standing Committees:

By the Governor:

On the appointment to the:

Central Interstate Low-Level Radioactive Waste Commission:

Shari Feist Albrecht, Member, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

State Banking Board:

Kurt Knutson, Member, to serve a three year term expiring March 15, 2013.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

State Banking Board:

Larry Williams, Member, to serve a three year term, expiring March 15, 2013.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

HB 2074 and **HB 2082** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2074, AN ACT concerning insurance rate filings; pertaining to the disclosure of certain information; amending K.S.A. 2010 Supp. 40-955 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2082, AN ACT concerning the maintenance of previously installed medical gas piping systems in hospitals; amending K.S.A. 2010 Supp. 12-1509 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators King and Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1831—

A RESOLUTION in memory of Robert V. Talkington.

WHEREAS, Robert V. Talkington, 81, of Iola, passed away December 26, 2010. A former Kansas legislator, he served in the Senate from 1973 to 1988 and the House of Representatives from 1969 to 1972; and

WHEREAS, Mr. Talkington was born August 23, 1929, near Patrick, Texas, to William H. and Nannie Patrick Talkington. Mr. Talkington graduated from Wilmer-Hutchens High School, near Dallas, Texas. He attended Tyler Junior College, Tyler, Texas, on a football scholarship, and received an associates degree in 1949. He transferred to the University of Kansas, on football and baseball scholarships, where he lettered in both sports and received a bachelor's degree in education in 1951. He earned his juris doctor from the University of Kansas in 1954; and

WHEREAS, In his 15 years in the Kansas Senate, this big man with a big heart was well known as an effective lawmaker and leader, but was equally renowned for his raucous sense of humor and love for practical jokes. Virtually everyone knew him as "Talk," and he fostered warm, personal relationships with legislators, staff and lobbyists alike. He was generous and thoughtful to those with whom he served. "Talk" served as vice-president of the Senate from 1977 to 1981, majority leader from 1981 to 1985, and Senate president from 1985 to 1989. He was a member of the Senate Judiciary Committee and the Senate Ways and Means Committee. While in the House of Representatives, Mr. Talkington was vice-chairman of the Legislative Services and Facilities Committee, and a member of the House Judiciary Committee, the House Ways and Means Committee, the House Roads and Highways Committee and the House State Parks and Memorials Committee. He was a member of the Capitol Dome Commission which issued a request for submission of sculpture designs to be considered for the top of the dome. The committee members reviewed the submissions and ultimately selected the regal and elegant design of the Kansas Indian statue, Ad Astra, that graces the dome today. "Talk" also left his mark through his dedicated efforts in defining the budgets for the Kansas Regents Universities, the state's transportation network and the state's judicial system; and

WHEREAS, In his private life, Mr. Talkington was an accomplished lawyer, serving as a private attorney in Iola, the county attorney for Allen County, the city attorney for Moran, the city attorney for Gas, and an attorney for Allen County Hospital and Allen County Community College; held numerous leadership posts, serving as a member of the Kansas Board of Regents from 1996 to 1999, including as its chairman from 1997 to 1998, and two terms on the Kansas Turnpike Authority, 1977 to 1985 and 1989 to 1993; and contributed to the University of Kansas, serving on its Greater University Fund, on its board of governors for the School of Law, and as a member of the Williams Educational Fund and Jayhawks for Higher Education; and

WHEREAS, Mr. Talkington has been further recognized for his commitment to public service. In 2002, the U.S. Highway 169 in Allen County was designated the "Senator Robert V. Talkington Highway" in recognition of his years of service to Kansas. In 2005, the Kansas Bar Association honored him with the Distinguished Government Service Award. In 1998, Tyler Junior College honored him with the Outstanding Public Service Award. In 2009, he was inducted into the Tyler Junior

College Sports Circle of Honor for his outstanding achievements in athletics, professional activities and community service; and

WHEREAS, Mr. Talkington's marriage to Donna Schmaus spanned 58 years; she died in 2009. They were blessed with five children, Jill, Jacki, Lisa, Jim, and Tom, two children who died in infancy, Jeanne and Donald, and 11 grandchildren; and

WHEREAS, Mr. Talkington was a great man and a great Jayhawk. He will be remembered for his many significant contributions to the legal profession and his dedicated service to the communities of Iola, Allen county and the state of Kansas, his love of his family; these are truly his legacy: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we extend our deepest sympathy to the family and friends of Robert V. Talkington for the loss of their father and grandfather and gratefully acknowledge the years of public service "Talk" gave to his state and community; and

Be it further resolved: That the Secretary of the Senate provide 20 enrolled copies of this resolution to Senator Morris to provide to "Talk's" extended family.

On emergency motion of Senator King **SR 1831** was adopted unanimously.

Senator King recognized a former Senate President, Robert V. Talkington, who passed away December 26, 2010. Senator Talkington served the Senate from 1973 to 1988 and House of Representatives from 1969 to 1972. The following family members were introduced: Jill McCaskill, Jacki Chase, Bob Chase, Jim Talkington, Staci Talkington, Will Talkington, Tom Talkington, Sherlyn Talkington, Jack Talkington, Camille Talkington, Lisa Dreasher, John Dreasher, Robbie Dreasher, Camden Dreasher, Fred Shaw, Kay Shaw and Bill Maness who were all acknowledged with a standing ovation.

Senators Taddiken, Abrams, Apple, Bruce, Brungardt, Emler, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, A. Schmidt, V. Schmidt, Schodorf, Steineger, Teichman and Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1832—

A RESOLUTION urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.

WHEREAS, Residents of this state living in rural areas deserve and expect the same high-quality, affordable communications services that are available to their urban neighbors; and

WHEREAS, Similar to businesses in urban areas, rural businesses, farmers and ranchers compete in the global marketplace and depend on affordable access to robust broadband services to market and sell their products around the world; and

WHEREAS, Children living in rural areas should have the same educational opportunities as their urban counterparts, and high-speed internet access is absolutely necessary to allow these students opportunities for advanced learning through distance education; and

WHEREAS, Residents living in rural areas face unique health care challenges because of the distances that must be traveled to seek basic and advanced medical care,

and telemedicine delivered via broadband networks can improve the health of rural residents by reducing the time and travel needed for high-quality health care; and

WHEREAS, Many rural areas encounter significant challenges in pursuing and sustaining economic development plans that bring quality, higher-paying jobs to their communities, and insufficiently robust broadband speeds will further hamper the economic development needs of many rural communities; and

WHEREAS, The United States Department of Agriculture has rightfully placed significant importance on the need for broadband access in rural America to improve quality-of-life and economic development; and

WHEREAS, Communications providers that serve this state's rural areas have worked diligently to ensure that their consumers have access to affordable and reliable broadband services and have utilized the United States Department of Agriculture's Rural Utilities Service loan and grant programs for economic development; and

WHEREAS, Contrary to the progress rural communications providers have had in deploying broadband, the Federal Communications Commission is embarking on a National Broadband Plan that will negatively impact the ability of residents living in rural areas of this state to realize the true benefits of access to robust broadband speeds by limiting support to four megabits per second in rural, high-cost areas of the country, while calling for one hundred million urban homes to have access to broadband speeds at 100 megabits per second by 2020; and

WHEREAS, The National Broadband Plan runs counter to the federal universal service policy which ensures access to communications services at comparable rates regardless of the consumer's location: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we challenge the Federal Communications Commission to make substantive change to the National Broadband Plan so that the plan develops a universal service support mechanism that ensures accountability, promotes stability, provides efficient and effective incentives for broadband network deployment and operation and encourages broadband adoption by keeping broadband service affordable. The plan should also ensure high-quality service by linking funding to satisfying reasonable, but meaningful, carrier of last resort obligations. Consistent with the universal service principles in federal law, the plan should ensure that rural and urban consumers pay reasonably comparable rates for reasonably comparable services by providing adequate support in high-cost areas; and

Be it further resolved: That we urge the members of the Kansas Congressional Delegation to work with the Federal Communications Commission to ensure that commissioners understand the importance of robust broadband deployment to rural Kansas and how the current draft of the National Broadband Plan needs to be dramatically altered to ensure quality broadband service availability throughout this state; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the commissioners of the Federal Communications Commission, the members of the Kansas Congressional Delegation and the Governor.

On emergency motion of Senator Taddiken **SR 1832** was adopted unanimously.

ORIGINAL MOTIONS

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2044**.

The President appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2172**.

The President appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **HB 2020**.

The President appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2076**.

The President appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2192**.

The President appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Senator Taddiken, the Senate acceded to the request of the House for a conference on **HB 2282**.

The President appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 198**.

Announcing passage of **SB 61**, as amended; **SB 193**, as amended.

Also, passage of **SB 1**, as amended by **House Substitute for SB 1**.

ORIGINAL MOTION

Pursuant to Senate Rule 75, President Morris determined **H Sub for SB 1**, as amended by the House to be materially changed.

President Morris referred the bill to the Committee on **Assessment and Taxation**.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** 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:

Racing and Gaming Commission, Member: K.S.A. 74-8803

Dennis McKinney, term expires January 15, 2015

Racing and Gaming Commission, Member: K.S.A. 74-8803

Timothy A. Shultz, term expires January 15, 2013

Racing and Gaming Commission, Member: K.S.A. 74-8803

Jay T. Shadwick, term expires January 15, 2015

State Historical Society, Executive Director: K.S.A. 75-2701

Jennie A. Chinn, serves at the pleasure of the Governor

Department of Corrections, Secretary: K.S.A. 75-5201

Raymond Roberts, serves at the pleasure of the Governor

Committee on **KPERS Select** recommends **HB 2194** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2194," as follows:

"SENATE Substitute for HOUSE BILL No. 2194

By KPERS Select Committee

"AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; employer and employee contributions; benefits; amending K.S.A. 74-4915 and 74-4919 and K.S.A. 2010 Supp. 74-4914d, 74-4920, 74-49,205 and 74-49,210 and repealing the existing sections.";

and the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **HB 2249** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2249," as follows:

"SENATE Substitute for HOUSE BILL No. 2249

By Committee on Public Health and Welfare

"AN ACT concerning health information; enacting the Kansas health information technology and exchange act; amending K.S.A. 16-1602 and repealing the existing section; also repealing K.S.A. 65-1734, 65-4970, 65-4972 and 65-4973 and K.S.A. 2010 Supp. 65-3228, 65-4971 and 65-4974.";

and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2149** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2149," as follows:

"SENATE Substitute for HOUSE BILL No. 2149

By Committee on Ways and Means

"AN ACT enacting the university engineering initiative act; amending K.S.A. 2010 Supp. 74-8768 and repealing the existing section.";

and the substitute bill be passed.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator King in the chair.

On motion of Senator King the morning report and the following afternoon report were adopted.

Recommended: **HB 2060** be passed.

Senator Pilcher-Cook moved to amend **HB 2060**, on page 2, following line 19 by inserting "Sec. 2. K.S.A. 65-2401 is hereby amended to read as follows: 65-2401. As used in this act:

(1) "Vital statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to birth, adoption, legitimation, death, ~~stillbirth~~ *unborn child death*, marriage, divorce, annulment of marriage, induced termination of pregnancy, and data incidental thereto.

(2) "*Unborn child*" means a living individual organism of the species homo

sapiens, in utero, irrespective of the duration of pregnancy.

(3) "Live birth" means ~~the complete expulsion or extraction from its mother of a product of human conception irrespective of the duration of pregnancy, an unborn child~~ 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.

(~~3~~) (4) "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, resulting in other than a live birth, as defined in this act, an unborn child, in excess of 350 grams, who dies in utero,~~ and which is not an induced termination of pregnancy.

(4) (5) "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.~~

(~~5~~) (6) "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~~) (7) "Person in charge of interment" means any person who places or causes to be placed a ~~stillborn~~ *dead unborn child* or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

(7) (8) "Secretary" means the secretary of health and environment.

Sec. 3. K.S.A. 65-2412 is hereby amended to read as follows: 65-2412. (a) A death certificate or ~~stillbirth unborn child death~~ certificate for each death or ~~stillbirth unborn child death~~ 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 unborn child death~~ 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) *An unborn child 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 death 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 the unborn child death and provide the medical information required by the certificate within three days after the unborn child death and prior to removal of such unborn child from the state.*

(d) *When an unborn child death occurs outside an institution, the certificate shall be prepared by the physician in attendance at or immediately after the unborn child death.*

(b) (e) 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) (f) 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) (g) In every instance a certificate shall be filed prior to interment or disposal of the body.";

And by renumbering sections accordingly;

Also on page 2, in line 20, by striking "is" and inserting ", 65-2401 and 65-2412 are";

On page 1, in the title, in line 1, following "concerning" by inserting "deceased persons; relating to"; also in line 1, following "remains" by inserting "and death and unborn child death certificates"; in line 2, following "65-1734", by inserting ", 65-2401 and 65-2412,"; also in line 2, by striking "section" and inserting "sections"

A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair ruled the amendment not germane, the chair was challenged.

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

On roll call, the vote was: Yeas 22, Nays 16, Present and Passing 0, Absent or Not Voting 2.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Vratil.

Nays: Abrams, Apple, Bruce, Kelsey, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Taddiken, Wagle.

Absent or Not Voting: Donovan, Umbarger.

The ruling of the Chair was sustained and **HB 2060** be passed.

The Committee returned to **HB 2119**. The adoption of committee amendments and an amendment by Senator Teichman were adopted in the morning session.

HB 2119 be amended by motion of Senator V. Schmidt, on page 3, following line 9 by inserting the following:

"Sec. 3. K.S.A. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.

(b) The emergency medical services board shall be composed of ~~13~~ 15 members to be appointed as follows:

- (1) ~~Nine~~ *Eleven* members shall be appointed by the governor. Of such members:
- (A) ~~One~~ *Three* shall be ~~a member of the Kansas medical society~~ *physicians* who ~~is~~ *are* actively involved in emergency medical services;
- (B) two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;
- (C) one shall be an instructor-coordinator;
- (D) one shall be a hospital administrator actively involved in emergency medical services;
- (E) one shall be a member of a firefighting unit which provides emergency medical service; and
- (F) three shall be attendants who are actively involved in emergency medical service. At least two classifications of attendants shall be represented. At least one of such members shall be from a volunteer emergency medical service; and
- (2) four members shall be appointed as follows:
- (A) One shall be a member of the Kansas senate to be appointed by the president of the senate;
- (B) one shall be a member of the Kansas senate to be appointed by the minority leader of the senate;
- (C) one shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and
- (D) one shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.
- All members of the board shall be residents of the state of Kansas. Appointments to the board shall be made with due consideration that representation of the various geographical areas of the state is ensured. The governor may remove any member of the board upon recommendation of the board. Any person appointed to a position on the board shall forfeit such position upon vacating the office or position which qualified such person to be appointed as a member of the board.
- (c) ~~Of the members first appointed to the board, four shall be appointed for terms of one year, three for terms of two years, three for terms of three years and three for terms of four years. Of the two additional physician members appointed by the governor after July 1, 2011, one shall be appointed for a term of three years and one shall be appointed for a term of four years.~~ Thereafter, members shall be appointed for terms of four years and until their successors are appointed and qualified. In the case of a vacancy in the membership of the board, the vacancy shall be filled for the unexpired term.
- (d) The board shall meet at least six times annually and at least once each quarter and at the call of the chairperson or at the request of the administrator of the emergency medical services board or of any six members of the board. At the first meeting of the board after January 1 each year, the members shall elect a chairperson and a vice-chairperson who shall serve for a term of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, the board shall fill such vacancy by election of one of its members to serve the unexpired term of such office. Members of the board attending meetings of the board or attending a subcommittee meeting thereof authorized by the board shall be paid compensation, subsistence

allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(e) Except as otherwise provided by law, all vouchers for expenditures and all payrolls of the emergency medical services board shall be approved by the emergency medical services board or a person designated by the board.

Sec. 4. K.S.A. 65-6110 is hereby amended to read as follows: 65-6110. (a) The board shall adopt any rules and regulations necessary for the regulation of ambulance services. Such rules and regulations shall include: (1) A classification of the different types of ambulance services; (2) requirements as to equipment necessary for ambulances and rescue vehicles; (3) qualifications and training of attendants, instructor-coordinators and training officers; (4) requirements *and fees* for the licensure, *temporary licensure*, and renewal of licensure for ambulances and rescue vehicles; (5) records and equipment to be maintained by operators, instructor-coordinators, training officers, providers of training and attendants; ~~and~~ (6) *requirements for a quality assurance and improvement program for ambulance services*; (7) *staffing requirements for attendant or medical personnel for ambulance services and vehicles*; and (8) such other matters as the board deems necessary to implement and administer the provisions of this act.

(b) The provisions of this act shall not apply to rescue vehicles operated by a fire department.

Sec. 5. K.S.A. 2010 Supp. 65-6112 is hereby amended to read as follows: 65-6112. As used in this act:

(a) "Administrator" means the executive director of the emergency medical services board.

(b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) "Advanced registered nurse practitioner" means an advanced registered nurse practitioner as defined in K.S.A. 65-1113, and amendments thereto.

(d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(f) "Attendant" means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, mobile intensive care technician or paramedic certified pursuant to this act.

(g) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(h) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency which includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced registered nurse practitioner, professional nurse, a licensed physician assistant or attendant.

(i) "Emergency medical technician" means a person who holds an emergency

medical technician certificate issued pursuant to this act.

(j) "Emergency medical technician-defibrillator" means a person who holds an emergency medical technician-defibrillator certificate issued pursuant to this act.

(k) "Emergency medical technician-intermediate" means a person who holds an emergency medical technician-intermediate certificate issued pursuant to this act.

(l) "Emergency medical technician-intermediate/defibrillator" means a person who holds both an emergency medical technician-intermediate and emergency medical technician defibrillator certificate issued pursuant to this act.

(m) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.

(n) "First responder" means a person who holds a first responder certificate issued pursuant to this act.

(o) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

(p) "Instructor-coordinator" means a person who is certified under this act to teach initial courses of certification of instruction and continuing education classes.

(q) "Medical adviser/director" means a physician.

(r) "Medical protocols" mean written guidelines which authorize attendants to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced registered nurse practitioner authorized by a physician or professional nurse authorized by a physician. The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.

(s) "Mobile intensive care technician" means a person who holds a mobile intensive care technician certificate issued pursuant to this act.

(t) "Municipality" means any city, county, township, fire district or ambulance service district.

(u) "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the attendant whether within or outside the vehicle as part of such transportation services.

(v) "Operator" means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.

(w) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.

(x) "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.

(y) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

(z) "Physician assistant" means a person who is licensed under the physician assistant licensure act and who is acting under the direction of a responsible physician.

(aa) "Professional nurse" means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

(bb) "Provider of training" means a corporation, partnership, accredited

postsecondary education institution, ambulance service, fire department, hospital or municipality that conducts training programs that include, but are not limited to, initial courses of instruction and continuing education for attendants, instructor-coordinators or training officers.

(cc) "Responsible physician" means responsible physician as such term is defined under K.S.A. 65-28a02, and amendments thereto.

(dd) "Training officer" means a person who is certified pursuant to this act to teach, *coordinate or both*, initial courses of instruction for first responders or emergency medical responders and continuing education as prescribed by the board.

Sec. 6. K.S.A. 2010 Supp. 65-6120 is hereby amended to read as follows: 65-6120.

(a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-intermediate may:

(1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto;

(2) when approved by medical protocols ~~and~~ *or* where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced registered nurse practitioner where authorized by a physician, and direct communication is maintained, upon order of such person, may perform veni-puncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions, endotracheal intubation and administration of nebulized albuterol;

(3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting the persons identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; or

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-intermediate once *successfully* completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to become an advanced emergency medical technician. Alternatively*, upon application for renewal, *such individual* shall be deemed to hold a certificate as an advanced emergency medical technician under this act, *provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course* and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(c) "Renewal" as used in subsection (b), refers to the *first or second opportunity after December 31, 2011*, that an emergency medical technician-intermediate has to apply for renewal of a certificate following the effective date of this act.

(d) Emergency medical technician-intermediates who fail to meet the transition requirements as specified ~~will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of~~

the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-intermediate may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(e) Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.

(f) Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:

(1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto; and

(2) any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician upon order of such a person: (A) Continuous positive airway pressure devices; (B) advanced airway management; (C) referral of patient of alternate medical care site based on assessment; (D) transportation of a patient with a capped arterial line; (E) venipuncture for obtaining blood sample; (F) initiation and maintenance of intravenous infusion or saline lock; (G) initiation of intraosseous infusion; (H) nebulized therapy; (I) manual defibrillation and cardioversion; (J) cardiac monitoring; (K) ~~medication administration via ECG interpretation~~; (L) administration of generic or trade name medications by one or more of the following methods: (i) Aerosolization; (ii) nebulization; (iii) intravenous; (iv) intranasal; (v) rectal; (vi) subcutaneous; (vii) intraosseous; (viii) intramuscular; or (ix) sublingual.

(g) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician-defibrillator once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(h) "Renewal" as used in subsection (f), refers to the first or second opportunity

after December 31, 2011, that an emergency medical technician-intermediate and emergency medical technician-defibrillator has to apply for renewal of a certificate following the effective date of this act.

~~(h) (i) Emergency medical technician-intermediate and emergency medical technician-defibrillator who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. An individual who holds both an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, who fails to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, and provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such individual may apply to transition to become an emergency medical technician or emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.~~

(j) Failure to successfully complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or the emergency medical responder transition course will result in loss of certification.

Sec. 7. K.S.A. 2010 Supp. 65-6121 is hereby amended to read as follows: 65-6121.

(a) Notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any of the following activities:

- (1) Patient assessment and vital signs;
- (2) airway maintenance including the use of:
 - (A) Oropharyngeal and nasopharyngeal airways;
 - (B) esophageal obturator airways with or without gastric suction device;
 - (C) multi-lumen airway; and
 - (D) oxygen demand valves.
- (3) Oxygen therapy;
- (4) oropharyngeal suctioning;
- (5) cardiopulmonary resuscitation procedures;
- (6) control accessible bleeding;
- (7) apply pneumatic anti-shock garment;
- (8) manage outpatient medical emergencies;
- (9) extricate patients and utilize lifting and moving techniques;
- (10) manage musculoskeletal and soft tissue injuries including dressing and bandaging wounds or the splinting of fractures, dislocations, sprains or strains;
- (11) use of backboards to immobilize the spine;
- (12) administer activated charcoal and glucose;
- (13) monitor ~~peripheral~~ intravenous line delivering intravenous fluids during

interfacility transport with the following restrictions:

- (A) The physician approves the transfer by an emergency medical technician;
- (B) no medications or nutrients have been added to the intravenous fluids; and
- (C) the emergency medical technician may monitor, maintain and shut off the flow of intravenous fluid;
- (14) use automated external defibrillators;
- (15) administer epinephrine auto-injectors provided that:
 - (A) The emergency medical technician successfully completes a course of instruction approved by the board in the administration of epinephrine; ~~and~~
 - (B) the emergency medical technician serves with an ambulance service or a first response organization that provides emergency medical services; and
 - (C) the emergency medical technician is acting pursuant to medical protocols;
- (16) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols; or
- (17) when authorized by medical protocol, assist the patient in the administration of the following medications which have been prescribed for that patient: Auto-injection epinephrine, sublingual nitroglycerin and inhalers for asthma and emphysema.
 - (b) An individual who holds a valid certificate as an emergency medical technician at the current basic level once *successfully* completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to become an emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an emergency medical technician under this act.*
 - (c) "Renewal" as used in subsection (b); refers to the first opportunity *after December 31, 2011*, that an emergency medical technician has to apply for renewal of a certificate following the effective date of this act.
 - (d) Emergency medical technicians who fail to meet the transition requirements as specified ~~will be required, at a minimum, to gain the continuing education applicable to emergency medical responder as defined by rules and regulations of the board. Failure to do so will result in loss of certification.~~ *may successfully complete the board prescribed emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Alternatively, upon application for renewal of an emergency medical technician certificate, the applicant shall be deemed to hold a certificate as an emergency medical responder under this act, and such individual shall not be required to file an original application for certification as an emergency medical responder.*
 - (e) *Failure to successfully complete either an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.*
 - (~~e~~) (f) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any activities identified in K.S.A. 65-6144, and amendments thereto, and any of the following interventions, by use of the

devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, *or* upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person:

- (1) Airway maintenance including use of:
 - (A) Single lumen airways as approved by the board;
 - (B) multilumen airways;
 - (C) ventilator devices;
 - (D) forceps removal of airway obstruction;
 - (E) CO2 monitoring;
 - (F) airway suctioning;
 - (2) apply pneumatic anti-shock garment;
 - (3) assist with childbirth;
 - (4) monitoring urinary catheter;
 - (5) capillary blood sampling;
 - (6) cardiac monitoring;
 - (7) administration of patient assisted medications as approved by the board;
 - (8) administration of medications as approved by the board by appropriate routes;
- and
- (9) monitor, maintain or discontinue flow of IV line if a physician approves transfer by an emergency medical technician.

Sec. 8. K.S.A. 2010 Supp. 65-6123 is hereby amended to read as follows: 65-6123.

(a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-defibrillator may:

- (1) Perform any of the activities identified in K.S.A. 65-6121, and amendments thereto;
- (2) when approved by medical protocols ~~and~~ where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform electrocardiographic monitoring and defibrillation;
- (3) perform, during an emergency, those activities specified in subsection (b) before contacting the persons identified in subsection (b) when specifically authorized to perform such activities by medical protocols; or
- (4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-defibrillator once *successfully* completing *an emergency medical technician-intermediate, initial course of instruction and* the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to become an advanced emergency medical technician. Alternatively,* upon application for renewal, *such individual* shall be deemed to hold a certificate as an advanced emergency medical technician under this

act, *provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course*, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician ~~under this act~~.

(c) "Renewal" as used in subsection (b), refers to the second opportunity *after December 31, 2011*, that an attendant has to apply for renewal of a certificate following the effective date of this act.

(d) EMT-D attendants who fail to meet the transition requirements as specified ~~will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification.~~ *may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-defibrillator may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.*

(e) *Failure to complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or an emergency medical responder transition course will result in loss of certification.*

Sec. 9. K.S.A. 65-6126 is hereby amended to read as follows: 65-6126. Each emergency medical service shall have a medical ~~adviser~~director appointed by the operator of the service to review, *and implement medical protocols*, approve and monitor the activities *and education* of the attendants. The board may approve an alternative procedure for medical oversight if no medical ~~adviser~~director is available.

Sec. 10. K.S.A. 2010 Supp. 65-6129 is hereby amended to read as follows: 65-6129. (a) Application for an attendant's certificate shall be made to the board. The board shall not grant an attendant's certificate unless the applicant meets the following requirements:

(1) (A) Has successfully completed coursework required by the rules and regulations adopted by the board; or

(B) has successfully completed coursework in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board; ~~and~~

(2) (A) has passed the examination required by the rules and regulations adopted by the board; or

(B) has passed the certification or licensing examination in another jurisdiction that has been approved by the board; *and*

(3) *has paid a fee required by the rules and regulations adopted by the board.*

(b) (1) The board shall not grant a temporary attendant's certificate unless the

applicant meets the following requirements:

(A) If the applicant is certified or licensed as an attendant in another jurisdiction, but the applicant's coursework is determined not to be substantially equivalent to that required by the board, such temporary certificate shall be valid for one year from the date of issuance or until the applicant has completed the required coursework, whichever occurs first; or

(B) if the applicant has completed the required coursework, has taken the required examination, but has not received the results of the examination, such temporary certificate shall be valid for 120 days from the date of the examination.

(2) An applicant who has been granted a temporary certificate shall be under the direct supervision of a physician, a physician's assistant, a professional nurse or an attendant holding a certificate at the same level or higher than that of the applicant.

(c) The board shall not grant an initial emergency medical technician-intermediate certificate, advanced emergency medical technician certificate, mobile intensive care technician certificate or paramedic certificate as a result of successful course completion in the state of Kansas, unless the applicant for such an initial certificate is certified as an emergency medical technician.

(d) An attendant's certificate shall expire on the date prescribed by the board. An attendant's certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the attendant has successfully completed continuing education as prescribed by the board.

(e) All fees received pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services operating fund established by K.S.A. 65-6151, and amendments thereto.

(f) If a person who was previously certified as an attendant applies for an attendant's certificate after the certificate's expiration, the board may grant a certificate without the person completing an initial course of instruction or passing a certification examination if the person has completed education requirements and has paid a fee as specified in rules and regulations adopted by the board.

(g) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, which shall specify the number and severity of violations for the imposition of each level of sanction.

Sec. 11. K.S.A. 65-6132 is hereby amended to read as follows: 65-6132. (a) An operator's permit may be denied, revoked, limited, modified or suspended by the board upon proof that such operator or any agent or employee thereof:

(1) Has been guilty of misrepresentation in obtaining the permit or in the operation of the ambulance service;

(2) has engaged or attempted to engage in, or represented themselves as entitled to perform, any ambulance service not authorized in the permit;

(3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has shown themselves otherwise unable to provide adequate ambulance service;

(4) has failed to keep and maintain the records required by the provisions of this

act, or the rules and regulations ~~promulgated thereunder~~ *adopted by the board*, or has failed to make reports when and as required;

(5) has knowingly operated faulty or unsafe equipment; ~~or~~

(6) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations ~~promulgated thereunder~~ *adopted by the board*; or

(7) *has engaged in unprofessional conduct as defined by rules and regulations adopted by the board.*

(b) The board shall not limit, modify, revoke or suspend any operator's permit pursuant to this section without first conducting a hearing in accordance with the provisions of the administrative procedure act.

Sec. 12. K.S.A. 65-6133 is hereby amended to read as follows: 65-6133. (a) An attendant's, ~~or~~ instructor-coordinator's *or training officer's* certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate upon proof that such individual:

(1) Has made intentional misrepresentations in obtaining a certificate or renewing a certificate;

(2) has performed or attempted to perform activities not authorized by statute at the level of certification held by the individual;

(3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has provided inadequate patient care as determined by the board;

(4) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations promulgated thereunder;

(5) has been convicted of a felony and, after investigation by the board, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust;

(6) has demonstrated an inability to perform authorized activities with reasonable skill and safety by reason of illness, alcoholism, excessive use of drugs, controlled substances or any physical or mental condition; ~~or~~

(7) has engaged in unprofessional conduct, as defined by rules and regulations adopted by the board; *or*

(8) *has had a certificate, license or permit to practice emergency medical services as an attendant denied, revoked, limited or suspended or has been publicly or privately censured, by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country or has had other disciplinary action taken against the applicant or holder of a permit, license or certificate by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country shall constitute prima facie evidence of such a fact for purposes of this paragraph.*

(b) The board may limit, modify, revoke or suspend an attendant's or instructor-coordinator's certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

Sec. 13. K.S.A. 2010 Supp. 65-6144 is hereby amended to read as follows: 65-6144. (a) A first responder may perform any of the following activities:

(1) Initial scene management including, but not limited to, gaining access to the individual in need of emergency care, extricating, lifting and moving the individual;

(2) cardiopulmonary resuscitation and airway management;

(3) control of bleeding;

(4) extremity splinting excluding traction splinting;

(5) stabilization of the condition of the individual in need of emergency care;

(6) oxygen therapy;

(7) use of oropharyngeal airways;

(8) use of bag valve masks;

(9) use automated external defibrillators; and

(10) other techniques of preliminary care a first responder is trained to provide as approved by the board.

(b) An individual who holds a valid certificate as a first responder, once completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to become an emergency medical responder. Alternatively, upon application for renewal of such certificate, such individual shall be deemed to hold a certificate as an emergency medical responder under this act, provided such individual has completed all continuing education hour requirements inclusive of a transition course* and such individual shall not be required to file an original application for certification as an emergency medical responder ~~under this act~~.

(c) "Renewal" as used in subsection (b), refers to the first opportunity *after December 31, 2011*, that an attendant has to apply for renewal of a certificate following the effective date of this act.

(d) First responder attendants who fail to meet the transition requirements as specified will forfeit their certification.

(e) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, *or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person:* (1) Emergency vehicle operations; (2) initial scene management; (3) patient assessment and stabilization; (4) cardiopulmonary resuscitation and airway management; (5) control of bleeding; (6) extremity splinting; (7) spinal immobilization; (8) oxygen therapy; (9) use of bag-valve-mask; (10) use of automated external defibrillator; (11) nebulizer therapy; (12) intramuscular injections with auto-injector; (13) administration of oral glucose; (14) administration of aspirin; (15) recognize and comply with advanced directives; (16) insertion and maintenance of oral and nasal pharyngeal airways; (17) use of blood glucose monitoring; and (18) other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board.";

And renumbering the remaining sections accordingly.;

On page 3, in line 10, by striking "is" and inserting ", 65-6102, 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.A. 2010 Supp. 65-6112, 65-6120, 65-6121, 65-6123, 65-

6129 and 65-6144 are";

On page 1, in the title, in line 1, by striking "political"; by striking all in lines 2 and 3; in line 4, by striking all before the semicolon and inserting "emergency; relating to medical and other services"; also in line 4, after "8-305" by inserting ", 65-6102, 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.A. 2010 Supp. 65-6112, 65-6120, 65-6121, 65-6123, 65-6129 and 65-6144"; in line 5, by striking "section" and inserting "sections"

HB 2119 be further amended by motion of Senator V. Schmidt, on page 3, following line 9, by inserting the following:

"Sec. 3. K.S.A. 2010 Supp. 75-5664 is hereby amended to read as follows: 75-5664. (a) There is hereby established an advisory committee on trauma. The advisory committee on trauma shall be advisory to the secretary of health and environment and shall be within the division of health of the department of health and environment as a part thereof.

(b) ~~On July 1, 2001, the advisory committee on trauma in existence immediately prior to July 1, 2001, is hereby abolished and a new advisory committee on trauma is created in accordance with this section. The terms of all members of the advisory committee on trauma in existence prior to July 1, 2001, are hereby terminated. On and after July 1, 2001,~~ The advisory committee on trauma shall be composed of 24 members representing both rural and urban areas of the state appointed as follows:

(1) Two members shall be persons licensed to practice medicine and surgery appointed by the governor. At least 30 days prior to the expiration of terms described in this section, for each member to be appointed under this section, the Kansas medical society shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such ~~lists~~list of persons in making appointments to the board under this paragraph.

(2) One member shall be licensed to practice osteopathic medicine appointed by the governor. At least 30 days prior to the expiration of the term of the member appointed under this section, the Kansas association of osteopathic medicine shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(3) Three members shall be representatives of hospitals appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas hospital association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such ~~lists~~list of persons in making appointments to the board under this paragraph.

(4) Two members shall be licensed professional nurses specializing in trauma care or emergency nursing appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas state nurses association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such ~~lists~~list of persons in making appointments to the board under this paragraph.

(5) Two members shall be attendants as defined in K.S.A. 65-6112, and amendments thereto, who are on the roster of an ambulance service permitted by the board of emergency medical services. At least 30 days prior to the expiration of one of

these positions, the Kansas emergency medical services association shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board. For the other member appointed under this section, at least 30 days prior to the expiration of the term of such member, the Kansas emergency medical technician association shall submit a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(6) Two members shall be administrators of ambulance services, one rural and one urban, appointed by the governor. At least 30 days prior to the expiration of the terms of such members, the Kansas emergency medical services association and Kansas emergency medical technician association in consultation shall submit to the governor a list of four persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board under this paragraph.

(7) Six members shall be representatives of regional trauma councils, one per council, appointed by the governor. At least 30 days prior to the expiration of one of these positions, the relevant regional trauma council shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such ~~lists~~list of persons in making these appointments to the board.

(8) The secretary of health and environment or the secretary's designee of an appropriately qualified person shall be an ex officio representative of the department of health and environment.

(9) The chairperson of the board of emergency medical services or the chairperson's designee shall be an ex officio member.

(10) Four legislators selected as follows shall be members: The chairperson and ranking minority member or their designees of the committee on health and human services of the house of representatives, and the chairperson and ranking minority member or their designees from the committee on public health and welfare of the senate shall be members.

(c) All members shall be residents of the state of Kansas. Particular attention shall be given so that rural and urban interests and geography are balanced in representation. Organizations that submit lists of names to be considered for appointment by the governor under this section shall insure that names of people who reside in both rural and urban areas of the state are among those submitted. At least one person from each congressional district shall be among the members. Of the members appointed under paragraphs (1) through (7) of subsection (b), six shall be appointed to initial terms of two years; six shall be appointed to initial terms of three years; and six shall be appointed to initial terms of four years. Thereafter members shall serve terms of four years and until a successor is appointed and qualified. In the case of a vacancy in the membership of the advisory committee, the vacancy shall be filled for the unexpired term in like manner as that provided in subsection (b).

(d) The advisory committee shall meet quarterly and at the call of the chairperson or at the request of a majority of the members. At the first meeting of the advisory committee after July 1 each year, the members shall elect a chairperson and vice-chairperson who shall serve for terms of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. ~~The chairperson and vice-chairperson serving on the effective date of this act shall be among the members appointed to the advisory committee under subsection (b) and shall continue~~

~~to serve as chairperson and vice chairperson of the advisory committee until the first meeting of the advisory committee after July 1, 2002.~~

(e) The advisory committee shall be advisory to the secretary of health and environment on all matters relating to the implementation and administration of this act.

(f) All members of the advisory committee, when acting in their official capacity under this act, shall be considered peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

~~(g)~~ Members of the advisory committee attending meetings of the advisory committee or attending a subcommittee of the advisory committee or other authorized meeting of the advisory committee shall not be paid compensation but shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

Sec. 4. K.S.A. 2010 Supp. 75-5665 is hereby amended to read as follows: 75-5665. The secretary of health and environment, after consultation with and consideration of recommendations from the advisory committee, shall:

(a) Develop rules and regulations necessary to carry out the provisions of this act, including fixing, charging and collecting fees from trauma facilities to recover all or part of the expenses incurred in the designation of trauma facilities pursuant to subsection (f) of this section;

(b) develop a statewide trauma system plan including the establishment of regional trauma councils, using the ~~1998~~2001 Kansas EMS-trauma systems plan study as a guide and not more restrictive than state law. The secretary shall ensure that each council consist of at least six members. Members of the councils shall consist of persons chosen for their expertise in and commitment to emergency medical and trauma services. *All members of regional trauma councils, when acting in their official capacity under this act, shall be considered peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.* Such members shall be chosen from the region and include prehospital personnel, physicians, nurses and hospital personnel involved with the emergency medical and trauma services and a representative of a county health department. The plan should:

(1) Maximize local and regional control over decisions relating to trauma care;

(2) minimize bureaucracy;

(3) adequately protect the confidentiality of proprietary and personal health information;

(4) promote cost effectiveness;

(5) encourage participation by groups affected by the system;

(6) emphasize medical direction and involvement at all levels of the system;

(7) rely on accurate data as the basis for system planning and development; and

(8) facilitate education of health care providers in trauma care;

(c) plan, develop and administer a trauma registry to collect and analyze data on incidence, severity and causes of trauma and other pertinent information which may be used to support the secretary's decision-making and identify needs for improved trauma care;

(d) provide all technical assistance to the regional councils as necessary to implement the provisions of this act;

(e) collect data elements for the trauma registry that are consistent with the recommendations of the American college of surgeons committee on trauma and centers for disease control;

(f) designate trauma facilities by level of trauma care capabilities after considering the American college of surgeons committee on trauma standards and other states' standards except that trauma level designations shall not be based on criteria that place practice limitations on registered nurse anesthetists which are not required by state law;

(g) develop a phased-in implementation schedule for each component of the trauma system, including the trauma registry, which considers the additional burden placed on the emergency medical and trauma providers;

(h) develop standard reports to be utilized by the regional trauma councils and those who report data to the registry in performing their functions;

(i) assess the fiscal impact on all components of the trauma system, and thereafter recommend other funding sources for the trauma system and trauma registry;

(j) prepare and submit an annual budget in accordance with the provisions of this act. Such budget shall include costs for the provision of technical assistance to the regional trauma councils and the cost of developing and maintaining the trauma registry and analyzing and reporting on the data collected; and

(k) enter into contracts as deemed necessary to carry out the duties and functions of the secretary under this act.";

And renumbering remaining sections accordingly;

Also on page 3, in line 10, by striking "is" and inserting "and K.S.A. 2010 Supp. 75-5664 and 75-5665 are";

On page 1, in the title, in line 1, by striking "political"; by striking all in lines 2 and 3; in line 4, by striking all before the semicolon and inserting "emergency and trauma"; also in line 4, after "8-305" by inserting "and K.S.A. 2010 Supp. 75-5664 and 75-5665"; in line 5, by striking "section" and inserting "sections" and **HB 2119** be passed as further amended.

Sub HB 2134 be amended by the adoption of the committee amendments, and further amended by motion of Senator Wagle, on page 2 in line 2, by striking "a" and inserting "the first";

On page 5, in line 1, by striking "100" and inserting "200";

On page 12, in line 40, before "and" by inserting:

"(ii) the increased risk or hazard to which the employment exposed the worker is the prevailing factor in causing the repetitive trauma;"; in line 41 by striking "(ii)" and inserting "(iii)";

On page 13, by striking all in line 4; in line 5, by striking all before "and"; in line 6, by striking "(iii)" and inserting "(ii)";

HB 2134 be further amended by motion of Senator Wagle, on page 58, after line 20, by inserting:

"New Sec. 28. (a) Any person who is not required to be covered under a workers compensation insurance policy or other plan for the payment of workers compensation may execute an affidavit of exempt status under the workers compensation act. The affidavit shall be a form prescribed by the commissioner of insurance. The affidavit shall be available on the web site of the department of insurance.

(b) Execution of the affidavit shall establish a rebuttable presumption that the executor is not an employee for purposes of the workers compensation act and that an individual or company possessing the affidavit is in compliance and therefore shall not be responsible for workers compensation claims made by the executor.

(c) The execution of an affidavit shall not affect the rights or coverage of any

employee of the individual executing the affidavit.

(d) (1) Knowingly providing false information on a notarized affidavit of exempt status under the workers compensation act shall constitute a misdemeanor punishable by a fine not to exceed \$1,000.

(2) Affidavits shall conspicuously state on the front thereof in at least 10 point, boldfaced print that it is a crime to falsify information on the form.

(3) The commissioner of insurance shall immediately notify the fraud unit in the department of insurance of any violations or suspected violations of this section. The commissioner of insurance shall cooperate with the fraud unit.

(e) The commissioner of insurance shall have the power to adopt all reasonable rules and regulations necessary to implement this section.";

And by renumbering the remaining sections accordingly

A motion by Senator Wagle to amend **HB 2134** was withdrawn.

Senator Wagle moved to further amend **Sub HB 2134**, on page 55, in line 33, by striking "and shall"; by striking all in lines 34 through 37; and inserting ", a minimum five years of which shall have been in the active practice of workers compensation law. Qualified individuals shall also include a judge of a court of record in Kansas, any Kansas administrative law judge possessing five years of workers compensation practice experience, or a professor of law in an accredited Kansas law school who possesses at least five years of workers compensation practice experience within the 10 years immediately preceding the date of appointment, or any combination thereof. Each board member shall have a demonstrated knowledge of workers compensation law as it affects both employers and employees.

(2) Each board member appointed or reappointed on or after July 1, 2011, shall be subject to senate confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Any member of the board whose nomination is subject to confirmation during a regular session of the legislature shall be deemed terminated when the senate rejects the nomination. No such termination shall affect the validity of any action taken by such member of the board before such termination.

(3) Each appointment shall be forwarded to the senate for confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 2010 Supp. 46-2601, and amendments thereto, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate. In case of a vacancy when the senate is not in session, the appointing entity may make a temporary appointment to the board until the next meeting of the senate. Any person who is temporarily appointed by the appointing entity to the board shall have all of the powers, duties and functions as a member of the board during such temporary appointment.

On page 57, in line 8, by striking "nominate" and inserting "appoint"; in line 20, by striking all following "for"; in line 21, by striking all before the period and inserting "reappointment by the secretary"; in line 25, by striking ", death and disablement" and inserting "or death"; in line 29, by striking "workers compensation nominating committee" and inserting "secretary"; in line 30, by striking "committee" and inserting "secretary"; in line 31, by striking "nominate" and inserting "appoint"; in line 32, by striking "(f)" and inserting "(e)"

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

On roll call, the vote was: Yeas 20, Nays 19, Present and Passing 0, Absent or Not

Voting 1.

Yeas: Abrams, Apple, Bruce, Emler, Huntington, Kelsey, King, Longbine, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Marshall, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan.

The motion carried and the amendment was adopted.

HB 2134 be amended by motion of Senator King, on page 58, after line 20, by inserting the following:

"Sec. 28. K.S.A. 44-549 is hereby amended to read as follows: 44-549. (a) All hearings upon all claims for compensation under the workers compensation act shall be held by the administrative law judge *in person* in the county in which the accident occurred, *or by video conferencing or telephone conference* unless otherwise mutually agreed by the employee and employer. The award, finding, decision or order of an administrative law judge when filed in the office of the director shall be deemed to be the final award, finding, decision or order of the administrative law judge.

(b) The director and the board, for the purpose of the workers compensation act, shall have power to administer oaths, certify to official acts, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, documents, and records to the same extent as is conferred on district courts of this state under the code of civil procedure.";

And by renumbering the remaining sections accordingly;

Also on page 58, in line 23, after "44-536" by inserting ", 44-549";

On page 1, in the title, in line 3, after "44-536" by inserting ", 44-549"

Senator Schodorf moved to further amend **HB 2134**, in section 27 which amends K.S.A. 2010 Supp. 44-555c, on page 55, by striking lines 16 through 43;

By striking all on pages 56 and 57;

On page 58, by striking all in lines 1 through 20;

And by renumbering sections accordingly;

Also on page 58, in line 24, by striking all after "44-523" and inserting "and 44-552";

On page 1, in the title, in line 5, by striking "44-552 and 44-555c" and inserting "and 44-552"

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

On roll call, the vote was: Yeas 22, Nays 17, Present and Passing 0, Absent or Not Voting 1.

Yeas: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Emler, Kelsey, King, Longbine, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Pilcher-Cook, Pyle, Taddiken, Wagle.

Absent or Not Voting: Donovan.

The motion carried and the amendment was adopted and **Sub HB 2134** be passed as further amended.

Having voted on the prevailing side in Committee of the Whole, Senator Reitz moved the Senate reconsider its action on **HB 2240**. The motion carried and the bill was

returned to Committee of the Whole.

A motion by Senator Reitz to amend **HB 2240** on page 4, in line 39, after “price” by inserting “of preneed cemetery merchandise” carried and **HB 2240** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 210, SB 223, SB 225, SB 227, SB 229; SCR 1606; HB 2060, HB 2075, HB 2119, HB 2122, HB 2240; S Sub for HB 2132, Sub HB 2134** were advanced to Final Action and roll call.

SB 210, AN ACT providing for assessments on providers of home and community-based services developmental disability waiver program; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality based community assessment fund; providing for implementation and administration.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 223, AN ACT concerning accessibility standards for public facilities; amending K.S.A. 58-1301b 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 225, AN ACT designating part of interstate highway 70 as the Eisenhower/Truman Presidential highway; amending K.S.A. 68-1009 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 227, AN ACT concerning anemometer towers; relating to required markings;

penalties.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 229, AN ACT concerning state finance; relating to certain credits to the state general fund; amending K.S.A. 1-204, 17-12a601, 17-2236, 17-5610, 17-5701, 20-1a02, 20-1a03, 49-420, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-1951, 65-2011, 65-2855, 65-5413, 65-5513, 65-7210, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903 and 74-7506 and K.S.A. 2010 Supp. 9-1703, 16a-2-302, 31-133a, 31-134, 36-512, 44-324, 44-926, 47-820, 55-155, 58-4107, 65-2911, 65-4024b, 65-6910, 65-7309, 74-50,188, 74-5805, 74-6708, 74-7009, 75-1119b, 75-1308, 75-1514, 75-3170a and 84-9-801 and repealing the existing sections; also repealing K.S.A. 75-3170.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SCR 1606, A CONCURRENT RESOLUTION urging the United States Department of Transportation to adopt regulations addressing the safety of vertical, down-hole operations in gas storage fields, thus creating an opportunity for the State Corporation Commission, operating as a designated agent of the Department, to regulate and ensure the safety of all natural gas storage fields in Kansas.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The resolution was adopted.

HB 2060, AN ACT concerning disposal of decedents' remains; amending K.S.A. 65-1734 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley,

Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2075, AN ACT concerning surplus lines insurance; relating to the surplus lines insurance multi-state compliance compact; amending K.S.A. 40-246c and 40-246e and K.S.A. 2010 Supp. 40-246b and repealing the existing sections.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2119, AN ACT concerning emergency; relating to medical and other services emergency and trauma; amending K.S.A. 8-305, 65-6102, 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.,A. 2010 Supp. 65-6112, 65-6120, 65-6121, 65-6123, 65-6129 and 65-6144 and K.S.A. 2010 Supp. 75-5664 and 75-5665 and repealing the existing sections.

On roll call, the vote was: Yeas 24, Nays 15, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Bruce, Kelsey, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Steineger, Taddiken.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: Prior to amending **SB 139** into **HB 2119**, **HB 2119** wasn't a bad bill.

However, with the amendment, it does much the same as the original **SB 139**.

In an age of government transparency, for us to enable any part of government, including councils and committees, to not be transparent in their dealings, is the wrong direction for an open transparent government.

This bill, **HB 2119** with the amended **SB 139**, puts the inquiries, reports and every piece of gathered information behind a wall that does not allow it to be revealed even with a court subpoena. That is the wrong direction for open transparent government. –

STEVE ABRAMS

Senators Lynn, Masterson and Taddiken request the record to show they concur with the “Explanation of Vote” offered by Senator Abrams on **HB 2119**.

HB 2122, AN ACT concerning the agricultural ethyl alcohol producer incentive fund; relating to extension; amending K.S.A. 2010 Supp. 79-34,161, 79-34,163 and 79-34,164 and repealing the existing sections.

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Olson, Pilcher-Cook, Steineger.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2240, AN ACT concerning cemetery corporations; relating to cemetery merchandise trust contracts; relating to the permanent maintenance fund; amending K.S.A. 16-320, 16-321, 16-322, 16-323, 16-325, 16-328, 16-329, 16-331, 16-332, 16-333, 16-334, 17-1311, 17-1311a, 17-1312, 17-1312a, 17-1312d, 17-1312e, 17-1312g and 17-1366 and repealing the existing sections; also repealing K.S.A. 16-324.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

S Sub for HB 2132, AN ACT relating to motor vehicles; providing for the issuance of gold star family license plates; amending K.S.A. 2010 Supp. 8-1,141 and 8-1,147 and repealing the existing sections.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Wagle.

Nays: Emler, Olson, Pilcher-Cook, Steineger, Vratil.

Absent or Not Voting: Donovan.

The substitute bill passed.

Sub HB 2134, AN ACT concerning workers compensation; amending K.S.A. 44-503a, 44-510c, 44-510d, 44-510e, 44-510f, 44-515, 44-516, 44-520, 44-525, 44-528, 44-531, 44-532a, 44-534a, 44-536, 44-549 and 44-5a01 and K.S.A. 2010 Supp. 44-501, 44-508, 44-510b, 44-510h, 44-510k, 44-511, 44-523 and 44-552 and repealing the existing sections; also repealing K.S.A. 44-510a and 44-520a.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn,

Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steiniger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed, as amended.

CHANGE OF REFERENCE

The President withdrew **Sub HB 2135** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Commerce**.

On motion of Senator Emler, the Senate adjourned until 9:00 a.m., Tuesday, March 22, 2011.

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 22, 2011, 9:00 a.m.

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

Heavenly Father,

Some people seem to think
You don't approve of laughter.
They were crying when delivered,
And they've been frowning ever after.

These same people seem to think
That humor is a sin.
Especially when praying
It's blasphemy to grin!

But I have found that when I suffer
From a sour disposition,
A little humor in my praying
Puts the blues into remission.

And You have done Your part, O God,
To make the matter even clearer.
All I have to do is take
A quick look in the mirror!

Relying on Your Sense of humor, Lord,
I pray in the Name of Jesus Christ. AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 244, AN ACT concerning municipalities; relating to agreements for renewable energy generation facilities; amending K.S.A. 10-1116b 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: **HCR 5017**.

Ethics and Elections: **SB 242**.

Ways and Means: **SB 243**.

CHANGE OF REFERENCE

The President withdrew **HB 2312** from the Committee on **Judiciary**, and referred the bill to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 15**.

Announcing passage of **SB 196**, as amended by **House Substitute for SB 196**.

The House nonconcur in Senate amendments to **HB 2151**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

Announcing passage of **HB 2117**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2117 was thereupon introduced and read by title.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Francisco as a member of the Conference Committee on **SB 67** to replace Senator Faust-Goudeau.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt and Masterson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1833—

A RESOLUTION designating March 22, 2011 as Diabetes Alert Day.

WHEREAS, The State of Kansas recognizes that healthy citizens are essential for strong communities to thrive; and

WHEREAS, Diabetes is a major public health problem with increasing prevalence, poor outcomes and high costs; and

WHEREAS, More than 160,000 Kansas have been diagnosed with diabetes and over 90% of those have Type II diabetes which can be delayed; and

WHEREAS, Early detection and disease management can help prevent complications of diabetes, including cardiovascular disease, blindness, nervous system damage and kidney failure; and

WHEREAS, The Kansas health care community has come together to form the Kansas Diabetes Advisory Council to develop and implement a Kansas Diabetes Plan to

reduce the negative clinical and economic impact on individuals and on the State of Kansas; and

WHEREAS, The goals of the Kansas Diabetes Plan are to increase awareness of the prevention and control of diabetes, improve the capacity to address and control the prevention of diabetes, increase Kansas' health care workforce competency in diabetes standards of care, improve awareness of and access to diabetes self-management information, programs and services and to influence public policy to support improving diabetes prevention, detection and care throughout Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate March 22, 2011 as Diabetes Alert Day in the State of Kansas; and

Be it further resolved: That we direct the Kansas Diabetes Advisory Council to submit a status report to the Kansas Legislature in 2012 on the progression of the Kansas Diabetes Plan; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the Kansas Diabetes Advisory Council and three enrolled copies to Senators Vicki Schmidt and Ty Masterson.

On emergency motion of Senator V. Schmidt **SR 1833** was adopted unanimously.

Senator V. Schmidt introduced Mark Stubbs, Executive Director of the American Diabetes Association, Dr. Gwen Lehleitner, Manager at Sanofi Avertis, and Karen Rooney-Cuevas, Manager at Blue Cross Blue Shield of Kansas. They were acknowledged with a standing ovation by the Senate for their contributions in the field of diabetes.

Senator Masterson introduced his daughter, Kenzy, who has diabetes. The Senate acknowledged Kenzy by singing Happy Birthday on her birthday. His wife, Marlo and their children: Abby, Marshal, T.J., Kaely and Mendy were introduced. They were all welcomed with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2218**, as amended by House Committee of the Whole, be passed.

Also, **HB 2035**; as amended by House Committee, be amended on page 12, in line 4, by striking "and counseling"; in line 5, by striking "mental health professional" and inserting "psychiatrist, licensed psychologist or licensed clinical social worker"; also in line 5, by striking "and"; in line 6, by striking "counseling"; in line 18, by striking "and counseling"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2133** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2133," as follows:

"SENATE Substitute for HOUSE BILL No. 2133

By Committee on Ways and Means

"AN ACT concerning state funds; relating to moneys recovered from water litigation; relating to funding for local health departments; amending K.S.A. 65-242, 82a-1801 and 82a-1802 and K.S.A. 2010 Supp. 82a-1803, 82a-1804 and 82a-1805 and repealing the existing sections."; and the substitute bill be passed.

REPORT ON ENROLLED BILLS

SR 1831, SR 1832 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 22, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, 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.

The morning session recommended:

HB 2124 be passed.

HB 2015, HB 2104, HB 2118, HB 2195; Sub HB 2191 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2008** recommending a **Senate Sub for SB 2008** be adopted, and the substitute bill be passed.

The committee report on **HB 2071** recommending a **Senate Sub for HB 2071** be adopted, and the substitute bill be passed.

The committee report on **HB 2194** recommending a **Senate Sub for HB 2194** be adopted, and the substitute bill be passed.

The committee report on **HB 2251** recommending a **Senate Sub for HB 2251** be adopted, and the substitute bill be passed.

HB 2182 be amended by motion of Senator V. Schmidt, on page 1, following line 5, by inserting:

"New Section 1. Sections 1 through 6, and amendments thereto, shall be known and may be cited as the pharmacy audit integrity act.

New Sec. 2. As used in this act, "pharmacy benefits manager" or "PBM" means a person, business or other entity that performs pharmacy benefits management. The term includes a person or entity acting for a PBM in contractual or employment relationship in the performance of pharmacy benefits management for a managed care company, not-for-profit hospital or medical service organization, insurance company, third-party payor or health program administered by the state board of pharmacy.

New Sec. 3. (a) The entity conducting the audit shall follow the following procedures:

(1) An entity conducting an on-site audit must give the pharmacy at least seven days written notice before conducting an initial audit;

(2) an audit that involves clinical or professional judgment must be conducted by or in consultation with a licensed pharmacist;

(3) the period covered by the audit may not exceed two years from the date that the claim was submitted to or adjudicated by the entity;

(4) the pharmacy may request an extension not to exceed seven days from the date of an originally scheduled on-site audit;

(5) the pharmacy may use the records of a hospital, physician or other authorized practitioner to validate the pharmacy record;

(6) any legal prescription, in compliance with the requirements of the state board of pharmacy, may be used to validate claims in connection with prescriptions, refills or changes in prescriptions;

(7) each pharmacy shall be audited under the same standards and parameters as other similarly situated pharmacies; and

(8) the entity conducting the audit must establish a written appeals process.

(b) The entity conducting the audit shall also comply with the following requirements:

(1) A finding of overpayment or underpayment must be based on the actual overpayment or underpayment and not a projection based on the number of patients served having a similar diagnosis or on the number of similar orders or refills for similar drugs;

(2) the entity conducting the audit shall not use extrapolation in calculating the recoupments or penalties for audits, unless required by state or federal contracts;

(3) the auditing company or agent may not receive payment based on a percentage of the amount recovered, unless required by contracts; and

(4) interest may not accrue during the audit period.

New Sec. 4. (a) Any preliminary audit report must be delivered to the pharmacy within 60 days after the conclusion of the audit. Any pharmacy shall be allowed at least 30 days following receipt of the preliminary audit to provide documentation to address any discrepancy found in the audit. Any final audit report shall be delivered to the pharmacy within 120 days after receipt of the preliminary audit report or final appeal, whichever is later.

(b) Recoupment of any disputed funds or repayment of funds to the entity by the pharmacy, if permitted pursuant to contracts, shall occur, to the extent demonstrated or documented in the pharmacy audit findings, after final internal disposition of the audit including the appeals process. If the identified discrepancy for an individual audit exceeds \$20,000, any future payments to the pharmacy may be withheld pending finalization of the audit. Unless otherwise required by the federal or state law, any audit information may not be shared. Auditors shall only have access to previous audit reports on a particular pharmacy conducted by that same entity.

New Sec. 5. Any auditing entity, upon request of the plan sponsor, shall provide a copy of the final report, including the disclosure of any money recouped in the audit. The pharmacy may provide a copy of the report to the commissioner of insurance, provided such report shall not contain any personally identifiable health information in violation of the provisions of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191).

New Sec. 6. This act shall apply to contracts between an auditing entity and a pharmacy entered into, extended or renewed on or after the effective date of this act. This act shall not apply to any audit, review or investigation that is initiated based upon suspected or alleged fraud, willful misrepresentation or abuse.";

And by redesignating the remaining sections;

On page 1, in the title, in line 1, after "concerning" by inserting "pharmacy; the pharmacy audit integrity act and"; also in line 1, by striking "relating to mail service"; in line 2, by striking "pharmacies;"

Senator Pilcher-Cook made a motion to amend **HB 2182**, on page 1, following line 5, by inserting:

"New Section 1. (a) A resident of this state has the right to purchase health insurance or refuse to purchase health insurance. The government shall not interfere with a resident's right to purchase health insurance or with a resident's right to refuse to

purchase health insurance.

(b) A resident of this state has the right to enter into a private contract with health care providers for lawful health care services. The government shall not interfere with a resident's right to purchase lawful health care services.

(c) A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

(d) No state agency, board, commission or any other governmental entity shall require an agreement to participate in medicare, medicaid or any other insurance plan, health care system or health information technology or benefit exchange as a condition for original application or renewal of license, registration or certification for a health care provider.

(e) No state agency, board, commission or any other governmental entity shall prohibit participation in a health information organization for any health information technology or benefit exchange purposes by a health care provider based on whether such health care provider participates in medicare, medicaid or any other insurance plans or health care systems.

(f) The government shall not enact a law that would restrict these rights or that would impose a form of punishment for exercising these rights. No provision of this section shall render a resident of this state liable for any punishment, penalty, assessment, fee or fine as a result of such resident's failure to procure or obtain health insurance coverage or participate in any health care system or plan.

(g) As used in this section:

(1) "Direct payment or pay directly" means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

(2) "Health care provider" shall have the meaning provided in K.S.A. 40-3401, and amendments thereto.

(3) "Health care system" means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.

(4) "Lawful health care services" means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.

(5) "Penalties or fines" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section.

(h) This section shall be known and may be cited as the health care freedom act."; And by renumbering sections accordingly;

On page 1, in the title , in line 1, following "concerning" by inserting "health care; enacting the health care freedom act; relating to"

A ruling of the chair was requested as to germaneness of the amendment to the bill. The chair ruled the amendment was germane, the chair was challenged.

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

On roll call, the vote was: Yeas 26, Nays 13, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Emler, Haley, Huntington, Kelsey, King, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schodorf, Steineger, Taddiken, Teichman, Vratil, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Hensley, Holland, Kelly, Kultala, Marshall, Morris, Reitz, Schmidt A, Schmidt V, Umbarger.

Absent or Not Voting: Donovan.

The ruling of the Chair was sustained.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "AYE" in support of the ruling of the chairman of the committee of the whole that the amendment offered (paraphrased: Freedom from Federal Healthcare Act) is germane to the underlying bill **HB 2182** (Re: unused medications and mail service pharmacies).

Although personally, I do not see the link that would marry these two topics into one cohesive bill, it has been the long standing practice of this chamber to defer to the ruling of the chair who has ascended to this hoary post.

I respect this precedent. And defer, in faith, to the assumed impartiality as to the merit of the issue to he who bears the honor for the day to lead us. – DAVID HALEY

Senator Pilcher-Cook moved her amendment.

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

On roll call, the vote was: Yeas 26, Nays 10, Present and Passing 3, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Huntington, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Kultala, Morris, Owens, Reitz, Schmidt A.

Present and Passing: Francisco, Holland, Kelly.

Absent or Not Voting: Donovan.

The amendment was adopted. **HB 2182** was passed over and retain a place on the calendar.

HB 2125 be amended by adoption of the committee amendments, be amended by motion of Senator V. Schmidt, on page 4, in line 6, after the period by inserting "The commission shall adopt such rules and regulations on or before July 1, 2012.";

On page 5, in line 23, before the period by inserting "on or before July 1, 2012" and **HB 2125** be passed as further amended.

The Committee rose and reported progress (see Committee of the Whole afternoon session).

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

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

REPORTS OF STANDING COMMITTEES

Committee on Judiciary recommends **HB 2339**, as amended by House Committee of the Whole, be passed.

On motion of Senator Emler, the Senate recessed until 2:45 p.m.

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

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5022**.

Announcing passage of **SB 152, SB 179, SB 186, SB 188**.

Announcing passage of **SB 14**, as amended; **SB 76**, as amended; **SB 122**, as amended; **SB 123**, as amended; **SB 124**, as amended; **SB 136**, as amended; **SB 170**, as amended.

Announcing passage of **SB 37**, as amended by **House Substitute for SB 37; SB 63**, as amended by **House Substitute for SB 63; SB 101**, as amended by **House Substitute for SB 101; SB 213**, as amended by **House Substitute for SB 213; SB 214**, as amended by **House Substitute for SB 214**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5022 was thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Apple the Senate nonconcurred in the House amendments to **SB 61** and requested a conference committee be appointed.

The President appointed Senators Apple, King and Holland as a conference committee on the part of the Senate.

On motion of Senator Apple the Senate nonconcurred in the House amendments to **SB 193** and requested a conference committee be appointed.

The President appointed Senators Apple, King and Holland as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **S Sub for HB 2049**.

The President appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2151**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 234** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 234," as follows:

"Substitute for SENATE BILL No. 234

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016 for state agencies; authorizing certain transfers, capital improvement projects and fees, Imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas.";

and the substitute bill be passed.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the morning report and the following afternoon report were adopted.

Recommended: **HB 2227** be passed.

A motion by Senator Haley to amend **HB 2227** failed and the following amendment was rejected: on page 1, following line 21, by inserting:

"Sec. 2. K.S.A. 22-2501 is hereby amended to read as follows: 22-2501. When a lawful arrest is effected a law enforcement officer may reasonably search the person arrested and the area within such person's immediate presence for the purpose of:

- (a) Protecting the officer from attack;
- (b) preventing the person from escaping; or
- (c) discovering the fruits, instrumentalities, or evidence of ~~a~~the crime.";

And by renumbering sections accordingly;

Also on page 1, in line 22, by striking "is" and inserting "and 22-2501 are";

On page 1, in the title, in line 2, following "warrants;" by inserting "relating to search incident to arrest;"; also in line 2, following "22-2304" by inserting "and 22-2501"; in line 3, by striking "section" and inserting "sections"

The Committee report on **Sub HB 2271** be adopted and the bill be passed as amended.

The Committee report on **SB 111** recommending a **Sub SB 111** be adopted, and the substitute bill be passed.

The Committee report on **HB 2149** recommending a **Senate Sub for HB 2149** be adopted, and the substitute bill be passed.

HB 2010 be amended by motion of Senator Owens, on page 1, by striking all in line 20 and 21;

And redesignating remaining subsections accordingly;

On page 2, in line 41, by striking "and" where it appears for the second time;

On page 3, in line 1, by striking the period and inserting a semicolon; following line 1, by inserting the following:

"(y) rape, section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(z) criminal sodomy, as defined in subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and aggravated criminal sodomy, as defined in subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(aa) indecent liberties with a child and aggravated indecent liberties with a child, section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(bb) unlawful voluntary sexual relations, section 71 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(cc) indecent solicitation of a child and aggravated indecent solicitation of a child, section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(dd) electronic solicitation, section 73 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and

(ee) sexual exploitation of a child, section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto."

HB 2010 was further amended by Senator Owens on page 1, following line 5, by inserting the following:

"New Section 1. (a) Whenever a person civilly committed pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, files a petition pursuant to K.S.A. 60-1501 et seq., and amendments thereto, relating to such commitment, the costs incurred, including, but not limited to, costs of appointed counsel fees and expenses, witness fees and expenses, expert fees and expenses, and other expenses related to the prosecution and defense of such petition shall be taxed to the county responsible for the costs. Any district court receiving a statement of costs from another district court shall forthwith approve the same for payment out of the general fund of its county except that it may refuse to approve the same for payment only on the ground that it is not the county responsible for the costs. If the claim for costs is not paid within 120 days, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county.

(b) The county responsible for the costs incurred pursuant to subsection (a) shall be reimbursed for such costs by the office of the attorney general from the sexually violent predator expense fund. The attorney general shall develop and implement a procedure to provide such reimbursements. If there are no moneys available in such fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46, of the Kansas Statutes Annotated, and amendments thereto.

(c) As used in this section, "county responsible for the costs" means the county where the person was determined to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 59-29a04a is hereby amended to read as follows: 59-29a04a. (a) There is hereby created in the state treasury the sexually violent predator expense fund which shall be administered by the attorney general. All moneys credited to such fund shall be used to reimburse counties under:

(1) K.S.A. 59-29a04, and amendments thereto, responsible for the costs related to determining whether a person may be a sexually violent predator; and

(2) *section 1, and amendments thereto, for the costs related to a person filing a petition pursuant to K.S.A. 60-1501 et seq., and amendments thereto, relating to the civil commitment pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.*

(b) All expenditures from the sexually violent predator expense fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee.";

And by renumbering remaining sections accordingly;

On page 3, in line 2, by striking "60-4104 is" and inserting "59-29a04a and 60-4104 are";

On page 1, in the title, in line 1, after "procedure" by inserting "and civil actions"; also in line 1, following "to" by inserting "civil commitment of sexually violent predators; reimbursement for costs related to habeas corpus actions;"; in line 2, before "60-" by inserting "59-29a04a and"; in line 3, by striking "section" and inserting "sections" and **HB 2010** be passed as amended.

The Committee returned to **HB 2182** for consideration of the bill.

HB 2182 be amended by motion of Senator V. Schmidt, on page 2, following line 34, by inserting the following:

"New Sec. 9. Sections 9 through 25, and amendments thereto, shall be known and may be cited as the perfusion practice act.

New Sec. 10. As used in sections 9 through 25, and amendments thereto:

- (a) "Act" means the perfusion practice act.
- (b) "Board" means the state board of healing arts.
- (c) "Council" means the perfusion council.
- (d) "Extracorporeal circulation" means the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs, kidney, liver, or other organs.

(e) "Perfusion" means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory, respiratory systems or other organs, or a combination of those activities, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and under the supervision of a person licensed to practice medicine and surgery, including:

(1) The use of extracorporeal circulation, long-term cardiopulmonary support techniques including extracorporeal carbon-dioxide removal and extracorporeal membrane oxygenation, and associated therapeutic and diagnostic technologies;

(2) counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support, and therapeutic modalities including isolated limb perfusion and intra-peritoneal hyperthermic chemotherapy;

(3) the use of techniques involving blood management, advanced life support, and

other related functions;

(4) the administration of pharmacological and therapeutic agents, blood products and anesthetic agents through the extracorporeal circuit as ordered by a person licensed to practice medicine and surgery or certified registered nurse anesthetist pursuant to K.S.A. 65-1158, and amendments thereto;

(5) the performance and use of coagulation monitoring and analysis, physiologic monitoring and analysis, blood gas and chemistry monitoring and analysis, hematologic monitoring and analysis, hypothermia, hyperthermia, hemoconcentration and hemodilution and hemodialysis; and

(6) the observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics, and the implementation of appropriate reporting, perfusion protocols, or changes in or the initiation of emergency procedures.

(f) "Perfusion protocols" means perfusion related policies and protocols developed or approved by a licensed medical care facility or a person licensed to practice medicine and surgery through collaboration with administrators, licensed perfusionists, and other health care professionals.

(g) "Perfusionist" means a person who practices perfusion as defined in this act.

(h) This section shall take effect on and after July 1, 2012.

New Sec. 11. (a) On and after July 1, 2012, except as otherwise provided in this act, no person shall perform perfusion unless the person possesses a valid license issued under this act.

(b) No person shall depict one's self orally or in writing, expressly or by implication, as holder of a license who does not hold a current license under this act.

(c) Only persons licensed under this act as a perfusionist shall be entitled to use the title "perfusionist," "licensed perfusionist," or "licensed clinical perfusionist," abbreviations thereof, words similar to such title or the designated letters "LP" or "LCP."

New Sec. 12. (a) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and licensed, registered, credentialed or certified by appropriate agencies of the state of Kansas from performing duties considered appropriate to their recognized scope of practice.

(b) The following shall be exempt from the requirement of a license pursuant to this act:

(1) A person licensed by another health professional licensing board if:

(A) The person does not represent to the public, directly or indirectly, that the person is licensed under this act, and does not use any name, title, or designation indicating that the person is licensed under this act;

(B) the person confines the person's acts or practice to the scope of practice authorized by the other health professional licensing laws; or

(C) the person is trained according to the extracorporeal membrane oxygenation specialist (ECMO) guidelines of the extracorporeal life support organization (ELSO) and operates an extracorporeal membrane oxygenation circuit under the supervision of a person licensed to practice medicine and surgery;

(2) a person performing autotransfusion or blood conservation techniques under the supervision of a person licensed to practice medicine and surgery;

(3) a student enrolled in an accredited perfusion education program if perfusion services performed by the student:

(A) Are an integral part of the student's course of study; and
 (B) are performed under the direct supervision of a licensed perfusionist assigned to supervise the student and who is on duty and immediately available in the assigned patient care area;

(4) health care providers in the United States armed forces, public health services, federal facilities and other military service when acting in the line of duty in this state; or

(5) persons rendering assistance in the case of an emergency.

(c) This section shall take effect on and after July 1, 2012.

New Sec. 13. (a) An applicant for licensure as a perfusionist shall file an application, on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements:

(1) At the time of the application is at least 18 years of age;

(2) has successfully completed a perfusion education program set forth in rules and regulations adopted by the board and which contains a curriculum no less stringent than the standards of existing organizations which approve perfusion programs;

(3) except as otherwise provided in this act, has successfully passed a license examination approved by the board; and

(4) has paid all fees required for licensure prescribed in this act, which shall not be refundable.

(b) The board may issue a temporary license to an applicant seeking licensure as a perfusionist when such applicant meets the requirements for licensure or meets all the requirements for licensure except examination and pays to the board the temporary license fee as required under section 16, and amendments thereto. Such temporary license is valid (1) for one year from the date of issuance or (2) until the board makes a final determination on the applicant's request for licensure. The board may extend a temporary license, upon a majority vote of the members of the board, for a period not to exceed one year.

(c) The board, without examination, may issue a license to a person who has been in the active practice of perfusion in some other state, territory, the District of Columbia or other country upon certificate of the proper licensing authority of that state, territory, District of Columbia or other country certifying that the applicant is duly licensed, that the applicant's license has never been limited, suspended or revoked, that the licensee has never been censured or had other disciplinary action taken and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof satisfactory to the board:

(1) (A) That the state, territory, District of Columbia or country in which the applicant last practiced maintains standards at least equal to those maintained by Kansas;

(B) that the applicant's original license was based upon an examination at least equal in quality to the examination required in this state and that the passing grade required to obtain such original license was comparable to that required in this state;

(C) of the date of the applicant's original and any and all endorsed licenses and the date and place from which any license was attained;

(D) that the applicant has been actively engaged in perfusion under such license or licenses since issued, and if not, fix the time when and reason why the applicant was out of practice; and

(E) that the applicant holds a current certificate as a certified clinical perfusionist initially issued by the American board of cardiovascular perfusion (ABCP), or its successor, prior to July 1, 2012; or

(2) that the applicant has been practicing perfusion as described in this act in a full-time capacity for a period of more than two of the last 10 years prior to July 1, 2012.

(d) The board, without examination, may issue a license to a person who holds a current certificate as a certified clinical perfusionist initially issued by the American board of cardiovascular perfusion who has been in the active practice of perfusion in Kansas in a full-time capacity for a period of more than two of the last ten years prior to July 1, 2012.

(e) An applicant for license by endorsement shall not be granted a license unless such applicant's individual qualifications meet the Kansas requirements.

(f) A person whose license has been revoked may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, which application shall be accompanied by the fee provided for in section 16, and amendments thereto.

New Sec. 14. (a) There is hereby created the 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 section 16, and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a perfusionist and who does not engage in active practice as a perfusionist in the state of Kansas. An inactive license shall not entitle the holder to engage in active practice. The provisions of section 15, and amendments thereto, relating to expiration, renewal, continuing education and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by presenting a request required by section 13, and amendments thereto. The request shall be accompanied by the fee established pursuant to section 16, and amendments thereto.

(b) 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 a written application for such license on a form provided by the board and remits the same fee required for a license established under section 16, 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 as a perfusionist and who practices as a perfusionist solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. The provisions of section 15, and amendments thereto, relating to expiration, renewal, continuing education and reinstatement of a license shall be applicable to a federally active license issued under this subsection. Each federally active licensee may apply to engage in active practice by presenting a request required by section 13, and amendments thereto.

(c) This section shall take effect on and after July 1, 2012.

New Sec. 15. (a) Licenses issued under this act shall expire on the date of

expiration established by rules and regulations of the board unless renewed in the manner prescribed by the board. The request for renewal shall be accompanied by the license renewal fee established pursuant to section 16, and amendments thereto.

(b) 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 the licensee fails to submit an application for renewal on a form provided by the board, or fails to pay the renewal fee by the date of expiration, the board shall give a second notice to the licensee that the license has expired and the license may be renewed only if the application for renewal, 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, the license shall be deemed canceled by operation of law and without further proceedings.

(c) The board may require any licensee to submit to a continuing education audit and provide to the board evidence of satisfactory completion of a program of continuing education required by rules and regulations of the board.

(d) Any license canceled for failure to renew may be reinstated upon recommendation of the board. An application for reinstatement shall be on a form provided by the board, and shall be accompanied by payment of the reinstatement fee and evidence of completion of any applicable continuing education requirements. The board may adopt rules and regulations establishing appropriate education requirements for reinstatement of a license that has been canceled for failure to renew.

(e) The board, prior to renewal of a license, shall require the licensee, if in the active practice of perfusion within the state, to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance. The board may require any licensee to provide to the board evidence of malpractice insurance as required by rules and regulations of the board during an audit. The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

(f) This section shall take effect on and after July 1, 2012.

New Sec. 16. (a) The board shall charge and collect in advance fees for perfusionists as established by the board by rules and regulations, not to exceed:

Application for licensure.....	\$300
Annual renewal of license:	
Paper renewal	\$200
On-line renewal.....	\$200
Late renewal of licensure:	
Late paper renewal	\$100
Late on-line renewal	\$100
Revoked licensure reinstatement.....	\$325
Application for inactive license	\$300
Renewal of inactive license	\$75
Conversion of inactive license to active	\$150
Certified copy of license.....	\$25
Written verification of license.....	\$25
Temporary license	\$75

(b) If the examination is not administered by the board, the board may require that

fees paid for any examination under the perfusion practice act be paid directly to the examination service by the person taking the examination.

New Sec. 17. The board shall remit all moneys received by or for the board 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. Twenty percent of such amount shall be credited to the state general fund and the balance shall be credited to the healing arts fee fund. All expenditures from the healing arts 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 president of the board or by a person or persons designated by the president.

New Sec. 18. (a) There is established the perfusion council to assist the state board of healing arts in carrying out the provisions of this act. The council shall consist of five members, all citizens and residents of the state of Kansas appointed as follows: The board shall appoint one member who is a person licensed to practice medicine and surgery and one member who is a member of the state board of healing arts. Members appointed by the board shall serve at the pleasure of the board. The governor shall appoint three perfusionists who have at least three years experience in perfusion preceding the appointment and are actively engaged, in this state, in the practice of perfusion or the teaching of perfusion. At least two of the governor's appointments shall be made from a list of four nominees submitted by the Kansas practicing perfusionist society.

(b) The members appointed by the governor shall be appointed for terms of four years except that of the members first appointed, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years, with successor members appointed for four years and to serve until a successor member is appointed. If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term.

(c) Perfusionists initially appointed to the council must be eligible for licensure under section 13, and amendments thereto. On and after October 1, 2012, new appointees shall be licensed under the provisions of this act.

(d) The council shall meet at least once each year at a time and place of its choosing and at such other times as may be necessary on the chairperson's call or on the request of a majority of the council's members.

(e) A majority of the council constitutes a quorum. No action may be taken by the council except by affirmative vote of the majority of the members present and voting.

(f) Members of the council attending meetings of the council, or a subcommittee of the council, shall be paid mileage provided in subsection (c) of K.S.A. 75-3223, and amendments thereto, from the healing arts fee fund.

New Sec. 19. The perfusion council shall advise the board regarding:

- (a) Examination, licensing and other fees;
- (b) rules and regulations to be adopted to carry out the provisions of this act;
- (c) subject areas to be covered during the educational program and on the licensure examination;

(d) the number of yearly continuing education hours required to maintain active licensure;

(e) changes and new requirements taking place in the area of perfusion; and

(f) such other duties and responsibilities as the board may assign.

New Sec. 20. The board, with the advice and assistance of the perfusion council, shall:

(a) Pass upon the qualifications of all applicants for examination and licensing, contract for examinations, determine the applicants who successfully pass the examination, duly license and regulate such applicants and keep a roster of all individuals licensed;

(b) adopt rules and regulations as may be necessary to administer the provisions of this act and prescribe forms which shall be issued in the administration of this act;

(c) establish standards for approval of an educational course of study and clinical experience, criteria for continuing education, procedures for the examination of applicants; and

(d) establish standards of professional conduct; procedure for the discipline of licensees and keep a record of all proceedings.

New Sec. 21. (a) The license of a perfusionist may be limited, suspended or revoked, or the licensee may be censured, reprimanded, placed on probation, fined pursuant to K.S.A. 65-2863a, and amendments thereto, assessed costs incurred by the board in conducting any proceeding in which such licensee is the unsuccessful party or otherwise sanctioned by the board or an application for licensure or reinstatement of licensure may be denied if it is found that the licensee or applicant:

(1) Has committed an act of fraud or deceit in the procurement or holding of a license;

(2) has been convicted of a felony or class A misdemeanor in a court of competent jurisdiction, either within or outside of this state, unless the conviction has been reversed and the holder of the license discharged or acquitted or if the holder has been pardoned with full restoration of civil rights in which case the license shall be restored;

(3) is addicted to or has distributed intoxicating liquors or drugs for other than lawful purposes;

(4) is found to be mentally or physically incapacitated to such a degree that in the opinion of the board continued practice by the licensee would constitute a danger to the public's health and safety;

(5) has aided and abetted a person who is not a licensee under this act or is not otherwise authorized to perform the duties of a license holder;

(6) has had a license to practice perfusion revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country, a certified copy of the record of an action of the other jurisdiction being conclusive evidence thereof;

(7) has violated any provision of this act, or rules and regulations promulgated by the board or any lawful order or directive of the board previously entered by the board;

(8) has committed an act of unprofessional conduct under criteria which the board may establish by rules and regulations; or

(9) is, or has been, found guilty of incompetence or negligence while performing as a license holder.

(b) The denial, refusal to renew, suspension, limitation, probation or revocation of a license or other sanction may be ordered by the board upon a finding of a violation of this act. All administrative proceedings conducted pursuant to this act 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.

(c) A person whose license is suspended shall not engage in any conduct or activity in violation of the order by which the license was suspended.

(d) This section shall take effect on and after July 1, 2012.

New Sec. 22. (a) The board shall have jurisdiction of proceedings to take disciplinary action against any licensee practicing under this act. Any such action shall be taken in accordance with the provisions of the Kansas administrative procedure act.

(b) Either before or after formal charges have been filed, the board and the licensee may enter into a stipulation which shall be binding upon the board and the licensee entering into such stipulation, and the board may enter its findings of fact and enforcement order based upon such stipulation without the necessity of filing any formal charges or holding hearings in the case. An enforcement order based upon a stipulation may order any disciplinary action against the licensee entering into such stipulation.

(c) The board may temporarily suspend or temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist for disciplinary action against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.

New Sec. 23. (a) Nothing in the perfusion practice act or in the provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, shall be construed to require that any individual, group or blanket policy of accident and sickness, medical or surgical expense insurance coverage or any provision of a policy, contract, plan or agreement for medical service issued on or after the effective date of this act, reimburse or indemnify a person licensed under the perfusion practice act for services provided as a perfusionist.

(b) This section shall take effect on and after July 1, 2012.

New Sec. 24. (a) When it appears that any person is violating any provision of this act, the board may bring an action in the name of the state in a court of competent jurisdiction for an injunction against such violation without regard as to whether proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(b) This section shall take effect on and after July 1, 2012.

New Sec. 25. On and after July 1, 2012, any violation of this act shall constitute a class B misdemeanor.:";

And renumbering the remaining sections accordingly;

"Sec. 30. K.S.A. 2010 Supp. 74-7507 is hereby amended to read as follows: 74-7507. (a) The behavioral sciences regulatory board shall have the following powers, duties and functions:

(1) Recommend to the appropriate district or county attorneys prosecution for violations of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and

amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act or the alcohol and other drug abuse counselor registration act;

(2) compile and publish annually a list of the names and addresses of all persons who are licensed under this act, are licensed under the licensure of psychologists act of the state of Kansas, are licensed under the professional counselors licensure act, are licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, are licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, are licensed under the marriage and family therapists licensure act or are registered under the alcohol and other drug abuse counselor registration act;

(3) prescribe the form and contents of examinations required under this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act or the alcohol and other drug abuse counselor registration act;

(4) enter into contracts necessary to administer this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act or the alcohol and other drug abuse counselor registration act;

(5) adopt an official seal;

(6) adopt and enforce rules and regulations for professional conduct of persons licensed under the licensure of psychologists act of the state of Kansas, licensed under the professional counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, licensed under the marriage and family therapists licensure act or registered under the alcohol and other drug abuse counselor registration act;

(7) adopt and enforce rules and regulations establishing requirements for the continuing education of persons licensed under the licensure of psychologists act of the state of Kansas, licensed under the professional counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, licensed under the marriage and family therapists licensure act or registered under the alcohol and other drug abuse counselor registration act;

(8) adopt rules and regulations establishing classes of social work specialties which will be recognized for licensure under K.S.A. 65-6301 to 65-6318, inclusive, and amendments thereto;

(9) adopt rules and regulations establishing procedures for examination of candidates for licensure under the licensure of psychologists act of the state of Kansas, for licensure under the professional counselors licensure act, for licensure under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, for licensure under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, for licensure under the marriage and family therapists licensure act, for registration

under the alcohol and other drug abuse counselor registration act and for issuance of such certificates and such licenses;

(10) adopt rules and regulations as may be necessary for the administration of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act and the alcohol and other drug abuse counselor registration act and to carry out the purposes thereof;

(11) appoint an executive director and other employees as provided in K.S.A. 74-7501 and amendments thereto; and

(12) exercise such other powers and perform such other functions and duties as may be prescribed by law.

(b) The behavioral sciences regulatory board, in addition to any other penalty, may assess an administrative penalty, after notice and an opportunity to be heard, against a licensee or registrant for a violation of any of the provisions of the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act or the alcohol and other drug abuse counselor registration act in an amount not to exceed \$1,000. All 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.

(c) If an order of the behavioral sciences regulatory board is adverse to a licensee or registrant of the board, the costs shall be charged to such person as in ordinary civil actions in the district court in an amount not to exceed \$200. The board shall pay any additional costs and, if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed in accordance with statutes governing taxation of witness fees and costs in the district court.

(d) The behavioral sciences regulatory board may, after notice and an opportunity to be heard, deny, refuse to renew, suspend, revoke, condition, limit, qualify or restrict the license of any applicant or any person licensed by the behavioral sciences regulatory board, if: (1) The allegations of abuse, neglect or exploitation have been substantiated against a child, adult or resident of a care facility by the secretary of the social and rehabilitation services, secretary on of aging or secretary of health and environment in accordance with the provisions in K.S.A. 38-2223 through 38-2230 and 39-1401 through 39-1443, and amendments thereto;

(2) the administrative appeal process has been exhausted; and

(3) the determination of substantiation has become final.

Sec. 31. Section 2 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 2. As used in the addictions counselor licensure act:

(a) "Board" means the behavioral sciences regulatory board created under K.S.A. 74-7501, and amendments thereto.

(b) "Addiction counseling" means the utilization of special skills to assist persons with addictions, and to assist such persons' families and friends to achieve resolution of

addiction through the exploration of the disease and its ramifications, the examination of attitudes and feelings, the consideration of alternative solutions and decision making, as these relate specifically to addiction. Evaluation and assessment, treatment including treatment plan development, ~~case management~~, crisis intervention, referral, record keeping and clinical consultation specifically related to addiction are within the scope of addiction counseling. *Additionally*, at the clinical level of licensure, addiction counseling includes independent practice ~~limited and to~~ the diagnosis and treatment of substance use disorders.

(c) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act, except that on and after July 1, 2011, such person shall engage in the practice of addiction counseling only in a state-licensed or certified alcohol and other drug treatment program *unless otherwise exempt for licensure under subsection (m) of K.S.A. 59-29b46, and amendments thereto.*

(d) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling ~~which practice and is limited to~~ the diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed under this act.

Sec. 32. Section 4 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 4. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

- (1) Has attained the age of 21;
- (2) (A) has completed a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board; or
(B) has completed 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 supporting the ~~diagnosis and treatment of~~ substance use disorders as approved by the board; or
(C) completed a baccalaureate degree from a college or university approved by the board in a related field with additional work in addiction counseling from a college or university approved by the board, and such degree program and the additional work includes the course work requirements provided in paragraph (a)(2)(B) of this subsection; or
(D) is currently licensed in Kansas as a licensed psychologist, licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed ~~masters~~ *master's* level psychologist;
- (3) has passed an examination approved by the board;
- (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 section 12 *of chapter 45 of the 2010 Session Laws of Kansas*, and amendments thereto.

(b) (1) 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:

(A) Is licensed by the board as a licensed addiction counselor or meets all requirements for licensure as an addiction counselor; and

(i) has completed a master's degree from an addiction counseling program that is part of a college or university approved by the board; or

(ii) 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; or

(iii) has completed a master's degree from a college or university approved by the board in a related field with additional work in addiction counseling from a college or university approved by the board and such degree program and the additional work includes the course work requirements provided in paragraph (b)(2)(B) of this subsection; ~~and~~ or

(iv) *has completed a master's degree in a related field and is licensed as an addiction counselor; and*

(B) 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, except that ~~one-half~~ $\frac{1}{2}$ of the requirement of this paragraph (B) may be waived for persons with a doctoral degree in addiction counseling or a related field acceptable to the board; and

(C) has passed an examination approved by the board; and

(D) has paid the application fee fixed under section 12 *of chapter 45 of the 2010 Session Laws of Kansas*, and amendments thereto.

(2) 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 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 has been actively engaged in the practice of addiction counseling in Kansas as a registered~~ *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.

(3) 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 ~~has been actively engaged in the practice of addiction counseling in Kansas as a registered or credentialed~~ *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.

(4) 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 10 four years providing demonstration acceptable to the board of competence to perform the duties of a licensed clinical addiction counselor and was credentialed by the Kansas association of addiction professionals as an alcohol and other drug abuse counselor level II or III in Kansas at any time prior to the effective date of this act, or and holds a master's degree in a related field 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.

~~(4)(5)~~ On and after July 1, 2011, a licensed addiction counselor ~~may~~ *shall* engage in the practice of addiction counseling ~~within~~ *in* only a state licensed or certified alcohol and other drug treatment program, *unless otherwise exempt for licensure under subsection (m) of K.S.A. 59-29b46, and amendments thereto.*

New Sec. 33. Section 7 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 7. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the addictions counselor licensure act and rules and regulations of the board; ~~and~~ *or*

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Continuous registration, certification or licensure to practice addiction counseling during the five years immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a baccalaureate or ~~masters~~ *master's* degree in addiction counseling from a college or university approved by the board or completion of a baccalaureate or master's degree in a related field that includes all required addiction

coursework.

(b) Applicants for licensure as a clinical addiction counselor shall additionally demonstrate competence to diagnose and treat substance abuse disorders through meeting the requirements of either paragraph (1) or (2) of subsection (a) and at least two of the following areas acceptable to the board:

(1) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(3) 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.

(c) An applicant for a license under this section shall pay an application fee established by the board under section 12 of chapter 45 of the 2010 Session Laws of Kansas, and amendments thereto.

Sec. 34. Section 8 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 8. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by section 12 of chapter 45 of the 2010 Session Laws of Kansas, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by section 12 of chapter 45 of the 2010 Session Laws of Kansas, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. As part of such continuing education, the *clinical addiction counselor* applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of substance use disorders. ~~and Both the clinical addiction counselor applicant and the addiction counselor applicant shall complete not less than three continuing education hours of professional ethics.~~

(c) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by section 12 of chapter 45 of the 2010 Session Laws of Kansas, and amendments thereto.

Sec. 35. Section 9 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 9. The board may refuse to grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure issued under this act of any individual who the board, after *the opportunity for* a hearing, determines:

(a) Is incompetent to practice addiction counseling, or is found to engage in the practice of addiction counseling in a manner harmful or dangerous to a client or to the public;

(b) is convicted by a court of competent jurisdiction of a felony, misdemeanor crimes against persons or substantiation of abuse against a child, adult or resident of a care facility, even if not practice related;

(c) has violated a provision of the addictions counselor licensure act or one or more of the rules and regulations of the board;

(d) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(e) has knowingly made a false statement on a form required by the board for license or license renewal;

(f) has failed to obtain continuing education credits required by rules and regulations of the board;

(g) has been found guilty of unprofessional conduct as defined by rules and regulations established by the board; or

(h) has had a registration, license or certificate as an addiction counselor revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

Sec. 36. Section 10 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 10. Nothing in the addictions counselor licensure act shall be construed:

(a) To prevent addiction counseling practice by students or interns or individuals preparing for the practice of addiction counseling to practice under qualified supervision of a professional, recognized and approved by the board, in an educational institution or agency so long as they are designated by titles such as "student," "trainee," "intern" or other titles clearly indicating training status;

(b) to authorize the practice of psychology, medicine and surgery, professional counseling, marriage and family therapy, ~~masters~~ *master's* level psychology or social work *or other professions licensed by the behavioral sciences regulatory board*;

(c) to apply to the activities and services of a rabbi, priest, minister, clergy person or organized ministry of any religious denomination or sect, including a Christian-Science practitioner, unless such person or individual who is a part of the organized ministry is a licensed addiction counselor;

(d) to apply to the activities and services of qualified members of other professional groups including, but not limited to, attorneys, physicians, psychologists, ~~masters~~ *master's* level psychologists, marriage and family therapists, professional counselors, *or other professions licensed by the behavioral sciences regulatory board*, registered nurses or social workers performing services consistent with the laws of this state, their training and the code of ethics of their profession, so long as they do not represent themselves as being an addiction counselor; or

(e) to prevent qualified persons from doing work within the standards and ethics of their respective professions and callings provided they do not hold themselves out to the public by any title or description of services as being an addiction counselor.

New Sec. 37. (a) This section shall be known and may be cited as the school sports head injury prevention act.

(b) As used in this section:

(1) 'School' means any public or accredited private high school, middle school or junior high school.

(2) "Health care provider" means a person licensed by the state board of healing arts to practice medicine and surgery or chiropractic.

(c) The state board of education, in cooperation with the Kansas state high school activities association, shall compile information on the nature and risk of concussion and head injury including the dangers and risks associated with the continuation of playing or practicing after a person suffers a concussion or head injury. Such information shall be provided to school districts for distribution to coaches, school athletes and the parents or guardians of school athletes.

(d) A school athlete may not participate in any sport competition or practice session unless such athlete and the athlete's parent or guardian have signed, and returned to the school, a concussion and head injury information release form. A release form shall be signed and returned each school year that a student athlete participates in sport competitions or practice sessions.

(e) If a school athlete suffers, or is suspected of having suffered, a concussion or head injury during a sport competition or practice session, such school athlete immediately shall be removed from the sport competition or practice session.

(f) Any school athlete who has been removed from a sport competition or practice session shall not return to competition or practice until the athlete is evaluated by a health care provider and the health care provider provides such athlete a written clearance to return to play or practice. If the health care provider who provides the clearance to return to play or practice is not an employee of the school district, such health care provider shall not be liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

New Sec. 38. The Kansas state high school activities association and its member high schools, and administrators, principals, coaches, teachers and other affiliated with such association and member high schools, shall not adopt any rules and regulations or interpret any existing rule and regulation in any manner which would prohibit a student athlete from training with any Kansas state high school league-sponsored sport or competition while the student athlete is participating in nonschool swimming athletic training or diving athletic training, or both, during the high school sport season and throughout the year if:

(a) The nonschool swimming athletic training or diving athletic training, or both, is under the jurisdiction of and sanctioned by the national governing body of the sport, U.S.A. swimming, inc., or U.S.A. diving, inc.; and

(b) the student athlete meets the reasonable and ordinary school-established requirements for participation in the student athlete's high school swimming program or diving program, or both.

Sec. 39. K.S.A. 2010 Supp. 65-2901 is hereby amended to read as follows: 65-2901. As used in article 29 of chapter 65 of the Kansas Statutes Annotated, and ~~acts amendatory of the provisions thereof or supplemental~~ *amendments* thereto:

(a) "Physical therapy" means examining, evaluating and testing individuals with mechanical, anatomical, physiological and developmental impairments, functional limitations and disabilities or other health and movement-related conditions in order to determine a diagnosis solely for physical therapy, prognosis, plan of therapeutic intervention and to assess the ongoing effects of physical therapy intervention. Physical therapy also includes alleviating impairments, functional limitations and disabilities by designing, implementing and modifying therapeutic interventions that may include, but are not limited to, therapeutic exercise; functional training in community or work

integration or reintegration; manual therapy; therapeutic massage; prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; patient-related instruction; reducing the risk of injury, impairments, functional limitations and disability, including the promotion and maintenance of fitness, health and quality of life in all age populations and engaging in administration, consultation, education and research. Physical therapy also includes the care and services provided by a physical therapist or a physical therapist assistant under the direction and supervision of a physical therapist ~~who that~~ is licensed pursuant to *article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. this act*. Physical therapy does not include the use of roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, the practice of any branch of the healing arts and the making of a medical diagnosis.

(b) "Physical therapist" means a person who is licensed to practice physical therapy pursuant to *article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. this act*. Any person who successfully meets the requirements of K.S.A. 65-2906, and amendments thereto, shall be known and designated as a physical therapist and may designate or describe oneself, *as appropriate*, as a physical therapist, physiotherapist, licensed physical therapist, *doctor of physical therapy, abbreviations thereof, or words similar thereto or use of the designated letters P.T., Ph. T., M.P.T., D.P.T. or L.P.T. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."*

(c) "Physical therapist assistant" means a person who is certified pursuant to *article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, this act* and who works under the direction of a physical therapist, and who assists the physical therapist in selected components of physical therapy intervention. Any person who successfully meets the requirements of K.S.A. 65-2906, and amendments thereto, shall be known and designated as a physical therapist assistant, and may designate or describe oneself as a physical therapist assistant, certified physical therapist assistant, *abbreviations thereof, or words similar thereto or use of the designated letters P.T.A., C.P.T.A. or P.T. Asst. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.*

(d) "Board" means the state board of healing arts.

(e) "Council" means the physical therapy advisory council.

(f) "Physician" means a person licensed to practice medicine and surgery.

Sec. 40. K.S.A. 2010 Supp. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under ~~this article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto,~~ ~~act~~ as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person's name the words physical therapist, physiotherapist, ~~or~~ licensed physical therapist or *doctor of physical therapy* or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. *Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."*

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person's name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to *article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto* ~~the provisions of this act,~~ shall be guilty of a class B nonperson misdemeanor. *Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 2010 Supp. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which such physical therapist assistant has earned.*

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. The provisions of article 29 of chapter 65 of the Kansas Statutes Annotated, and ~~acts amendatory thereof or supplemental amendments~~ ~~thereto,~~ shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b) of this section:

- (1) Persons rendering assistance in the case of an emergency;
- (2) members of any church practicing their religious tenets;
- (3) persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;
- (4) health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;
- (5) licensees under the healing arts act, and practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing

services pursuant to the delegation of a licensee under subsection (g) of K.S.A. 65-2872, and amendments thereto;

(6) dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;

(7) nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensed nurse under subsection (m) of K.S.A. 65-1124, and amendments thereto;

(8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more functions included in this act pursuant to established educational protocols or both;

(9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;

(10) self-care by a patient or gratuitous care by a friend or family member;

(11) optometrists practicing their profession when licensed and practicing in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;

(14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;

(15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;

(16) persons practicing corrective therapy in accordance with their training in corrective therapy;

(17) athletic trainers practicing their profession when licensed and practicing in accordance with the athletic trainers licensure act;

(18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;

(19) barbers practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(21) attendants practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; *and*

(22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act.

(d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the

delegation of a licensed physical therapist or other health care provider.

(e) Nothing in this act shall be construed to permit the practice of medicine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by *article 29 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.* ~~this act.~~

New Sec. 41. Section 41 through 58, and amendments thereto, shall be known and may be cited as the Kansas health information technology and exchange act.

New Sec. 42. As used in the Kansas health information technology and exchange act:

- (a) "Act" means the Kansas health information technology and exchange act.
- (b) "Approved HIO" means a health information organization operating in the state which has been approved by the corporation.
- (c) "Corporation" means the Kansas health information exchange, inc., created by executive order 10-06.
- (d) "Covered entity" means a health care provider, a health care component of a hybrid entity, a health plan or a health care clearinghouse.
- (e) "DPOA-HC" means the person to whom a durable power of attorney for health care decisions has been granted by an individual in accordance with K.S.A. 58-625 et seq., and amendments thereto.
- (f) "Health care clearinghouse" means a health care clearinghouse, as that term is defined by the HIPAA privacy rule, doing business within the state.
- (g) "Health care provider" means a health care provider, as that term is defined by the HIPAA privacy rule, that furnishes health care to individuals in the state.
- (h) "Health information organization" means any entity operating in the state which (1) maintains technical infrastructure for the electronic movement of health information among covered entities, and (2) promulgates and enforces policies governing participation in such health information exchange.
- (i) "Health information technology" means an information processing application using computer hardware and software for the storage, retrieval, use and disclosure of health information for communication, decision-making, quality, safety and efficiency of health care. "Health information technology" includes, but is not limited to: (1) An electronic health record; (2) a personal health record; (3) health information exchange; (4) electronic order entry; and (5) electronic decision support.
- (j) "Health plan" means a health plan, as that term is defined by the HIPAA privacy rule, doing business within the state.
- (k) "HIPAA privacy rule" means the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. part 160 and 45 C.F.R. part 164, subparts A and E, as amended from time to time. As used in the act, the following terms shall be defined using the definitions set forth in the HIPAA privacy rule: (a) Designated record set; (b) disclosure; (c) electronic protected health information; (d) health care; (e) health care clearinghouse; (f) health care provider; (g) health information; (h) hybrid entity; (i) individual; (j) individually identifiable health information; (k) protected health information; (l) public health authority; and (m) use.
- (l) "Incapacitated adult" means a person whose ability to receive and evaluate relevant health care information or to effectively communicate personal health care

decisions, or both, notwithstanding the use of assistive technologies or other supports, is impaired such that the person, in the opinion of the health care provider presently providing examination or treatment for the individual, lacks the capacity to reasonably weigh the risks and benefits of the provision of health care or to effectively communicate personal health care decisions. 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 an incapacitated adult under the act for that reason alone.

(m) "Interoperability" means the capacity of two or more information systems to exchange information or data in an accurate, effective, secure and consistent manner.

(n) "Minor" means any person under age 18 unless: (1) Such person is 16 or older and is, or has been, married; or (2) a court of proper jurisdiction has conferred rights of majority upon such person.

(o) "Participation agreement" means a written agreement between a covered entity and an approved HIO concerning the covered entity's participation in the approved HIO on terms consistent with section 16 of this act.

(p) "Personal representative" means the person who has the legal authority to act on behalf of an individual for one of the purposes listed in section 49 of this act.

(q) "Secretary" means the secretary of the department of health and environment.

(r) "Standard authorization form" means the standard authorization form developed and promulgated by the secretary pursuant to section 6 of this act.

(s) "State" means the state of Kansas.

(t) "State agency" means the department of health and environment; the Kansas health policy authority; the department of social and rehabilitation services; the department on aging; the department of corrections; the office of the attorney general; the insurance department; those state boards responsible for licensing and disciplining health care providers; other state regulatory bodies; and any county or municipal government or instrumentality thereof, including local boards of health and local health officers, but not including any community mental health center as defined by K.S.A. 75-3307e, and amendments thereto.

(u) "State law" means any Kansas statute; regulation promulgated by a state agency; directive, opinion, or guidance issued by a state agency; opinion issued by any state or municipal court; or any opinion issued by the attorney general.

New Sec. 43. It is the purpose of this act to harmonize state law with the HIPAA privacy rule with respect to individual access to protected health information, proper safeguarding of protected health information, and the use and disclosure of protected health information for purposes of facilitating the development and use of health information technology and health information exchange.

New Sec. 44. (a) A covered entity shall provide an individual or such individual's personal representative with access to the individual's protected health information maintained by the covered entity in a designated record set in compliance with 45 C.F.R. 164.524.

(b) A covered entity shall implement and maintain appropriate administrative, technical and physical safeguards to protect the privacy of protected health information in a manner consistent with 45 C.F.R. 164.530(c).

New Sec. 45. (a) No covered entity shall use or disclose protected health information except as follows:

(1) Use and disclosure of protected health information consistent with an authorization that satisfies the requirements of 45 C.F.R. 164.508;

(2) use and disclosure of protected health information without an authorization as permitted under 45 C.F.R. 164.502, 164.506, 164.508, 164.510 and 164.512; or

(3) use and disclosure of protected health information as required under 45 C.F.R. 164.502.

(b) Notwithstanding the provisions of subsection (a), no covered entity shall disclose an individual's protected health information to a health information organization for any purpose without an authorization that satisfies the requirements of 45 C.F.R. 164.508, unless such covered entity:

(1) Is a party to a current participation agreement with an approved HIO at the time the disclosure is made;

(2) discloses the individual's protected health information to that approved HIO in a manner consistent with the approved HIO's established procedures;

(3) prior to the disclosure, has furnished to the individual, or such individual's personal representative, whose information is to be disclosed to the approved HIO, the notice required under section 56 of this act; and

(4) restricts disclosure to the approved HIO of any protected health information concerning the individual that is the subject of a written request delivered to the covered entity by the individual, or such individual's personal representative, for reasonable restrictions on disclosure of all or any specified categories of the individual's protected health information, as defined pursuant to section 56 of this act, following the covered entity's receipt of such written request.

(c) Notwithstanding the provisions of subsections (a) and (b), a covered entity that uses or discloses protected health information in compliance with this section shall be immune from any civil or criminal liability or any adverse administrative action arising out of or relating to such use or disclosure.

New Sec. 46. (a) No later than six months following the effective date of this act, the secretary shall develop and adopt by rules and regulations a standard authorization form for the use and disclosure of protected health information consistent with the requirements of 45 C.F.R. 164.508.

(b) Any person or entity in possession, custody or control of any protected health information which is the subject of a properly completed standard authorization form shall accept such form as valid authorization for the disclosure of such protected health information to the person or entity identified in such standard authorization form. Notwithstanding any other provisions, a person or entity is not precluded from accepting or relying upon any document which satisfies the requirements of 45 C.F.R. 164.508, as valid authorization for the use or disclosure of protected health information.

New Sec. 47. (a) Notwithstanding any other provision of this act, a covered entity may condition the furnishing of copies of an individual's protected health information in paper or electronic form to the individual, the individual's personal representative, or any other person or entity authorized by law to obtain or reproduce such information, upon the payment of charges to be established and updated by the secretary, except no provider shall condition the furnishing of copies to another provider needed for that provider's treatment of an individual on payment of such fee. This section shall not apply to disclosures by a covered entity to an approved HIO, or by an approved HIO to a covered entity.

New Sec. 48. (a) Any provision of state law regarding the confidentiality, privacy, security or privileged status of any protected health information which may be contrary to, inconsistent with or more restrictive than the rules set forth in this act shall be superseded by the rules set forth in this act, except that: (1) Nothing in this act shall limit or restrict the effect and application of the peer review statute, K.S.A. 65-4915, and amendments thereto; the risk management statute, K.S.A. 65-4921, and amendments thereto; or the statutory physician-patient privilege, K.S.A. 60-427, and amendments thereto; and (2) nothing in this act shall supersede the provisions of any state law relating to the confidentiality, privacy, security or privileged status of protected health information in the possession or custody of any state agency.

(b) Nothing in this act shall limit or restrict the ability of any state agency to require the disclosure of protected health information by any person or entity pursuant to law.

New Sec. 49. It is the purpose of this act to identify the person who qualifies as a personal representative to act on behalf of an individual for any of the following purposes:

(1) Consent to treatment and for the provision of health care to an individual by a health care provider;

(2) consent for autopsy of a decedent's body or part;

(3) disposition of a decedent's remains including burial, cremation or entombment;

(4) consent for anatomical gift of decedent's body or part;

(5) Informed consent for an individual's participation in a research protocol in accordance with the provisions of 21 C.F.R. 56.101 et seq., and 45 C.F.R. 46.101 et seq.;

(6) an individual's exercise of individual rights under the HIPAA privacy rule in accordance with 45 C.F.R. 164.520 to 164.528;

(7) an individual's authorization for use or disclosure of that individual's protected health information in accordance with 45 C.F.R. 164.502 to 164.514;

(8) an individual's exercise of individual rights with respect to inclusion of protected health information within an approved HIO in accordance with section 16 of this act; or

(9) an individual's exercise of patient rights in accordance with any other state or federal statute or regulation, including, but not limited to, 42 C.F.R. 482.13 and 45 C.F.R. 635, but only to the extent such statute or regulation does not otherwise identify a personal representative for such purpose.

New Sec. 50. (a) When any person or entity requires a personal representative to act on behalf of an incapacitated adult or deceased individual for one of the purposes listed in section 49 of this act, such person or entity shall first make a reasonable inquiry as to whether a DPOA-HC or a legal guardian has been designated or appointed for such incapacitated adult or deceased individual.

(b) If no DPOA-HC or legal guardian has been designated or appointed or such DPOA-HC or legal guardian is incompetent or unavailable at the time, the person or entity requiring a personal representative to act on behalf of an incapacitated adult or deceased individual for one of the purposes listed in section 9 of this act shall make a reasonable inquiry as to the availability of another individual to serve as the personal representative, in the following priority, provided such person is competent and

available at the time:

- (1) The incapacitated adult's or deceased individual's spouse;
- (2) any adult son or daughter of the incapacitated adult or deceased individual;
- (3) either parent of the incapacitated adult or deceased individual;
- (4) any adult brother or sister of the incapacitated adult or deceased individual;
- (5) any adult grandchild of the incapacitated adult or deceased individual; or
- (6) a close friend of the incapacitated adult or deceased individual.

(c) Where there are multiple personal representatives at the same priority level in the hierarchy, it shall be the responsibility of those personal representatives to make reasonable efforts to reach a consensus as to their decision on behalf of the patient. If two or more personal representatives who are in the same category and have equal priority disagree about the matter at issue, a majority of the available persons in that category shall control, unless, in the case of an incapacitated adult, the minority initiates guardianship proceedings in accordance with K.S.A. 59-3050 et seq., and amendments thereto. No health care provider or other person or entity shall be required to seek appointment of a legal guardian on behalf of an incapacitated adult for any purpose listed in section 9 of this act.

(d) In the event a person of a higher priority to an individual's identified personal representative becomes available and is willing to serve the individual's personal representative for one of the purposes listed in section 9 of this act, the person with higher priority shall be identified as the individual's personal representative. In the event a person in a higher, a lower, or the same priority level or a health care provider seeks to challenge the priority of an individual's recognized personal representative, the challenging party may initiate guardianship proceedings in accordance with the K.S.A. 59-3030 et seq., and amendments thereto.

(e) A personal representative's authority to act on behalf of an incapacitated adult shall extend only so long as the adult is incapacitated. Upon gaining capacity, the individual shall have the sole authority to act for any of the purposes listed in section 9 of this act.

New Sec. 51. (a) The person with the authority to consent to the provision of health care to a minor by a health care provider also shall have the authority to act as that minor's personal representative with respect to any other purpose listed in section 49 of this act as it relates to the provision of such health care.

(b) If no parent or legal guardian of a minor with authority to consent to the provision of health care by a health care provider to that minor is available by any means, personally, telephonically or electronically or competent to provide such consent, the person or entity requiring a personal representative for a minor for one of the purposes listed in section 9 of this act shall make a reasonable inquiry as to the availability of another person to act as the minor's personal representative, in the following priority, provided such person is competent and available at the time:

- (1) Any person designated in writing by such parent or legal guardian to consent for the provision of health care by a health care provider for the minor;
- (2) any grandparent of the minor;
- (3) any adult brother or sister of the minor;
- (4) any adult aunt or uncle of the minor;
- (5) any adult cousin of the minor; or
- (6) any adult close friend of the minor's parent or legal guardian.

No person or entity shall seek or rely upon a decision made by a personal representative of a minor with respect to treatment and provision of health care unless such person or entity reasonably determines the delay associated with locating the minor's parent or legal guardian would be detrimental to the health or welfare of such minor.

(c) Upon reaching the age of majority and otherwise becoming emancipated, an individual shall gain control over the protected health information, including protected health information relating to the provision of health care to the individual while such individual was a minor. The parent, legal guardian or other person who consented for the provision of health care by a health care provider may not access or otherwise exercise control over such protected health information once the individual reaches the age of majority or otherwise becomes emancipated.

(d) Any person who identifies and relies upon a personal representative to act for a minor with respect to one of the purposes listed in section 9 of this act in compliance with this provision shall be immune from any civil or criminal liability or adverse licensure or disciplinary action by a state agency relating to the subject matter of such purpose regardless of any other provision of state law.

New Sec. 52. (a) Nothing herein shall amend or repeal the laws related to the Kansas durable power of attorney act for health care decisions, K.S.A. 58-625 et seq., and amendments thereto, the Kansas natural death act, K.S.A. 65-28,101 et seq., and amendments thereto, or the laws related to do-not-resuscitate directives, K.S.A. 65-4941 et seq., and amendments thereto. A personal representative does not have the power to revoke any of the following valid advance directives properly executed by the individual, regardless of the individual's subsequent incapacity:

- (1) A durable power of attorney for health care decisions; or
- (2) a Kansas natural death act declaration.

(b) Nothing herein shall alter or amend any existing laws related to the necessity of obtaining consent for provision of health care by a health care provider; informed consent for a research protocol; the determination of whether an adult has an impairment or a minor has been emancipated; or the circumstances in which a minor may consent for the provision of health care by a health care provider on such minor's own behalf.

New Sec. 53. A health care provider may disclose protected health information without authorization to any state agency for any public health purpose that is permitted or required by law. Nothing in this act shall be construed to limit the use, transfer, or disclosure of protected health information as required or permitted by any other provision of law.

New Sec. 54. (a) The corporation shall establish and revise, as appropriate, standards for approval and operation of statewide and regional health information organizations operating in the state as approved HIOs including, but not limited to, the following:

- (1) Satisfaction of certification standards for health information exchanges promulgated by the federal government;
- (2) adherence to nationally recognized standards for interoperability;
- (3) adoption and adherence to rules promulgated by the corporation regarding access to and use and disclosure of protected health information maintained by or on an approved HIO;

(4) demonstration of adequate financial resources to sustain continued operations in compliance with the standards;

(5) participation in outreach activities for individuals and covered entities;

(6) conduct of operations in a transparent manner to promote consumer confidence;

(7) implementation of security breach notification procedures; and

(8) development of procedures for entering into and enforcing the terms of participation agreements with covered entities which satisfy the requirements established by the corporation pursuant to section 16 of this act.

New Sec. 55. (a) The corporation shall establish and implement:

(1) A process by which a health information exchange may apply for and receive approval by the corporation by demonstrating compliance with the standards promulgated by the corporation pursuant to section 54 of this act;

(2) a process by which an approved HIO shall be re-approved on appropriate intervals by demonstrating continued compliance with the standards promulgated by the corporation pursuant to section 14 of this act; and

(3) a process for the investigation of reported concerns and complaints regarding an approved HIO and imposition of appropriate remedial and proactive measures to address any identified deficiencies.

New Sec. 56. (a) The corporation shall establish requirements for participation agreements to include the following:

(1) Specification of procedures for the covered entity to disclose an individual's protected health information to the approved HIO;

(2) specification of procedures for the covered entity to access an individual's protected health information from the approved HIO;

(3) specification of the written notice to be provided by the covered entity to any individual, or such individual's personal representative, prior to the covered entity's disclosure of the individual's protected health information to the approved HIO. Such written notice, which may be incorporated into the covered entity's notice of privacy practices required under the HIPAA privacy rule, shall include the following that:

(A) The individual's protected health information will be disclosed to the approved HIO to facilitate the provision of health care to the individual;

(B) the approved HIO maintains appropriate safeguards to protect the privacy and security of protected health information;

(C) only authorized individuals may access protected health information from the approved HIO;

(D) the individual, or such individual's personal representative, has the right to request in writing that the covered entity: (i) Not disclose any of the individual's protected health information to the approved HIO; or (ii) not disclose specified categories of the individual's protected health information to the approved HIO;

(E) such restrictions may result in a health care provider not having access to information necessary to provide appropriate care for the individual;

(F) the covered entity is required to honor a written request delivered to the covered entity by an individual, or such individual's representative, not to disclose any of the individual's protected health information to an approved HIO; and

(G) the covered entity is required to honor a written request delivered to the covered entity by an individual, or such individual's representative, for reasonable

restrictions on the disclosure of specified categories of the individual's protected health information to an approved HIO.

(4) specification of documentation requirements to demonstrate delivery of such notice to an individual, or such individual's personal representative, by or on behalf of the covered entity prior to the covered entity's disclosure of the individual's protected health information to the approved HIO;

(5) standards for determining the reasonableness of an individual's written request, or the written request of such individual's personal representative, not to disclose specified categories of the individual's protected health information to the approved HIO based on the covered entity's technological capabilities; and

(6) specification of the purposes for which a covered entity may access protected health information through the approved HIO.

New Sec. 57. Any health information organization which is not an approved HIO shall not be eligible for any financial support from the state, or assistance or support from the state in securing any other source of funding.

New Sec. 58. Notwithstanding any other provision of this act, no use or disclosure of protected health information maintained by or on an approved HIO shall be made except pursuant to rules adopted by the corporation consistent with this act. An approved HIO that uses or discloses protected health information in compliance with such rules shall be immune from any civil or criminal liability or any adverse administrative action arising out of or relating to such use or disclosure.

Sec. 59. K.S.A. 16-1602 is hereby amended to read as follows: 16-1602. In this act:

(a) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

(b) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract or fulfilling an obligation required by the transaction.

(c) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(d) "Contract" means the total legal obligation resulting from the parties' agreement as affected by this act and other applicable law.

(e) "Digital signature" means a type of electronic signature consisting of a transformation of an electronic message using an asymmetric crypto system such that a person having the initial message and the signer's public key can accurately determine whether:

(1) The transformation was created using the private key that corresponds to the signer's public key; and

(2) the initial message has not been altered since the transformation was made.

(f) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(g) "Electronic agent" means a computer program or an electronic or other

automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

(h) "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.

(i) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(j) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution or instrumentality of the federal government or of a state or of a county, municipality or other political subdivision of a state.

(k) "Information" means data, text, images, sounds, codes, computer programs, software, databases or the like.

(l) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying or processing information.

(m) "Message" means a digital representation of information.

(n) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.

(o) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(p) "Registered certification authority" means a person providing certification of a digital signature who is, or is certified by, a member of the group of certification authorities approved by and registered with the secretary.

(q) "Secretary" means the Kansas secretary of state.

(r) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, callback or other acknowledgment procedures.

(s) "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.

~~(t) "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, insurance, health care, commercial or governmental affairs.~~

Sec. 60. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.;

And by redesignating the remaining sections accordingly;

On page 2, by striking all in lines 35 and 36, and by inserting "Sec. 3. K.S.A. 16-1602, 65-1734, 65-4970, 65-4972, and 65-4973 and K.S.A. 2010 Supp 65-1669, 65-1671, 65-1901, 65-1902, 65-1905, 65-1912, 65-2901, 65-2913, 65-3228, 65-4971 and 65-4974 and 74-7507 and section 2, section 4, section 7, section 8, section 9, and section 10 of chapter 45 of the 2010 Session Laws of Kansas are hereby repealed.;"

In title, on page 1, in line 1, by striking all after "concerning" and by striking all in

lines 2 and 3 and by inserting "health care; amending K.S.A. 16-1602 and K.S.A. 2010 Supp 65-1669, 65-1671, 65-1901, 65-1902, 65-1905, 65-1912, 65-2901, 65-2913 and 74-7507 and section 2, section 4, section 7, section 8, section 9, and section 10 of chapter 45 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 65-1734, 65-4970, 65-4972, and 65-4973 and K.S.A. 2010 Supp. 65-3228, 65-4971 and 65-4974." and **HB 2182** be passed as amended.

A motion by Senator V. Schmidt to amend **HB 2182** was withdrawn.

HB 2067 be amended by adoption of the committee amendments, be further amended by motion of Senator Francisco on page 2, line 38, by striking "except" and inserting "accept".

HB 2067 be further amended by motion of Senator Francisco on page 2, line 39, by striking "18" and inserting "17," and on page 29, line 11, by striking "18" and inserting "17." and **HB 2067** be passed as further amended.

A motion by Senator Bruce to amend **HB 2067** failed and the following amendment was rejected: on page 35, following line 21, by inserting:

"New Sec. 20. (a) Independent authority to prosecute an election crime or attempted election crime shall be vested in:

- (1) The district or county attorney of the county where such violations occurred; or
- (2) the attorney general.

(b) If one of the officers listed in subsection (a) has commenced a prosecution or proceeding related to any election law, the other officer listed in subsection (a) may provide assistance to the prosecuting office but may not commence a separate prosecution or proceeding.

And by renumbering the remaining sections accordingly

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

On roll call, the vote was: Yeas 19, Nays 20, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Kelsey, King, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeier, Petersen, Pilcher-Cook, Pyle, Schmidt A, Steineger, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

HB 2147 be amended by adoption of the committee amendments, be further amended by motion of Senator A. Schmidt, on page 2, in line 33, after the period by inserting the following: "Any home plus that provides care for more than eight individuals after the effective date of this act shall increase staffing personnel and resources to meet the increased need in order to maintain the current level of nursing care standards." and **HB 2147** be passed as further amended.

Senate Sub for HB 2080 be passed over and retain a place on the calendar.

On motion of Senator Emler the Senate adjourned until 9:00 a.m., Wednesday, March 23, 2011.

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 23, 2011, 9:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-nine senators present.
Senator Donovan was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Yesterday there were a whole lot of children touring the State House. They should remind us that children are affected by what we say and what we do.

When we're tempted to deceive,
And teetering on the brink;
We should stop and ask ourselves,
“What will the children think?”

When we know we've past our limit,
And they say, “Just one more drink.”
We should stop and ask ourselves,
“What will the children think?”

When we need to take a stand,
And our courage starts to shrink;
We should stop and ask ourselves,
“What will the children think?”

When we start to break a promise
And dismiss it with a wink:
We should stop and ask ourselves,
“What will the children think?”

Even more important, Lord,
When our faith begins to shrink,
We should stop and ask ourselves,
“What will my Savior think?”

In the name of Jesus Christ, AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

SPECIAL ORDER OF BUSINESS

The time having arrived, other business was suspended and the Senate turned its attention to the Special Order of Business which had been scheduled for the day, **Executive Reorganization Order No. 34**, relating to consolidation of parole review functions in the executive branch by abolishing the Parole board as established by K.S.A. 22-3701 et seq. and establishing the Prisoner Review Board within the Department of Corrections, and **Senate Resolution 1817** were considered.

SR 1817, A RESOLUTION disapproving Executive Reorganization Order No. 34, relating to consolidation of parole review functions in the executive branch by abolishing the parole board as established by K.S.A. 22-3701 et seq. and establishing the prisoner review board within the department of corrections, was considered on final action.

On roll call, the vote was: Yeas 20, Nays 19, Present and Passing 0, Absent or Not Voting 1.

Yeas: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Emler, Kelsey, King, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

Absent or Not Voting: Donovan.

The resolution was not adopted.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2117**.

Local Government: **SB 244**.

Utilities: **HCR 5022**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Apple the Senate nonconcurred in the House amendments to **H Sub for SB 196** and requested a conference committee be appointed.

The Vice President appointed Senators Apple, King and Holland as a conference committee on the part of the Senate.

CONFIRMATION OF APPOINTMENTS

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

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Department of Corrections:

Raymond Roberts, Secretary, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

Historical Society:

Jennie A. Chinn, Executive Director, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

Racing and Gaming Commission:

Dennis McKinney, Member, to serve a four year term expiring January 15, 2015.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

Racing and Gaming Commission:

Jay T. Shadwick, Member, to serve a four year term, expiring January 15, 2015.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

Racing and Gaming Commission:

Timothy A. Shultz, Member, to serve a four year term expiring January 15, 2013.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 111, AN ACT concerning school districts; relating to special education state aid; amending K.S.A. 2010 Supp. 72-978 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed.

S Sub for HB 2008, AN ACT concerning crimes, punishment and criminal procedure; relating to identity theft and identity fraud; amending section 285 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 2009 Supp. 21-4704, as amended by section 6 of chapter 147 of the 2010 Session laws of Kansas and K.S.A. 2010 Supp. 21-4704, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed.

HB 2010, AN ACT concerning civil procedure and civil actions; relating to civil commitment of sexually violent predators; reimbursement for costs related to habeas corpus actions; covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 59-29a04 and 60-4104 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2015, AN ACT concerning school districts; relating to the calculation of the local option budget; amending K.S.A. 2010 Supp. 72-6433d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: King, Masterson.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2067, AN ACT concerning elections; amending K.S.A. 25-208a, 25-2203, 25-2352 and 25-3203 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, 25-2320, 25-3104, 25-3107, 25-2908, 25-3002 and 65-2418 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, Bruce, Brungardt, Emler, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Haley, Reitz.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote "NO" on **HB 2067**. Although there are some good elements in this bill, the quantum shift in requiring every registered voter to show a valid state issued photo I.D. is a recipe, by design, to disenfranchise fragile legal voters from exercising their constitutional right to vote.

This chilling effect on our democracy is completely unnecessary. There is no, repeat no, substantial evidence of rampant voting fraud in the state of Kansas. None. Period. A photo ID requirement will stifle participation in our fragile democracy.

Voter apathy is high. Turnout is low. Government should be finding ways to get off of the backs of people not hinder legal voters more. Since we are the government, we should be getting and encouraging more people to vote and not fewer as this bill will result in doing.

Of the 26 states that have an ID requirement only 9 require photo ID. Non photo ID saves money and resolves the issue; even Arizona allows non-photo ID's.

Fragile voters will be "caged" and, thereby, disenfranchised from their ease in voting by this bill. There will be problems and a reduction in our proud democracy, by design, with its implementation. – DAVID HALEY

Senators Faust-Goudeau and Reitz request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **HB 2067**.

S Sub for HB 2071, AN ACT concerning community corrections; relating to grant programs; amending K.S.A. 2010 Supp. 75-5291 and 75-52,112 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed.

HB 2104, AN ACT concerning mental health information; relating to access by law enforcement officers; amending K.S.A. 2010 Supp. 65-5603 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2118, AN ACT concerning crimes, criminal procedure and punishment; relating to supervision fees for appearance bonds; amending K.S.A. 2010 Supp. 21-4603d and 22-2802 and section 244 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2124, AN ACT concerning certified public accountants; relating to professional corporations practicing in partnership; amending K.S.A. 2010 Supp. 1-308 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2125, AN ACT concerning the Kansas professional regulated sports act; pertaining to violations; pertaining to civil penalties; pertaining to fees; pertaining to rules and regulations; amending K.S.A. 2010 Supp. 74-50,181, 74-50,182, 74-50,185, 74-50,186, 74-50,187, 74-50,189, 74-50,193 and 74-50,194 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Olson, Pilcher-Cook, Pyle, Steineger.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2147, AN ACT concerning adult care homes, relating to the definition of a home plus residence or facility; amending K.S.A. 2010 Supp. 39-923 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 33, Nays 6, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Huntington, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco, Hensley, Holland, Kelly, Kultala, Owens.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote NO on **HB 2147**. I am concerned we are allowing for increased capacity for these homes whose current standards only require meeting the plans for care, and do not address requirements for specialized training for the staff. If these home operators are offering nursing home levels of care, the administrators should be licensed and the staff caring for the residents should have disease specific

training. – MARCI FRANCISCO

Senator Kelly requests the record to show she concurs with the “Explanation of Vote” offered by Senator Francisco on **HB 2147**.

S Sub for HB 2149, AN ACT enacting the university engineering initiative act; amending K.S.A. 2010 Supp. 74-8768 and repealing the existing section, was considered on final action.

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

Yeas: Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Abrams, Bruce, Love, Lynn, Masterson, Merrick, Olson, Pilcher-Cook, Pyle, Steineger, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: This is an impressive list of industry partners who have lent their support for this legislation. I applaud the efforts of those who created this legislation. However, I have concerns regarding the timing of this effort. I cannot support an additional \$195 million in debt which impacts all Kansas taxpayers and their children. Mr. Vice President, this year we are struggling to balance our current state budget and are making cuts to most every program. In addition, I am not convinced that this effort will solve the engineering “brain drain” or achieve the much needed return on taxpayers \$195 million dollar investment – JULIA LYNN

Senator Abrams requests the record to show he concurs with the “Explanation of Vote” offered by Senator Lynn on **HB 2149**.

MR. VICE PRESIDENT: I vote No on **HB 2149**. The goal of creating and educating more engineers is laudable. Who could be against it? I vote no based on the method to gain the goal.

1. The Kansas Board of Regents has enough self executing authority to set this goal and these policies, except for the creation of funds with State General Fund.
2. I object to the \$195 million in additional bonding authority to build more buildings, when they can't maintain the campuses and buildings they already have. The Board of Regents has been crying for four years about their \$600 million of deferred maintenance needs. Adding more buildings to their inventory worsens this problem.
3. Most importantly, **HB 2149** violates the higher education reform enacted in 1999. **SB 345** was an attempt to improve coordination amongst the Board of Regents and Community Colleges. The goal was to eliminate duplicative programs, streamline, and focus resources. The methodology of **HB 2149** reverses these reforms and incentives duplication. – CHRIS STEINEGER

HB 2182, AN ACT concerning health care; amending K.S.A. 16-1602 and K.S.A. 2010 Supp. 65-1669, 65-1671, 65-1901, 65-1902, 65-1905, 65-1912, 65-2901, 65-2913 and 74-7507 and section 2, section 4, section 7, section 8, section 9, and section 10 of chapter 45 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 65-1734, 65-4970, 65-4972, and 65-4973 and K.S.A. 2010 Supp. 65-3228, 65-4971 and 65-4974, was considered on final action.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Hensley.

Present and Passing: Holland.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote “NO” on **HB 2182**, as amended by the Committee of the Whole. I support the underlying bill but wholly *oppose* the amendment regarding the so-called freedom from Healthcare Act, which is a feckless, meaningless attempt to decouple Kansas from provisions of the *Patient Protection and Affordable Care Act*, signed into law exactly one year ago today (nicknamed “Obamacare”).

We should, as a mature, responsible legislature with little time or taxpayer dollars, *stop wasting* our limited session on political posturing, especially on a federal program which will potentially benefit all Kansans; all Americans.

Grow up; move forward colleagues.....*ahead!*

The U.S. Supreme Court will ultimately render a verdict affirming, or not, the constitutionality of the Healthcare Act. I believe we, who desire a healthier, more financially secure America, will prevail. And will then, unobstructed finally, go to work....for America.

So when Obamacare is working well for the majority of this country, please do yourself two favors, O.K.?

First: Continue to give *credit*, as *Obamacare*, to this Presidential Administration and to the visionary, brave, men and women of the last Congress for its passage, and

Second: “What will the children think?” Our chaplain, Fred Holloman asked us to consider during this morning's senate prayer, so when *Obamacare* is working and the stories of a healthier and more financially secure constituency abound, try not to hang your heads in shame when *your* children and grandchildren ask you: “Tell me why, again were you so against healthcare benefits...??” O.K.? – DAVID HALEY

Sub HB 2191, AN ACT concerning school districts; relating to teachers; amending K.S.A. 2010 Supp. 72-5445 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed, as amended.

S Sub for HB 2194, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; employer and employee contributions; benefits; amending K.S.A. 74-4915 and 74-4919 and K.S.A. 2010 Supp. 74-4914d, 74-4920, 74-49,205, 74-49,210 and 74-49,213 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Olson, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The substitute bill passed.

HB 2195, AN ACT concerning municipalities; establishing the organized collection service act, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2227, AN ACT concerning crimes, criminal procedure and punishment; relating to warrants; amending K.S.A. 22-2304 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

S Sub for HB 2251, AN ACT concerning school districts; relating to the statewide levy for public schools and the exemption therefrom; amending K.S.A. 2010 Supp. 72-6431 and 79-201x 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed.

Sub HB 2271, AN ACT concerning agriculture; relating to plant pest inspection and control; amending K.S.A. 2010 Supp. 2-2113, 2-2115, 2-2116, 2-2117, 2-2118, 2-2120, 2-2122, 2-2123, 2-2124, 2-2125, 2-2126, 2-2128 and 2-2129 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Olson, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The substitute bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kultala, Faust-Goudeau, Francisco, Huntington, Kelly, Lynn, McGinn, Pilcher-Cook, V. Schmidt, Schodorf, Teichman and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1834—

A RESOLUTION recognizing March as National Women's History Month.

WHEREAS, Women of every race, class and ethnic background have made historic contributions to the growth and strength of Kansas and the United States in countless recorded and unrecorded ways; and

WHEREAS, Before the 1970's, women's history was largely missing from the public consciousness. To counter that trend, the education task force of the Sonoma County, California commission on the status of women initiated a women's history week celebration in 1978; and

WHEREAS, In 1987, the national women's history project petitioned congress to expand the celebration to the entire month of March. Since then, the national women's history month resolution has been approved every year with bipartisan support in both the United States house and senate; and

WHEREAS, Kansas has a unique and proud history of women who have led the way for the continued progress and strength of Kansas and the United States. Among these great Kansans are Mabel Chase, the first woman sheriff in the United States, Amelia Earhart, the first woman pilot to fly solo across the Atlantic Ocean, Georgia Neese

Clark Gray, the first woman treasurer of the United States, Peggy Hull, the first woman to become an official war reporter, Hattie McDaniel, the first African American to receive an academy award, Carry Nation, the famed prohibitionist, Susanna Madora Salter, the first woman mayor in the United States and Lucy Hobbs Taylor, the first female dentist in the United States: Now, therefore,

Be it resolved by the Senate of the State of Kansas: We honor the significant contributions women have made to the history, strength and future of Kansas and the United States by recognizing March as National Women's History Month; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Kultala.

On emergency motion of Senator Kultala **SR 1834** was adopted unanimously.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Owens in the chair.

The morning session recommended:

SB 211; HB 2056, HB 2339 be passed.

The committee report on **HB 2133** recommending a **Senate Sub HB 2133** be adopted, and the substitute bill be passed.

SB 142 be amended by the adoption of the committee amendments, and the bill be passed as amended.

HB 2218 be amended by motion of Senator King, on page 1, in line 11, after "fertilization" by inserting ", the unborn child reacts to touch. By 20 weeks after fertilization" and **HB 2218** be passed as amended.

A motion by Senator Francisco to amend **HB 2218** failed and the following amendment was rejected: on page 1, by striking all in lines 6 through 26;

On page 2, by striking all in lines 1 through 24;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 25, by striking "through 3" and inserting "and 2";

On page 7, in line 14, by striking "3" and inserting "2"

A motion by Senator Francisco to amend **HB 2218** failed and the following amendment was rejected on page 4, in line 30, by striking "medical basis" and inserting "procedures used"; in line 37, by striking "medical basis" and inserting "procedures used"

A motion by Senator Francisco to amend **HB 2218** failed and the following amendment was rejected: on page 2, in line 34, after the period, by inserting "Abortion does not include: (1) The use of any drug or device that inhibits or prevents ovulation, fertilization or the implantation of an embryo; or (2) disposition of the product of in vitro fertilization prior to implantation."

A motion by Senator Francisco to amend **HB 2218** failed and the following amendment was rejected: on page 2, in line 36, by striking "mental or"

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

On roll call, the vote was: Yeas 13, Nays 25, Present and Passing 1, Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Schmidt V, Schodorf, Steineger, Teichman, Vratil.

Nays: Abrams, Apple, Bruce, Emler, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Taddiken, Umbarger, Wagle.

Present and Passing: Brungardt.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

A motion by Senator Francisco to amend **HB 2218** failed and the following amendment was rejected: on page 3, in line 12, by striking "an unborn child" and inserting "a fetus"; in line 13, after "more" by inserting "and having a functioning cerebral cortex"

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: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Schmidt V, Schodorf, Steineger, Teichman, Vratil.

Nays: Abrams, Apple, Bruce, Brungardt, Emler, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Taddiken, Umbarger, Wagle.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected and **HB 2218** be passed as amended.

HB 2139 be amended by the adoption of the committee amendments, be further amended by motion of Senator Teichman, on page 1, in line 27, after "statute" by inserting ", except that any moneys paid relating to existing claims with the state workers compensation self-insurance fund made by the state fair board shall be assessed to the state fair board until all such claims have been closed and settled" and **HB 2139** be passed as further amended.

The Committee rose and reported progress (see Committee of the Whole, afternoon session.)

On motion of Senator Emler the Senate recessed until 1:30 p.m.

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

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Ostmeyer moved the Senate concur in House amendments to **SB 122**.

SB 122, AN ACT concerning the Kansas water office; relating to easements on state property for conservation projects.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken,

Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Senate concurred.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 14** and requested a conference committee be appointed.

The Vice President appointed Senators Teichman, Masterson and A. Schmidt as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 37** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, King and Haley as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 63** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, King and Haley as a conference committee on the part of the Senate.

On motion of Senator Reitz the Senate nonconcurred in the House amendments to **H Sub for SB 101** and requested a conference committee be appointed.

The Vice President appointed Senators Reitz, Brungardt and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Ostmeyer the Senate nonconcurred in the House amendments to **SB 123** and requested a conference committee be appointed.

The Vice President appointed Senators Ostmeyer, McGinn and Francisco as a conference committee on the part of the Senate.

On motion of Senator Ostmeyer the Senate nonconcurred in the House amendments to **SB 124** and requested a conference committee be appointed.

The Vice President appointed Senators Ostmeyer, McGinn and Francisco as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 136** and requested a conference committee be appointed.

The Vice President appointed Senators Teichman, Masterson and A. Schmidt as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 170** and requested a conference committee be appointed.

The Vice President appointed Senators Teichman, Masterson and A. Schmidt as a conference committee on the part of the Senate.

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **H Sub for SB 213** and requested a conference committee be appointed.

The Vice President appointed Senators Umbarger, Marshall and Kultala as a conference committee on the part of the Senate.

On motion of Senator Ostmeyer the Senate nonconcurred in the House amendments to **H Sub for SB 214** and requested a conference committee be appointed.

The Vice President appointed Senators Ostmeyer, McGinn and Francisco as a conference committee on the part of the Senate.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator Owens in the chair.

On motion of Senator Owens the morning report and the following afternoon report were adopted.

HB 2035 be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil, on page 19, in line 17, by striking "Kansas register" and inserting "statute book".

HB 2035 be further amended by motion of Senator Kelly, on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2010 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; ~~and~~

(D) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers and community corrections officers, case managers appointed under K.S.A. 23-1001 et seq., and amendments thereto, and mediators appointed under K.S.A. 23-602, 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 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. 2010 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 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 services 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.";

And by renumbering the remaining sections accordingly;

On page 19, in line 15, after "Supp." by inserting "38-2223,";

On page 1, in the title, in line 3, after "Supp." by inserting "38-2223,"

HB 2035 be further amended by motion of Senator Pilcher-Cook, on page 3, in line 14, by striking all after "means"; by striking all in lines 15 through 18 and inserting "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." and **HB 2035** be passed as further amended.

Sub SB 159 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Bruce, on page 15, following line 6, by inserting the following:

"New Sec. 3. (a) An individual who has been adjudicated as a mentally ill person subject to involuntary commitment for care and treatment, or who is prohibited from shipping, transporting, possessing or receiving firearms or ammunition by subsection (d)(4) or (g)(4) of 18 U.S.C. § 922, may petition for relief of disabilities for the purpose of firearm prohibitions imposed under state and federal laws.

(b) A petitioner shall submit such petition to a court of competent jurisdiction within this state.

(c) The court may only consider petitions for relief due to mental health adjudications or commitments that occurred within the state.

(d) The court shall consider the petition for relief, in accordance with the principles of due process. Such petitioner shall submit, and such court shall receive and consider:

(1) The circumstances regarding the firearm disability imposed by federal law;
 (2) such petitioner's mental health records;
 (3) such petitioner's criminal history records; and
 (4) such petitioner's reputation, developed through character witness statements, testimony or other character evidence.

(e) The court shall grant relief only if such court determines there is clear and convincing evidence that:

(1) The petitioner will not be likely to act in a manner dangerous to public safety; and
 (2) granting such relief would not be contrary to the public interest.

(f) If the court denies the petition for relief, the petitioner may petition a court of proper jurisdiction for a de novo judicial review of the court's decision to deny such petition.

(g) Documentation of a granted petition shall be submitted to the Kansas bureau of investigation. The Kansas bureau of investigation shall immediately cause such order to be entered into the appropriate state and federal databases.

(h) As used in this section:

(1) "Mentally ill person subject to involuntary commitment for care and treatment" has the same meaning as defined in K.S.A. 59-2946, and amendments thereto.

(2) "Due process" requires that:

(A) The petitioner shall have the opportunity to submit such petitioner's own evidence to the court;

(B) an independent decision maker, other than the individual who gathered the evidence for the court acting on the application, shall review such evidence; and

(C) a record of the proceedings shall be created and maintained for review.

Sec. 4. K.S.A. 2010 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, and amendments thereto. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding:

(1) The arrest occurred because of mistaken identity;

(2) a court has found that there was no probable cause for the arrest;

(3) the petitioner was found not guilty in court proceedings; or

(4) the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interest of public welfare, the records should be available for any of the following purposes:

(1) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed

appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in 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.

~~(g)~~(h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

Sec. 5. K.S.A. 2010 Supp. 22-2410 is hereby amended to read as follows: 22-2410. (a) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after the effective date of this act through June

30, 2011, the supreme court may impose an additional charge, not to exceed \$15 per docket fee, to fund the costs of nonjudicial personnel. The petition shall state:

- (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
- (3) the petitioner's sex, race and date of birth;
- (4) the crime for which the petitioner was arrested;
- (5) the date of the petitioner's arrest; and
- (6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, and amendments thereto. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding:

- (1) The arrest occurred because of mistaken identity;
- (2) a court has found that there was no probable cause for the arrest;
- (3) the petitioner was found not guilty in court proceedings; or
- (4) the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes:

(1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125

through 8-2,142, and amendments thereto;

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

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) *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.

(g)(h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(h)(i) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 6. K.S.A. 22-4701 is hereby amended to read as follows: 22-4701. As used in this act, unless the context clearly requires otherwise:

(a) "Central repository" means the criminal justice information system central repository created by this act and the juvenile offender information system created pursuant to K.S.A. ~~20072010~~ Supp. 38-2326, and amendments thereto.

(b) "Criminal history record information" means *all* data initiated or collected by a criminal justice agency on a person pertaining to a reportable event, *and any supporting documentation*. ~~The term~~ *Criminal history record information* does not include:

(1) Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;

(2) wanted posters, police blotter entries, court records of public judicial proceedings or published court opinions;

(3) data pertaining to violations of the traffic laws of the state or any other traffic law or ordinance, other than vehicular homicide; or

(4) presentence investigation and other reports prepared for use by a court in the exercise of criminal jurisdiction or by the governor in the exercise of the power of pardon, reprieve or commutation.

(c) "Criminal justice agency" means any government agency or subdivision of any such agency which is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, rehabilitation or release of persons suspected, charged or convicted of a crime and which allocates a substantial portion of

its annual budget to any of these functions. The term includes, but is not limited to, the following agencies, when exercising jurisdiction over criminal matters or criminal history record information:

(1) State, county, municipal and railroad police departments, sheriffs' offices and countywide law enforcement agencies, correctional facilities, jails and detention centers;

(2) the offices of the attorney general, county or district attorneys and any other office in which are located persons authorized by law to prosecute persons accused of criminal offenses;

(3) the district courts, the court of appeals, the supreme court, the municipal courts and the offices of the clerks of these courts;

(4) the Kansas sentencing commission;

(5) the Kansas parole board; and

(6) the juvenile justice authority.

(d) "Criminal justice information system" means the equipment (including computer hardware and software), facilities, procedures, agreements and personnel used in the collection, processing, preservation and dissemination of criminal history record information.

(e) "Director" means the director of the Kansas bureau of investigation.

(f) "Disseminate" means to transmit criminal history record information in any oral or written form. The term does not include:

(1) The transmittal of such information within a criminal justice agency;

(2) the reporting of such information as required by this act; or

(3) the transmittal of such information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.

(g) "Reportable event" means an event specified or provided for in K.S.A. 22-4705, and amendments thereto.

Sec. 7. K.S.A. 22-4705 is hereby amended to read as follows: 22-4705. (a) The following events are reportable events under this act:

(1) Issuance of an arrest warrant;

(2) an arrest;

(3) release of a person after arrest without the filing of a charge;

(4) dismissal or quashing of an indictment or criminal information;

(5) an acquittal, conviction or other disposition at or following trial, including a finding of probation before judgment;

(6) imposition of a sentence;

(7) commitment to a correctional facility, whether state or locally operated;

(8) release from detention or confinement;

(9) an escape from confinement;

(10) a pardon, reprieve, commutation of sentence or other change in a sentence, including a change ordered by a court;

(11) judgment of an appellate court that modifies or reverses the lower court decision;

(12) order of a court in a collateral proceeding that affects a person's conviction, sentence or confinement, including any expungement or annulment of arrests or convictions pursuant to state statute; and

(13) any other event arising out of or occurring during the course of criminal justice proceedings declared to be reportable by rule or regulation of the director.

(b) There is hereby established a criminal justice information system central repository for the collection, storage, and dissemination of criminal history record information. The central repository shall be operated by the Kansas bureau of investigation under the administrative control of the director.

(c) Except as otherwise provided by this subsection, every criminal justice agency shall report criminal history record information, whether collected manually or by means of an automated system, to the central repository, in accordance with rules and regulations adopted pursuant to this act. A criminal justice agency shall report to the central repository those reportable events involving a violation of a county resolution or city ordinance only when required by rules and regulations adopted by the director.

(d) Reporting methods may include:

(1) Submittal of criminal history record information by a criminal justice agency directly to the central repository;

(2) if the information can readily be collected and reported through the court system, submittal to the central repository by the administrative office of the courts; or

(3) if the information can readily be collected and reported through criminal justice agencies that are part of a geographically based information system, submittal to the central repository by the agencies.

(e) Nothing in this section shall prevent a criminal justice agency from maintaining more detailed information than is required to be reported to the central repository. However, the dissemination of that criminal history record information is governed by the provisions of this act.

(f) The director may determine, by rule and regulation, the reportable events to be reported by each criminal justice agency, in order to avoid duplication in reporting.

(g) *No court or criminal justice agency may assess fees or charges against the central repository for providing criminal history record information created prior to, on or after July 1, 2011.*

Sec. 8. K.S.A. 2010 Supp. 38-2312 is hereby amended to read as follows: 38-2312. (a) Except as provided in subsection (b) *and (c)*, any records or files specified in this code concerning a juvenile may be expunged upon application to a judge of the court of the county in which the records or files are maintained. The application for expungement may be made by the juvenile, if 18 years of age or older or, if the juvenile is less than 18 years of age, by the juvenile's parent or next friend.

(b) There shall be no expungement of records or files concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-3401, *prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, murder in the first degree, K.S.A. 21-3402, *prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, murder in the second degree, K.S.A. 21-3403, *prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, voluntary manslaughter, K.S.A. 21-3404, *prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, involuntary manslaughter, K.S.A. 21-3439, *prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, capital murder, K.S.A. 21-3442, *prior to its repeal, and amendments thereto*, involuntary manslaughter while

driving under the influence of alcohol or drugs, K.S.A. 21-3502, *prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, rape, K.S.A. 21-3503, *prior to its repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, indecent liberties with a child, K.S.A. 21-3504, *prior to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, aggravated indecent liberties with a child, K.S.A. 21-3506, *prior to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, aggravated criminal sodomy, K.S.A. 21-3510, *prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, indecent solicitation of a child, K.S.A. 21-3511, *prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, aggravated indecent solicitation of a child, K.S.A. 21-3516, *prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, sexual exploitation, K.S.A. 21-3603, *prior to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, aggravated incest, K.S.A. 21-3608, *prior to its repeal, or subsection (a) of section 78 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, endangering a child, K.S.A. 21-3609, *prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, abuse of a child, or which would constitute an attempt to commit a violation of any of the offenses specified in this subsection.

(c) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(~~e~~) (d) When a petition for expungement is filed, the court shall set a date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile's full name; (2) the full name of the juvenile as reflected in the court record, if different than (1); (3) the juvenile's sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. On and after the effective date of this act through June 30, 2011, the supreme court may impose a charge, not to exceed \$15 per case, to fund the costs of non-judicial personnel. All petitions for expungement shall be docketed in the original action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(~~d~~) (e) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:

(A) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge;

(B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender under the revised Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and

(C) the circumstances and behavior of the petitioner warrant expungement.

(2) The court may require that all court costs, fees and restitution shall be paid.

~~(e)~~ (f) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the sentence to be imposed. The petitioner, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the juvenile. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall be limited to inspection by the person who is the subject of the files or records and the person's designees.

~~(f)~~ (g) *A certified copy* of any order made pursuant to subsection (a) or ~~(e)~~ (d) shall be sent to ~~each public officer and agency in the county having possession of any~~ the Kansas bureau of investigation, which shall notify every juvenile or criminal justice agency which may possess records or files ordered to be expunged. If the ~~officer or~~ agency fails to comply with the order within a reasonable time after its receipt, ~~the officer or~~ such agency may be adjudged in contempt of court and punished accordingly.

~~(g)~~ (h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

~~(h)~~ (i) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile.

~~(i)~~ (j) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.

~~(j)~~ (k) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed

appropriate by the executive director of the Kansas lottery;

(7) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission; or

(8) the Kansas sentencing commission; *or*

(9) *the Kansas bureau of investigation, for the purposes of:*

(A) *Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or*

(B) *providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.*

(l) *The provisions of subsection (k)(9) shall apply to all records created prior to, on and after July 1, 2011.*

Sec. 9. Section 254 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 254. (a) (1) Except as provided in subsections (b) ~~and (e)~~, (c) and (d), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b) ~~and (e)~~ (c) and (d), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Except as provided in subsection (c) and (d), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined by ~~in~~ *K.S.A. 21-3405, prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;*

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto,

or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

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

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

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

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape as defined in *K.S.A. 21-3502, prior to its repeal*, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child as defined in *K.S.A. 21-3503 or 21-3504, prior to their repeal*, or section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(3) criminal sodomy as defined in *subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal*, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(4) aggravated criminal sodomy as defined in *K.S.A. 21-3506, prior to its repeal*, or section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child as defined in *K.S.A. 21-3510 or 21-3511, prior to their repeal*, or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(6) sexual exploitation of a child as defined in *K.S.A. 21-3516, prior to its repeal*, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(7) aggravated incest as defined in *K.S.A. 21-3603, prior to its repeal*, or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) endangering a child or aggravated endangering a child as defined in *K.S.A. 21-3608 or 21-3608a, prior to their repeal*, or section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(9) abuse of a child as defined in *K.S.A. 21-3609, prior to its repeal*, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(10) capital murder as defined in *K.S.A. 21-3439, prior to its repeal*, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(11) murder in the first degree as defined in *K.S.A. 21-3401, prior to its repeal*, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(12) murder in the second degree as defined in *K.S.A. 21-3402, prior to its repeal*, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(13) voluntary manslaughter as defined in *K.S.A. 21-3403, prior to its repeal*, or

section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(17) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation;

(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(19) any conviction for any offense in effect at any time prior to ~~the effective date of this act~~ July 1, 2011, that is comparable to any offense as provided in this subsection.

(d) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

~~(d)~~ (e) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as *otherwise* provided ~~further, there shall be no docket fee for filing a petition pursuant to this section~~ by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. On and after July 1, 2009 through ~~June 30, 2010~~ April 15, 2010 through June 30, 2011, the supreme court may impose a charge, not to exceed ~~\$10~~\$15 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

~~(e)~~ (f) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the

petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement;

(3) the expungement is consistent with the public welfare.

(f) (g) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. ~~2009~~2010 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

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

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

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

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. ~~2009~~2010 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

~~(g)~~ (h) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

~~(h)~~ (i) Subject to the disclosures required pursuant to subsection ~~(f)~~ (g), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

~~(i)~~ (j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecutor, and such request is accompanied by a statement that the request

is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act; or

(17) *the Kansas bureau of investigation for the purposes of:*

(A) *Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or*

(B) *providing information or documentation to the federal bureau of investigation,*

in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

⊕ (k) *The provisions of subsection (j)(17) shall apply to records created prior to, on and after July 1, 2011."*

And by renumbering the remaining sections accordingly;

Also on page 15, in line 7, by striking all after "K.S.A."; in line 8, by striking "section 247" and inserting "22-4701 and 22-4705 and K.S.A. 2010 Supp. 12-4516a, 21-4610a, 21-4619, 22-2410, 22-3717, 22-3717c and 38-2312 and sections 247 and 254";

On page 1, in the title, in line 4, by striking all after the semicolon; by striking all in lines 5 through 7 and inserting "expunged records; petitions for relief; amending K.S.A. 22-4701 and 22-4705 and K.S.A. 2010 Supp. 12-4516a, 22-2410, 22-3717 and 38-2312 and sections 247 and 254 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-4610a, 21-4619 and 22-3717c."

A motion by Senator Haley to amend **Sub SB 159** failed and the following amendment was rejected: on page 1, following line 9, by inserting the following:

"New Section 1. (a) As used in this section:

(1) "Custodial interrogation" retains the meaning prescribed to it by the United States and Kansas constitutions.

(2) "Place of detention" means a building under the control of a law enforcement unit, a courthouse holding facility for defendants in the custody of a jail or prison, a city or county jail or work release facility, a state prison, or a state security hospital or a facility operated by the department of social and rehabilitation services for the purposes provided for under K.S.A. 59-29a02 et seq., and amendments thereto.

(3) "Video recording" means to capture the visual and audio components of an event in a manner that allows the event to be observed through that medium.

(b) (1) Effective July 1, 2011, except as provided in subsection (c), if a place of detention is equipped with one or more rooms capable of making a video recording, a video recording shall be made of a custodial interrogation conducted in such place of detention when the interrogation concerns an off-grid felony, a nondrug severity level 1 through 5 felony or a drug severity level 1 felony crime. The recording shall include the advice of rights. The recording shall not end until the interrogation is concluded. If the defendant elects to make or sign a written statement during the course of a custodial interrogation, the making and signing of the writing shall be recorded.

(2) Effective July 1, 2012, except as provided in subsection (c), a video recording shall be made of a custodial interrogation conducted in any place of detention when the interrogation concerns an off-grid felony, a nondrug severity level 1 through 5 felony or a drug severity level 1 felony crime. The recording shall include the advice of rights. The recording shall not end until the interrogation is concluded. If the defendant elects to make or sign a written statement during the course of a custodial interrogation, the making and signing of the writing shall be recorded.

(c) A video recording of a statement under subsection (b) is not required if the oral, written or sign language statement was made:

(1) During an interrogation that was not recorded as required by subsection (b) because video recording was not feasible;

(2) spontaneously and not in response to a question;

(3) voluntarily, whether or not the result of an interrogation, and the statement has a bearing on the credibility of the accused as a witness;

(4) after questioning that is routinely asked during the processing of the arrest of a suspect;

(5) in an interrogation outside the state of Kansas;

(6) at a time when the interrogators are unaware that an offense covered by subsection (b) has occurred; or

(7) at a time when the person being interrogated is not a suspect for the offense to which the statement relates while the person is being interrogated for an offense other than an offense specified in subsection (b).

(d) If the court finds by a preponderance of the evidence that the defendant was subjected to an interrogation in violation of this section, the defendant shall be entitled to a jury instruction on the failure to record the interrogation. If the defendant requests such an instruction, the court shall instruct the jury that it is the law of Kansas to make a video recording of a custodial interrogation of a person suspected of committing the offense charged.

(e) Every video recording required under this section shall be preserved until the defendant's conviction for an offense relating to the statement is final and all direct appeals are exhausted, or until the prosecution of offenses related to the recorded statement is barred by law, whichever occurs later.

(f) Every video recording of any statement as required by this section shall be confidential and exempt from the Kansas open records act in accordance with K.S.A. 45-221, and amendments thereto."

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 2, after "to" by inserting "evidence and videotaping of felony interrogations;"

and **SB 159** be passed as amended.

Senate Sub for HB 2249 be passed over and retain a place on the calendar.

REPORT ON ENGROSSED BILLS

SB 227 reported correctly engrossed March 22, 2011.

SB 220 reported correctly engrossed March 23, 2011.

REPORT ON ENROLLED BILLS

SR 1833 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 23, 2011.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 142**, **Sub SB 159**, **SB 211**; **HB 2035**, **HB 2056**, **HB 2133**, **HB 2139**, **HB 2218** and **HB 2339** were advanced to Final Action and roll call.

SB 142, AN ACT concerning evidence in civil actions; expressions of apology, sympathy, commiseration or condolence not admissible as evidence of an admission of liability or as evidence of an admission against interest.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

Sub SB 159, AN ACT concerning crimes, punishment and criminal procedure; relating to conditions of release; searches of parolees and persons on postrelease supervision; conditions for sex offenders; conditions for persons on probation; repealing K.S.A. 2010 Supp. 21-4610a and 22-3717c.

On roll call, the vote was: Yeas 24, Nays 12, Present and Passing 3, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Hensley, Kelly, Kelsey, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Huntington, King, Morris, Owens, Reitz, Schmidt V, Schodorf, Vratil.

Present and Passing: Emler, Holland, McGinn.

Absent or Not Voting: Donovan.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote “NO” on **SB 159**. Under duress (that is, “sign a waiver consenting to be searched at all times or remain in prison”), an inmate waives their fourth and fifth amendment constitutional rights. (Prohibiting illegal search and seizures; Right against self-incrimination.) Can this be legal?

And is a search-of-person limited to the body of that person or expansive to include the car or the house? It is wrong to provide this foundation for legitimized harassment by stop-and-frisks done only because of parolee status. Imagine standing around at a function with associates and some random officer walks up and, with the force of this law, embarrasses the parolee for no reason. We should allow some modicum of respect of *All* people; irrespective of their past transgression(s). – DAVID HALEY

SB 211, AN ACT concerning pharmacists; relating to dispensing prescriptions; amending K.S.A. 2010 Supp. 65-1637 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2035, AN ACT concerning abortion; regarding certain prohibitions on late-term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6705 and 65-6721 and K.S.A. 2010 Supp. 38-2223, 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713.

On roll call, the vote was: Yeas 24, Nays 15, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Emler, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt A, Taddiken, Umbarger, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Vratil.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote “NO” on **HB 2035** for a number of reasons. This bill makes an extraordinary number of changes to our existing statutes: it changes the definition of viable to remove the reference to the application of extraordinary measures, it calls for providing a woman with information that “the abortion will terminate the life of a whole, separate, unique, living human being” whether or not the physician has advised that that is the case, by changing notification to consent, it changes the access that minors may have to obtaining an abortion, it removes the existing civil immunity for physicians who comply with the statutes, and the public reporting detailing the number and nature of judicial bypass waivers may interfere with the independence of the judiciary. Most importantly this bill does nothing to prevent unintended pregnancies or show compassion for women who find themselves in extraordinarily difficult situations. I would hope that in the future we can find a more positive direction and truly move the state forward in expanding access to neonatal health care and reducing infant mortality. – MARCI FRANCISCO

Senators Faust-Goudeau, Haley, Hensley, Kultala and Teichman request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **HB 2035**.

HB 2056, AN ACT relating to the state bank commissioner; concerning the examination and annual assessment of certain financial institutions; amending K.S.A. 2010 Supp. 9-1703 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

S Sub for HB 2133, AN ACT concerning state funds; relating to moneys recovered from water litigation; relating to funding for local health departments.; amending

K.S.A. 65-242, 82a-1801 and 82a-1802 and K.S.A. 2010 Supp. 82a-1803, 82a-1804 and 82a-1805 and repealing the existing sections.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed.

HB 2139, AN ACT concerning insurance; relating to rates and rate modifications for workers compensation insurance; authorizing the state fair board to purchase workers compensation insurance; amending K.S.A. 40-954 and 40-2109 and K.S.A. 2010 Supp. 40-955 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2218, AN ACT concerning abortion; relating to restrictions on late term abortions; amending K.S.A. 65-445 and repealing the existing section.

On roll call, the vote was: Yeas 24, Nays 15, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Emler, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Taddiken, Teichman, Umbarger, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Owens, Reitz, Schmidt V, Schodorf, Steineger, Vratil.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote “NO” on **HB 2218**. I want our statutes to be compassionate, both to unborn children and to their mothers and families. I had hoped that the body might consider adopting the amendment to this bill that would, for me, more accurately identify an unborn child as one possessing a cerebral cortex and truly capable of pain. Without that change, I cannot support this bill. – MARCI FRANCISCO

Senators Faust-Goudeau, Hensley, Kelly, Kultala and Owens request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **HB 2118**.

HB 2339, AN ACT concerning crimes, punishment and criminal procedure; amending K.S.A. 8-254, 8-285, 8-1450, 9-2004, 19-101d, 19-27,139, 19-4804, 20-369, 22-2411, 22-2615, 22-2307, 22-2908, 22-3008, 22-3102, 22-3414, 22-3415, 22-3427, as amended by section 306 of chapter 136 of the 2010 Session Laws of Kansas, 22-3429, 22-3436, 22-3439, 22-3602, 22-3701, 22-3725, 22-4807a, 34-228, 34-249a, 36-602, 38-1132, 39-720, 39-785, 41-206, 44-1039, 46-920, 47-653c, 47-1715, 50-618, 50-648, 50-651, 50-653, 57-227, 58-2573, 60-523, 60-1620, 60-2610, 60-4111, 60-4402, 60-4404, 60-4405, 65-444, 65-1120, 65-2006, 65-2859, 65-28,108, 65-28a05, 65-4209, 65-6703, 65-6721, 68-422a, 74-7325, 74-7333, 75-4004, 75-5233 and 75-5269; K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas; K.S.A. 2010 Supp. 8-116a, 8-255, 8-262, 8-287, 8-2,144, 8-1013, 8-1102, 8-2106, 8-2117, 8-2410, 12-16,119, 12-4104, 12-4516, 12-4516a, 12-4517, 17-12a508, 20-2207, 20-2208, 20-3207, 21-3212a, 21-3220, 21-3221, 21-36a03, 22-2310, 22-2410, 22-2512, 22-2802, 22-2901, 22-2909, 22-3212, 22-3303, 22-3426, 22-3716, 22-3717, 22-3727, 22-3727a, 22-4614, 22-4616, 22-4617, 22-4902, 22-4906, 28-177, 32-1013, 32-1047, 32-1063, 36-604, 38-2202, 38-2255, 38-2271, 38-2302, 38-2303, 38-2309, 38-2310, 38-2312, 38-2313, 38-2326, 38-2331, 38-2355, 38-2356, 38-2361, 38-2364, 38-2365, 38-2371, 38-2377, 39-970, 40-252, 40-2,118, 40-1702, 40-3213, 41-346, 41-2611, 41-2708, 41-2905, 41-2906, 44-5,125, 44-706, 44-719, 44-1131, 45-217, 45-221, 45-230, 47-1706, 47-1707, 58-3043, 58-3068, 58-4505, 59-2132, 59-2948, 59-29a02, 59-29a07, 59-29a14, 59-29b48, 60-312, 60-455, 60-1610, 60-1629, 60-3107, 60-31a06, 60-4104, 60-4105, 60-4113, 60-4119, 60-4403, 60-5001, 65-448, 65-516, 65-1436, 65-1627, 65-2434, 65-2836, 65-5117, 66-2304, 72-1397, 72-5445, 74-4924, 74-5602, 74-7301, 74-7305, 74-8702, 74-9101, 75-452, 75-453, 75-755, 75-7b01, 75-7b13, 75-7c03, 75-7c04, 75-7c05, 75-7c09, 75-7c17, 75-7c19, 75-7c26, 75-1508, 75-4362, 75-5133, 75-5218, 75-5291, 75-52,127, 75-52,144, 75-52,148 and 76-11a13; and Sections 2, 11, 21, 22, 23, 24, 25, 26, 28, 33, 34, 35, 39, 47, 48, 49, 52, 53, 56, 57, 60, 61, 62, 64, 67, 68, 70, 74, 76, 78, 79, 88, 96, 98, 105, 136, 139, 141, 147, 158, 159, 164, 177, 183, 186, 187, 188, 189, 190, 192, 194, 198, 209, 212, 223, 225, 228, 230, 232, 242, 243, 244, 247, 248, 254, 257, 259, 260, 262, 266, 267, 268, 269, 271, 285, 291, 292, 294, 298, 299 and 302 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 22-3220, K.S.A. 2009 Supp. 21-3110, as amended by section 5 of chapter 101 of the 2010 Session Laws of Kansas, 21-3412a, as amended by section 6 of chapter 101 of the 2010 Session Laws of Kansas, 21-4603d, as amended by Section 7 of chapter 101 of the 2010 Session Laws of Kansas, 21-4704, as amended by section 6 of chapter 147 of the 2010 Session Laws of Kansas; K.S.A. 2010 Supp. 8-1567, 21-3105, 21-3211, 21-3212, 21-3213, 21-3214, 21-3215, 21-3216, 21-3217, 21-3218, 21-3301, 21-3302, 21-3303, 21-3437, 21-3446, 21-3447, 21-3449, 21-3450, 21-3502, 21-3504, 21-3506, 21-3513, 21-3516, 21-3520, 21-3608a, 21-3826, 21-4018, 21-4201, 21-4203, 21-4204, 21-4218, 21-4226, 21-4311, 21-4316, 21-4603d, 21-4610a, 21-4619, 21-4623, 21-4624, 21-4632, 21-4634, 21-4642, 21-4643, 21-4704, 21-4710, 21-4718, 22-3212a, 22-3717c, 38-2255a and 65-516b and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley,

Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2336**.

Announcing passage of **SB 103, SB 119, SB 185, SB 212**.

Also, passage of **SB 10**, as amended; **SB 11**, as amended; **SB 115**, as amended; **SB 125**, as amended; **SB 134**, as amended; **SB 150**, as amended.

Also, passage of **SB 23** as amended by **House Substitute for SB 23; SB 55**, as amended by **House Substitute for SB 55; Substitute SB 127**, as amended by **House Substitute for Substitute SB 127; SB 129** as amended by **House Substitute for SB 129**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2336 was thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Apple the Senate nonconcurred in the House amendments to **SB 10** and requested a conference committee be appointed.

The Vice President appointed Senators Apple, King and Holland as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 23** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, King and Haley as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 55** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, King and Haley as a conference committee on the part of the Senate.

On motion of Senator V. Schmidt the Senate nonconcurred in the House amendments to **SB 76** and requested a conference committee be appointed.

The Vice President appointed Senators V. Schmidt, Brungardt and Kelly as a conference committee on the part of the Senate.

On motion of Senator Huntington the Senate nonconcurred in the House amendments to **SB 125** and requested a conference committee be appointed.

The Vice President appointed Senators Huntington, V. Schmidt and Kultala as a conference committee on the part of the Senate.

On motion of Senator Huntington the Senate nonconcurred in the House amendments to **H Sub for Sub SB 127** and requested a conference committee be appointed.

The Vice President appointed Senators Huntington, V. Schmidt and Kultala as a conference committee on the part of the Senate.

On motion of Senator Huntington the Senate nonconcurrred in the House amendments to **H Sub for SB 129** and requested a conference committee be appointed.

The Vice President appointed Senators Huntington, V. Schmidt and Kultala as a conference committee on the part of the Senate.

On motion of Senator V. Schmidt the Senate nonconcurrred in the House amendments to **SB 134** and requested a conference committee be appointed.

The Vice President appointed Senators V. Schmidt, Brungardt and Kelly as a conference committee on the part of the Senate.

On motion of Senator Brungardt the Senate nonconcurrred in the House amendments to **SB 150** and requested a conference committee be appointed.

The Vice President appointed Senators Brungardt, Reitz and Faust-Goudeau as a conference committee on the part of the Senate.

CHANGE OF REFERENCE

The Vice President withdrew **S Sub HB 2080** from the Calendar under the heading of General Orders and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2184** from the Calendar under the heading of General Orders and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2241** from Calendar under the heading of General Orders and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **S Sub for HB 2249** from Calendar under the heading of General Orders and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2031** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2042** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **Sub HB 2069** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2196** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2157** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **Sub HB 2004** from the Committee on **Education**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2200** from the Committee on **Education**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2077** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2141** from the Committee on **Utilities**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2267** from the Committee on **Utilities**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2034** from the Committee on **Transportation**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2169** from the Committee on **Transportation**, and referred the bill to the Committee on **Ways and Means**.

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The Vice President withdrew **HB 2230** from the Committee on **Transportation**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **HB 2128** from the Committee on **Ethics and Elections**, and referred the bill to the Committee on **Ways and Means**.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Monday, March 28, 2011.

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 28, 2011, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-six senators present.
Senators Bruce, Donovan, Haley and Olson were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Some seem to think that Sunday
Is the only day God's alive,
And church the only place
In which You can survive.

Some say if You escape,
They will stop You at the door.
Since government and God
Cannot be friendly anymore.

But we need You at the State House,
And we need You every day;
Church is not the only place
Where we need to pray.

We need You in the chambers,
We need You in the halls;
We need You lots of places;
Outside the church's walls.

We need You in the office,
And we need You in committees;
We need You when we're getting down
To the nitty-gritty.

We're thankful, Lord, You're not confined
 To some sanctuary;
 You're always near to help us fight
 Our daily adversary.

We thank You in the Name of Jesus Christ. AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 245, AN ACT concerning state expenditures; relating to allotments; amending K.S.A. 75-3722 and K.S.A. 2010 Supp. 72-6410, 75-2263, 79-2959, 79-2964, 79-3425i and 82a-953a and repealing the existing sections; also repealing K.S.A. 75-6704, by Committee on Federal and State Affairs.

SENATE CONCURRENT RESOLUTION No. 1607—

By Committee on Federal and State Affairs

A CONCURRENT RESOLUTION outlining the principles of the State of Kansas regarding immigration reform policies.

WHEREAS, Failure to update our federal immigration system separates Kansas families, destabilizes Kansas communities, and creates uncertainty, inefficiency and an uneven playing field for Kansas businesses and economy; and

WHEREAS, The forced separation of working parents from their children weakens families and damages society; and

WHEREAS, Failure to address the system where it can be fixed – at the federal level – has left states searching for solutions in ways that have been costly and divisive: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature recommends the following basic principles as a guide for state and federal policy on immigration:

1. Immigration is a federal policy issue between the United States government and other countries – not Kansas and other countries. The Legislature urges the Kansas congressional delegation to take action to create a workable immigration system that upholds our values and moves us forward; and

2. the Legislature respects the rule of law and supports law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code; and

3. strong families are the foundation of successful communities. The Legislature opposes policies that unnecessarily separate families. The Legislature champions policies that support families and improve the health, education and well-being of all Kansas children; and

4. the Legislature acknowledges the important economic role immigrant Kansans play as workers, entrepreneurs and taxpayers. The immigration policies of Kansas must affirm its reputation as a welcoming and business friendly state; and

5. immigration is an important part of our past and our future. As in the past,

immigrants are integrated into communities across Kansas. We must adopt a humane approach to this reality, reflecting our values, history and spirit of inclusion. The way we treat immigrants will say more about us as a society and less about our immigrant neighbors. Kansas should always be a place that welcomes people of goodwill. Our communities and our future will be best served by doing so.

Be it further resolved: That the Legislature urgently calls upon the Kansas congressional delegation and the United States Congress to enact thorough, common sense, workable and humane reforms that reflect the realities of our country's workforce needs and represents America at its best.

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and each member of the Kansas congressional delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **HB 2336**.

CHANGE OF REFERENCE

The President withdrew **HB 2157** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Assessment and Taxation**.

The President withdrew **Sub HB 2004**; **HB 2200** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Education**.

The President withdrew **HB 2077** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

The President withdrew **HB 2184** from the Committee on **Ways and Means**, and referred the bill to the Calendar under the heading of **General Orders**.

The President withdrew **HB 2241** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

The President withdrew **HB 2034**, **HB 2169**, **HB 2230** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Transportation**.

The President withdrew **HB 2141**, **HB 2267** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Utilities**.

The President withdrew **HB 2141** from the Committee on **Utilities**, and referred the bill to the Committee on **Local Government**.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2221**, **Substitute HB 2340**; **HB 2392**.

The House nonconcurrs in Senate amendments to **HB 2119**, requests a conference and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2105**, requests a conference and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

Announcing passage of **HB 2386**.

Announcing passage of **SB 12**, **SB 24**, **SB 38**.

Announcing passage of **SB 6**, as amended by **House Substitute for SB 6; SB 9**, as amended; **Substitute SB 50**, as amended; **SB 60**, as amended by **House Substitute for SB 60; SB 83**, as amended; **SB 112**, as amended; **SB 143**, as amended.

The House nonconcur in Senate amendments to **HB 2067**, requests a conference and has appointed Representatives Schwab, Goico and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 14** and has appointed Representatives Landwehr, Donohoe and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 37** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 63** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 101** and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 123** and has appointed Representatives Powell, Kerschen and Williams as conferees on part of the House.

The House accedes to the request of the Senate for a conference on **SB 124** and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 136** and has appointed Representatives Shultz, Hermanson and Burroughs as conferees on part of the House.

The House accedes to the request of the Senate for a conference on **SB 170** and has appointed Representatives Shultz, Hermanson and Burroughs as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 196** and has appointed Representatives Carlson, Kleeb and Dillmore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 213** and has appointed Representatives Hayzlett, Prescott and Wetta as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 214** and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2221, Substitute HB 2340; HB 2392, HB 2386 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **SB 11** and requested a conference committee be appointed.

The President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

On motion of Senator Umbarger the Senate nonconcurrent in the House amendments to **SB 115** and requested a conference committee be appointed.

The President appointed Senators Umbarger, Marshall and Kultala as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2312**, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 5 and inserting:

"New Section 1. (a) On or after January 1, 2012, no business shall purchase any regulated scrap metal without having first registered each place of business as herein provided. In case such place of business is located within the corporate limits of a city, the registration shall be made to the governing body of such city. In all other cases, the registration shall be made to the board of county commissioners in the county in which such place of business is to be located.

(b) A board of county commissioners shall provide the clerk of the township with written notice of the filing of a registration by a scrap metal dealer within 10 days of registration or renewal.

(c) The governing body of any city and the board of county commissioners shall provide the sheriff, chief of police or director of all law enforcement agencies in the county written notice of the filing of registration by a scrap metal dealer within 10 days of registration or renewal.

(d) A registration for a scrap metal dealer shall be verified and upon a form prepared by the attorney general and contain:

- (1) The name and residence of the applicant;
- (2) the length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;
- (3) the particular place of business for which a registration is desired;
- (4) the name of the owner of the premises upon which the place of business is located; and

(5) the applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for theft, as defined in K.S.A. 21-3701, prior to its repeal, or section 87 of chapter 136 of the 2010 Session Laws of Kansas, theft of property lost, mislaid or delivered by mistake, as defined in K.S.A. 21-3703, prior to its repeal, or section 88 of chapter 136 of the 2010 Session Laws of Kansas, theft of services, as defined in K.S.A. 21-3704, prior to its repeal, criminal deprivation of property, as defined in K.S.A. 21-3705, prior to its repeal, or section 89 of chapter 136 of the 2010 Session Laws of Kansas, or any other crime involving possession of stolen property.

(e) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not less than \$100 nor more than \$400, as prescribed by the board of county commissioners or the governing body of the city, as the case may be.

(f) The board of county commissioners or the governing body of a city shall accept

a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer engaged in business in such county or city and qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of 10 years.

(g) If an original registration is accepted, the governing body of the city or the board of county commissioners shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The registration fee for such renewal, which shall be in addition to the fee provided by subsection (e), shall be not less than \$25 nor more than \$50.

(h) No registration issued under this act shall be transferrable.

(i) Violation of subsection (a) is a class A nonperson misdemeanor.

(j) This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

New Sec. 2. (a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the governing body of the city or the board of county commissioners shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

(b) No scrap metal registration shall be accepted for:

(1) A person who is under 18 years of age and whose parents or legal guardians would be ineligible for registration for any reason.

(2) A person who, within five years immediately preceding the date of filing, has pled guilty to, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 87 through 125 and subsection (a)(6) of section 223 of chapter 136 of the 2010 Session Laws of Kansas, perjury, K.S.A. 21-3805, prior to its repeal, or section 128 of chapter 136 of the 2010 Session Laws of Kansas, compounding a crime, K.S.A. 21-3807, prior to its repeal, obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal, falsely reporting a crime, K.S.A. 21-3818, prior to its repeal, interference with law enforcement, section 129 of chapter 136 of the 2010 Session Laws of Kansas, interference with judicial process, section 130 of chapter 136 of the 2010 Session Laws of Kansas, or any crime involving moral turpitude.

(3) A person who, within the five years immediately preceding the date of registration, has pled guilty to, been found guilty of, or entered a diversion agreement for violating the provisions of section 1, and amendments thereto, K.S.A. 50-6,109 et. seq., and amendments thereto, the laws of another state comparable to such provisions or laws of any county or city regulating the sale or purchase of regulated scrap metal three or more times.

(4) A person who within the three years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last

three years.

(6) A partnership or limited liability company, unless all members of the partnership or limited liability company are otherwise qualified to file a registration.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse would be ineligible to register for any reason, except this provision shall not apply to the spouse or a manager, officer or director of a publicly-traded company or its subsidiaries.

(10) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under this act.

New Sec. 3. (a) The board of county commissioners or the governing body of any city, upon five days notice to the persons holding a registration, may suspend the scrap metal dealer's registration for up to 30 days for any one of the following reasons:

(1) The registrant has been convicted of violating any of the provisions of K.S.A. 50-6,109 et seq., and amendments thereto, or any similar ordinance, resolution or rules or regulations made by the board or the city, as the case may be;

(2) the employment or continuation in employment of a person if the registered scrap metal dealer knows such person has, within the 18 months prior to the notice of suspension or revocation action, been convicted of violating any of the provisions of K.S.A. 50-6,109 et. seq., and amendments thereto, or the laws of another state comparable to such provisions, or any city or county ordinance or resolution, or regulation controlling scrap metal sale or purchase in Kansas or any other state; or

(3) permitting any criminal activity under the Kansas criminal code, or similar ordinance, resolution or rules or regulations made by the board or city, as the case may be, in or upon the registrant's place of business.

(b) The board of county commissioners or the governing body of any city may revoke the registration of a scrap metal dealer who has had its registration suspended three or more times within a 24-month period.

(c) The board of county commissioners or the governing body of any city, upon five days' notice to the person holding the registration, shall revoke or suspend the registration for any one of the following reasons:

(1) The registrant has fraudulently registered by knowingly giving materially false information on the registration form;

(2) the registrant has become ineligible to obtain a registration under this act;

(3) the nonpayment of any registration fees after receiving written notice that such registration fees are more than 30 days past due;

(4) the employment or continued employment of a person in connection with the receiving or purchasing of regulated scrap metal if the registrant knows such person has, within the preceding five years, pled guilty to, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of section 1, and amendments thereto, article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 87 through 125 and subsection (a)(6) of section 223 of chapter 136 of the 2010

Session Laws of Kansas, perjury, K.S.A. 21-3805, prior to its repeal, or section 128 of chapter 136 of the 2010 Session Laws of Kansas, compounding a crime, K.S.A. 21-3807, prior to its repeal, obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal, falsely reporting a crime, K.S.A. 21-3818, prior to its repeal, interference with law enforcement, section 129 of chapter 136 of the 2010 Session Laws of Kansas, interference with judicial process, section 130 of chapter 136 of the 2010 Session Laws of Kansas, a violation of K.S.A. 2010 Supp. 21-36a03, 21-36a05, and amendments thereto, or any crime involving moral turpitude; or

(5) within 20 days after the order of the board denying, revoking or suspending any registration, the registrant may appeal to the district court and the district court shall proceed to hear such appeal as though the court had original jurisdiction of the matter. Upon request by the registrant, the district court may enjoin the revocation or suspension of a registration until final disposition of any action brought under this act.

(d) Any action brought under subsections (a), (b) or (c) shall be brought individually against a single registrant's site and not against any other scrap metal sites or locations registered by the same individual, company or business entity."

On page 7, following line 19, by inserting:

"Sec. 6. K.S.A. 2010 Supp. 50-6,110 is hereby amended to read as follows: 50-6,110.

(a) Except as provided in subsection (d), it shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer, or employee or agent of a dealer, in this state unless such person presents to such scrap metal dealer, or employee or agent of such dealer, at or before the time of sale, the following information: The seller's name, address, sex, date of birth and the identifying number from the seller's driver's license, military identification card, passport or personal identification license. The identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller.

(b) Every scrap metal dealer shall keep a register in which the dealer, or employee or agent of the dealer, shall at the time of purchase or receipt of any item for which such information is required to be presented, cross-reference to previously received information, or accurately and legibly record at the time of sale the following information:

(1) The time, date and place of transaction;

(2) the seller's name, address, sex, date of birth and the identifying number from the seller's driver's license, military identification card, passport or personal identification license; the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller;

(3) a copy of the identification card or document containing such identifying number;

(4) the license number, color and style or make of any motor vehicle in which the junk vehicle or other regulated scrap metal property is delivered in a purchase transaction;

(5) a general description, made in accordance with the custom of the trade, of the predominant types of junk vehicle or other regulated scrap metal property purchased in the transaction;

(6) the weight, quantity or volume, made in accordance with the custom of the

trade, of the regulated scrap metal property purchased;

(7) if a junk vehicle or vehicle part is being bought or sold, a description of the junk vehicle or vehicle part, including the make, model, color, vehicle identification number and serial number if applicable;

(8) the amount of consideration given in a purchase transaction for the junk vehicle or other regulated scrap metal property; and

(9) the name of the individual acting on behalf of the regulated scrap metal dealer in making the purchase.

(c) The scrap metal dealer's register, including copies of identification cards, may be kept in electronic format.

(d) Notwithstanding the foregoing, this section shall not apply to:

(1) Transactions involving regulated scrap metal, except for catalytic converters, for which the total sale price for all regulated scrap metal is \$50.00 or less;

(2) transactions involving only catalytic converters for which the total sale price is \$30.00 or less;

(3) transactions in which the seller is also a scrap metal dealer; or

(4) transactions for which the seller is known to the purchasing scrap metal dealer to be an established business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

(e) The exceptions contained in subsections (d)(1) and (d)(2) shall not apply to any purchase from any seller of the following materials:

(1) Catalytic converters purchased separate from a vehicle;

(2) coated or insulated wire or stripped wire or burnt wire;

(3) refrigeration condensing units or air conditioning coils of any type; or

(4) copper tubing, bars, plate, buss bar and sheet copper.

(f) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to pay for any of the items described in subsections (e)(1) through (4) by any means other than:

(1) A prenumbered check drawn on a regular bank account in the name of the scrap metal dealer and with such check made payable to the person documented as the seller in accordance with subsection (b); or

(2) *a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with subsection (b).*;

And by renumbering the remaining sections accordingly;

On page 8, in line 35, by striking "and"; in line 36, after "part" by inserting "; and

(20) twisted pair copper telecommunications wiring existing in 19, 22, 24 or 26 gauge";

On page 9, by striking all in lines 1 through 15; in line 16, after "50-6,109," by inserting "50-6,110,";

On page 1, in the title, in line 3, by striking "and" where it appears the first time and inserting ", 50-6,110,"; also in line 3, after "and" where it appears the second time, by inserting "section 87 of chapter 136 of the 2010 Session Laws of Kansas and"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2158**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2158," as follows:

"SENATE Substitute for HOUSE BILL No. 2158

By Committee on Ways and Means

"AN ACT concerning school districts; relating to school finance; amending K.S.A. 2010 Supp. 72-6441, 72-6449 and 72-6451 and repealing the existing sections."; and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

SB 142; Sub SB 159 reported correctly engrossed March 24, 2011.

REPORT ON ENROLLED BILLS

SR 1834 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 28, 2011.

SB 15, SB 152, SB 179, SB 186, SB 188, SB 198 reported correctly enrolled, properly signed and presented to the governor on March 28, 2011.

On motion of Senator Emler the Senate recessed until 2:00 p.m.

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

CHANGE OF REFERENCE

The President withdrew **S Sub for HB 2080** from the Committee on **Ways and Means** and rereferred the bill to the Committee on **Ethics and Elections**

MOTION TO CONCUR OR NONCONCUR

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 6** and requested a conference committee be appointed.

The President appointed Senators Owens, King and Haley as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 60** and requested a conference committee be appointed.

The President appointed Senators Owens, King and Haley as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 83** and requested a conference committee be appointed.

The President appointed Senators Owens, King and Haley as a conference committee on the part of the Senate.

On motion of Senator Apple the Senate nonconcurred in the House amendments to **Sub SB 50** and requested a conference committee be appointed.

The President appointed Senators Apple, Petersen and Kultala as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Huntington, the Senate acceded to the request of the House for a conference on **HB 2067**.

The President appointed Senators Huntington, V. Schmidt and Faust-Goudeau on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2105**.

The President appointed Senators Owens, King and Haley on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2119**.

The President appointed Senators Teichman, Masterson and A. Schmidt on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Kelsey as a member of the Conference Committee on **SB 101** to replace Senator Brungardt.

On motion of Senator Emler the Senate adjourned until 9:30 a.m., Tuesday, March 29, 2011.

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 29, 2011, 9:30 a.m.

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

Heavenly Father,

Remind us of the surprising number of ways in which You bless us...
When someone else takes first place
And I join the celebration;
Even though I'm not the winner
You send me congratulations!

When someone's hurt me deeply,
But I manage to forgive;
I can almost hear You saying,
"Now you're learning how to live."

When I cannot understand
Why folks get mad at me;
When I treat them kindly
I know I'm pleasing Thee.

When others raise their voices
And tempers start to flare;
When I can keep my cool, O God,
I sense You smiling there.

When my job has been completed,
And I've really done my best,
I'll let others take the credit,
But I'm the one You bless.

When all the world is screaming,
"We're going to make them pay!"
Thank You, Lord, for teaching us
There is a better way.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 246, AN ACT concerning the regulation of sexually oriented businesses; relating to the location thereof, 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 2392**.

Federal and State Affairs: **SCR 1607; HB 2340, HB 2386**.

Ways and Means: **SB 245; Sub HB 2221**.

CHANGE OF REFERENCE

The President withdrew **SB 102** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Ethics and Elections**.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2333**.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2008**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2010**, requests a conference and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2015**, requests a conference and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2071**, requests a conference and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2075**, requests a conference and has appointed Representatives Shultz, Hermanson and Grant as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2104**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2118**, requests a conference and has appointed Representatives Colloton, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2122**, requests a conference and has appointed Representatives C. Holmes, Knox and Kuether as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2147**, requests a conference and has appointed Representatives Bethell, Worley and Flaharty as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2182**, requests a conference and has appointed Representatives Landwehr, Donohoe and Flaharty as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Substitute HB 2191**, requests a conference and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2195**, requests a conference and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2240** requests a conference and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2271**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 10** and has appointed Representatives Carlson, Kleeb and Dillmore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 23** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 55** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 76** and has appointed Representatives Landwehr, Donohoe and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 77** and has appointed Representatives Brown, Sullentrop and Slattery as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 125** and has appointed Representatives Schwab, Goico and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for Substitute SB 127** and has appointed Representatives Schwab, Goico and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 129** and has appointed Representatives Schwab, Goico and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 134** and has appointed Representatives Landwehr, Donohoe and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 150** and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 193** and has appointed Representatives Carlson, Kleeb and Dillmore as conferees on the part of the

House.

The House accedes to the request of the Senate for a conference on **SB 61** and has appointed Representatives Carlson, KleeB and Dillmore as conferees on the part of the House.

Announcing the appointment of Representative Brown to replace Representative Seiwert as a conferee on **SB 101**.

The following bills were stricken from the Calendar in accordance with House Rule 1507: **SB 33, SB 65, SB 85**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2333 was thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Schodorf the Senate nonconcurrred in the House amendments to **SB 143** and requested a conference committee be appointed.

The President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

ORIGINAL MOTIONS

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2008**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2010**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **HB 2015**.

The President appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2071**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2104**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2118**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **HB 2147**.

The President appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **HB 2182**.

The President appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **Sub HB 2191**.

The President appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

On motion of Senator Reitz, the Senate acceded to the request of the House for a conference on **HB 2195**.

The President appointed Senators Reitz, Kelsey and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Taddiken, the Senate acceded to the request of the House for a conference on **Sub HB 2271**.

The President appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Emler introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1835—

A RESOLUTION congratulating the McPherson High School boys basketball team for winning the 2011 Class 5A State Basketball Championship.

WHEREAS, The McPherson High School boys basketball team won the 2011 Kansas State High School Activities Association Class 5A State Basketball Championship with a 79-68 victory over Kansas City Washington in the state championship game at the Kansas Expocentre in Topeka; and

WHEREAS, The 2011 McPherson boys basketball team finished the season with a record of 24-1 and added to McPherson's rich tradition of excellence in boys basketball by making the school's 50th appearance in the state tournament. The 50 trips to the state tournament are the most by any team in state history. McPherson's 2011 championship was the school's 11th state championship in boys basketball, which is the second most state titles won. The team's slogan this season was "Going for 11 in 2011"; and

WHEREAS, The members of the championship team are: #00 Marcus Houghton, #10 Luke Reber, #12 Kevin Spencer, #14 Chase Miller, #22 Cory Horton, #23 Jordan Hart, #24 Jack Pyle, #30 Parker Hambley, #32 Travell Robinson, #33 Keaton Sorenson, #34 Luke Moore, #42 Cody Cape, #45 Christian Ulsaker and managers Whitney McGill and Kaley Kinnamon. The head coach is Kurt Kinnamon and the assistant coaches are Gordon Peck, John Lujano and Dustin Kanitz; and

WHEREAS, The accomplishments of the McPherson High School boys 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 McPherson High School boys basketball team and Coach Kurt Kinnamon be congratulated for winning the 2011 Kansas State High School Activities Association Class 5A State Basketball Championship. Their hard work and athletic ability are points of pride for their families, school and the community of McPherson. 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 Emler.

On emergency motion of Senator Emler **SR 1835** was adopted unanimously.

Senator Emler introduced and congratulated the McPherson High School boys basketball team for winning the 2011 Class 5A State Basketball Championship. The following is the McPherson High School boys basketball team: Marcus Houghton, Kevin Spencer, Chase Miller, Cory Horton, Jordan Hart, Jack Pyle, Parker Hambley, Travell Robinson, Keaton Sorenson, Luke Moore, Cody Cape, Christian Ulsaker. Also in attendance was head coach Kurt Kinnamon, assistant coaches: Gordon Peck, John Lujano, Dustin Kanitz and managers: Whitney McGill and Kaley Kinnamon. All were welcomed with a standing ovation.

Senators Longbine, Brungardt, Pyle, Taddiken, Teichman and Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1836—

A RESOLUTION congratulating and commending the 2011 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2011. These seven outstanding educators will be honored on Wednesday, March 30, with a day of receptions, seminars and tours at sponsoring institution Emporia State University; and

WHEREAS, The 2011 Kansas Master Teachers are Sonda Copeland, an art teacher for grades nine through 12 at Manhattan High School in Manhattan-Ogden USD 383; Teresa Disberger, a math teacher for grades seven and eight at Council Grove Middle School in Morris County USD 417; Martha Hadsall, a third grade teacher at Harper Elementary School in Anthony-Harper USD 361; Rick Hildebrand, an art teacher for kindergarten through grade 12 at Linn Public School in Barnes-Hanover-Linn USD 223; Nancy Pence, a social studies teacher at Blue Valley North High School in Blue Valley USD 229; Janice Romeiser, a special education instructional coach at Flint Hills Special Education Cooperative, Mary Herbert Educational Center in Emporia USD 253, and a resource director at the Teachers College at Emporia State University; Marcia Troutfetter, a physical education teacher for grades six and seven at Salina South Middle School in Salina USD 305; 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 2011

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 2011 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 men and women 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 2011 Kansas Master Teachers for demonstrated 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 be directed to send seven enrolled copies of this resolution to Senator Longbine for presentation to the 2011 Master Teachers who are present in the Senate Chamber today.

On emergency motion of Senator Longbine **SR 1836** was adopted unanimously.

Senator Longbine congratulated and commended the 2011 Kansas Master Teachers. Senator Longbine introduced Master Teachers: Teresa Disberger and Janice Romeiser as well as guests: Dr. Lori Mann, Tyler Curtis and Marjorie Werly. Senators, from their respective districts introduced the following Master Teachers: Senator Brungardt, Marcia Troutfetter and her dog, Camry; Senator Pyle, Sondra Copeland; Senator Teichman, Martha Hadsall; Senator Vratil, Nancy Pence. All were welcomed with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** 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:

Department of Social and Rehabilitation Services, Secretary: K.S.A. 75-5301
Robert Siedlecki, serves at the pleasure of the Governor

REPORT ON ENROLLED BILLS

SB 103, SB 119, SB 185, SB 212 reported correctly enrolled, properly signed and presented to the Governor on March 29, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

The morning session recommended:

HB 2184 be passed.

The committee report on **HB 2158** recommending a **S Sub for HB 2158** be adopted, and the substitute bill be passed.

HB 2312 be amended by the adoption of the committee amendments, and be further

amended by motion of Senator Love, on page 7, in line 4, by striking "would be ineligible for registration for any reason" and inserting "have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under this act";

On page 8, by striking all in lines 2 through 4;

And by redesignating the remaining paragraph accordingly;

Also on page 8, in line 18, by striking "18" and inserting "24"; in line 41, after the semicolon by inserting "or"; by striking all in lines 42 and 43;

On page 9, by striking all in lines 1 through 16;

And by redesignating the remaining paragraph accordingly and **HB 2312** be passed as further amended.

The Committee rose and reported progress (See Committee of the Whole afternoon session).

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2035, HB 2125, HB 2218.**

The House concurs in Senate amendments to **HB 2067**, and requests return of the bill.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 6** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 11** and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Substitute SB 50** and has appointed Representatives C. Holmes, Knox and Kuether as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 60** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 83** and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 115** and has appointed Representatives Burgess, Kleeb and Trimmer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2133**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Substitute HB 2134**, requests a conference and has appointed Representatives Brown, Suellentrop and Slattery as

conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2139**, requests a conference and has appointed Representatives Shultz, Hermanson and Grant as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2194**, requests a conference and has appointed Representatives M. Holmes, Grange and Ruiz as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2075**.

The President appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

On motion of Senator Taddiken, the Senate acceded to the request of the House for a conference on **HB 2122**.

The President appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

On motion of Senator Taddiken, the Senate acceded to the request of the House for a conference on **S Sub for HB 2133**.

The President appointed Senators Taddiken, Teichman and Francisco 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 for HB 2134**.

The President appointed Senators Wagle, Lynn and Holland as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2139**.

The President appointed Senators Teichman, Masterson and A. Schmidt 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 for HB 2194**.

The President appointed Senators King, Longbine and Hensley as conferees on the part of the Senate.

On motion of Senator Reitz, the Senate acceded to the request of the House for a conference on **HB 2240**.

The President appointed Senators Reitz, Kelsey and Faust-Goudeau as conferees on the part of the Senate.

MOTION TO CONCUR AND NONCONCUR

SB 9, AN ACT concerning the code of civil procedure; amending K.S.A. 20-3017 and 60-2003 and K.S.A. 2010 Supp. 38-2305, 60-203, 60-206, 60-209, 60-211, 60-214, 60-226, 60-228a, 60-235, 60-249, 60-260, 60-270, 60-304, 60-310, 60-460 and 65-4902 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 38-2305a.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn,

Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Senate concurred.

SB 112, AN ACT concerning land surveyors; amending K.S.A. 19-1407, 19-1411, 19-1412, 19-1413, 19-1416, 19-1417, 19-1420, 19-1422, 19-1423, 19-1426, 19-1430, 24-106, 24-802, 25-101, 42-358, 58-2001, 58-2002, 58-2003, 58-2004, 58-2005, 58-2011, 58-3102, 68-104, 68-131, 68-1407 and 79-409 and K.S.A. 2010 Supp. 68-1402 and repealing the existing sections; also repealing K.S.A. 19-1403, 19-1421, 19-1432 and 68-108.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Senate concurred.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for further consideration of bills on the calendar under the heading General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the morning report and the following afternoon report were adopted.

Recommended:

Sub SB 234 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator McGinn, on page 10, in line 23, by subtracting \$160,036 from the dollar amount which reads "\$392,518" and by adjusting the dollar amount in line 23 which reads "392,518" accordingly;

On page 69, by striking all in lines 24 through 30; following line 30, by inserting the following:

- “Edward Byrne memorial justice assistance fund No limit
- Community defense solutions – violence against women fund No limit
- Edward Byrne justice assistance grant fund – ARRA..... No limit
- S.T.O.P. violence against women act fund – ARRA No limit
- Violence against women grant fund – ARRA No limit
- Edward Byrne memorial justice assistance grant fund – ARRA..... No limit
- State court improvement program fund No limit”;

On page 103, in line 38, by subtracting \$500,000 from the dollar amount in line 38 and by adjusting the dollar amount in line 38 accordingly;

On page 127, in line 40, following “the” by inserting “tenth”;

On page 148, in line 13, before the period, by inserting “: *Provided further*; That, if the aggregate amount of moneys appropriated or reappropriated in the general state aid account by this section for fiscal year 2012 is less than the amount equal to 50% of the joint estimate of revenue to the state general fund for fiscal year 2012 conducted on or

before April 20, 2012 pursuant to K.S.A. 2010 Supp. 75-6702, and amendments thereto, then an additional amount equal to the difference between such aggregate amount and 50% of such joint estimate amount is appropriated from the state general fund for general state aid for the above agency for the fiscal year ending June 30, 2012”;

On page 153, in line 19, by subtracting \$470,915 from the dollar amount and by adjusting the dollar amount in line 19 accordingly; in line 29, by adding \$470,915 to the dollar amount and by adjusting the dollar amount in line 29 accordingly;

On page 221, in line 37, following “safety” by inserting “fee”; in line 38, following “safety” by inserting “fee”;

On page 222, in line 8, following “safety” by inserting “fee”; in line 9, following “safety” by inserting “fee”;

On page 232, in line 3, before the period, by inserting the following:

": *Provided further*, That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2012, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2012 to include a provision on the application for hunting licenses and park permits for the applicant to make a voluntary contribution of \$2 or more to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members”;

On page 235, following line 26, by inserting the following:

"Free licenses and permits fundNo limit"

Sub SB 234 be amended by motion of Senator McGinn, on page 232, in line 3, before the period, by inserting the following:

“: *Provided further*, That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2012, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2012 to negotiate and enter into contracts for promotional advertising services for the performance of the powers, duties and functions of the department of wildlife, parks and tourism under executive reorganization order no. 36: *And provided further*, That all such advertising contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto”

Sub SB 234 be amended by motion of Senator Vratil, on page 68, in line 3, by deleting \$389,340 from the dollar amount and by adjusting the dollar amount in line 3 accordingly;

On page 77, in line 3, before the period, by inserting “: *And provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from the general administration account for fiscal year 2012, expenditures shall be made by the above agency from the general administration account for fiscal year 2012 for the secretary of administration, or the secretary’s designee, to issue a request for proposal for a study and analysis to review the potential costs savings related to the use of private sector printing service providers in lieu of the state printer: *And provided further*; That such study and analysis shall investigate the feasibility of selling the assets of the state printer, including real estate and any improvements thereon: *And provided further*; That the secretary of administration shall present the findings of this study to the joint legislative budget committee on or before November 1, 2011”

On page 80, in line 6, before the period, by inserting “: *Provided further*, That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$1,357,210 from the information technology fund of the department of administration to the state general fund: *And provided further*, That the transfer of such amount shall be in addition to any other transfer from the information technology fund to the state general fund as prescribed by law: *And provided further*, That the amount transferred from the information technology fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services”;

Also on page 80, following line 7, by inserting the following:

“*Provided*, That, on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$159,180 from the information technology reserve fund of the department of administration to the state general fund: *Provided further*, That the transfer of such amount shall be in addition to any other transfer from the information technology reserve fund to the state general fund as prescribed by law: *And provided further*, That the amount transferred from the information technology reserve fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services.”

On page 81, in line 9, before the period, by inserting “: *And provided further*, That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$931,815 from the state buildings operating fund of the department of administration to the state general fund: *And provided further*, That the transfer of such amount shall be in addition to any other transfer from the state buildings operating fund to the state general fund as prescribed by law: *And provided further*, That the amount transferred from the state buildings operating fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services”;

Also on page 81, in line 30, before the period, by inserting “:

And provided further, That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$51,794 from the architectural services recovery fund of the department of administration to the state general fund: *And provided further*, That the transfer of such amount shall be in addition to any other transfer from the architectural services recovery fund to the state general fund as prescribed by law: *And provided further*, That the amount transferred from the architectural services recovery fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and

any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services”;

On page 135, in line 34, by subtracting \$1,388,455 from the dollar amount and by adjusting the amount in line 34 accordingly;

On page 136, in line 2, before the period, by inserting

“: *And provided further*; That in addition to the other purposes for which expenditures may be made by the above agency from the state operations account for fiscal year 2012, expenditures shall be made by the above agency from the state operations account for fiscal year 2012 to report, at least quarterly during such fiscal year, to the joint legislative budget committee concerning the budget and financial status of the department of social and rehabilitation services and any other matter the committee may request”; in line 3, by subtracting \$32,265 from the dollar amount and by adjusting the amount in line 3 accordingly; in line 7, by subtracting \$2,233,129 from the dollar amount and by adjusting the amount in line 7 accordingly;

On page 137, in line 30, by subtracting \$15,000 from the dollar amount and by adjusting the amount in line 30 accordingly; in line 36, by subtracting \$231,186 from the dollar amount and by adjusting the amount in line 36 accordingly; in line 40, by subtracting \$65,530 from the dollar amount and by adjusting the amount in line 40 accordingly;

On page 138, in line 18, by subtracting \$57,400 from the dollar amount and by adjusting the amount in line 18 accordingly; in line 22, by subtracting \$25,000 from the dollar amount and by adjusting the amount in line 18 accordingly;

On page 142, in line 41, by adding \$3,633,679 from the dollar amount and by adjusting the amount in line 41 accordingly;

On page 143, in line 6, by subtracting \$5,633,679 from the dollar amount and by adjusting the amount in line 6 accordingly; in line 31, by adding \$2,000,000 to the dollar amount and by adjusting the amount in line 31 accordingly;

On page 244, in line 2, by striking “7.5%” and inserting “2.5%”; in line 16, by striking “7.5%” and inserting “2.5%”; in line 31, by striking “7.5%” and inserting “2.5%”;

On page 245, in line 2, by striking “7.5%” and inserting “2.5%”; in line 20, by striking “7.5%” and inserting “2.5%”

Sub SB 234 be amended by motion of Senator Kelsey on page 144, by striking all in lines 6 through 36; following line 36, by inserting the following:

“(f) During the fiscal year ending June 30, 2012, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2012 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) During the fiscal year ending June 30, 2012, the secretary of social and

rehabilitation services, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the department of social and rehabilitation services, or of any institution or facility under the general supervision and management of the secretary of social and rehabilitation services, to another federal fund of the department of social and rehabilitation services, or of another institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.”

Sub SB 234 be amended by motion of Senator Abrams on page 246, after line 10 by inserting the following:

"(e) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state general fund of the legislature, as authorized and provided by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for each member of the legislature, for each payroll period chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(f) On July 1, 2011, notwithstanding the provisions of any other statute, the rate of compensation for each member of the legislature, is hereby reduced by 7.5% for each payroll period chargeable to fiscal year 2012, and shall not be increased for any payroll period chargeable to fiscal year 2012: *Provided*, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*, That the secretary of administration shall ensure that such reductions to the rate of compensation of each member of the legislature subject to the provisions of this section for the fiscal year 2012 have been implemented: *And provided further*, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further*, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2012.

(g) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2012, provided by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the amount equal to 7.5% of the aggregate amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for each member of the legislature, for all payroll periods commencing on or after the effective date of this act which are chargeable to fiscal year 2012 for such special

revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports."

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

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Emler, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Brungardt, Faust-Goudeau, Reitz, Vratil.

Absent or Not Voting: Donovan.

The motion carried and the amendment was adopted and **Sub SB 234** be passed as amended.

A motion by Senator Taddiken to amend **Sub SB 234** failed and the following amendment was rejected: on page 113, in line 31, by adding \$150,000 to the dollar amount and by adjusting the dollar amount in line 31 accordingly; in line 43, by subtracting \$867 from the dollar amount and by adjusting the dollar amount in line 43 accordingly;

On page 114, by striking all in lines 4 through 9

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

On roll call, the vote was: Yeas 18, Nays 20, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Kelsey, King, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Steineger.

The motion failed and the amendment was rejected.

A motion by Senator Bruce to amend **SB 234** failed and the following amendment was rejected: on page 103, after line 39 by inserting the following:

“Engineering expansion grants.....\$1,000,000

Provided, That all moneys in the engineering expansion grants account shall be for a grant program developed and administered by the secretary of commerce for the purposes of expansion of the state’s professional engineer training programs to address needs for engineers in industries that are not being met with the current levels of graduating students: *Provided further*, That all moneys in the engineering expansion grants account shall be for grants awarded under a competitive grant program administered by the secretary of commerce: *And provided further*, That all engineering expansion grant amounts authorized by the secretary of commerce shall be matched by the recipient institution on a \$3 for \$1 basis from other moneys of the recipient institution for the purpose for which the engineering expansion grant is awarded.

Community college competitive grants.....\$500,000

Provided, That all moneys in the community college competitive grants account shall be for grants awarded to community colleges under a competitive grant program administered by the secretary of commerce: *Provided further*, That all expenditures from such account shall be for competitive grants to community colleges that require a

local match of nonstate moneys on a \$1 for \$1 basis and that will develop innovative programs with private companies needing specific job skills or will meet other industry needs that cannot be addressed with current funding streams.”;

And by redesignating subsections accordingly;

On page 105 after line 31, by inserting the following:

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

Animal health research grant

For the fiscal year ending June 30, 2012.....\$5,000,000

Provided, That all moneys in the animal health research grant account for fiscal year 2012 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: *Provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: *And provided further*, That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$5,000,000

Provided, That any unencumbered balance in the animal health research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further*, That all moneys in the animal health research grant account for fiscal year 2013 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: *And provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: *And provided further*, That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

Provided, That any unencumbered balance in the animal health research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, That all moneys in the animal health research grant account for fiscal year 2014 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: *And provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: *And provided further*, That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2014.

Aviation research grant

For the fiscal year ending June 30, 2012.....\$5,000,000

Provided, That all moneys in the aviation research grant account for fiscal year 2012 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: *Provided further*, That all grant amounts

authorized by the secretary of commerce for fiscal year 2012 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: *And provided further*; That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$5,000,000

Provided, That any unencumbered balance in the aviation research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further*; That all moneys in the aviation research grant account for fiscal year 2013 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: *And provided further*; That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: *And provided further*; That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

Provided, That any unencumbered balance in the aviation research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*; That all moneys in the aviation research grant account for fiscal year 2014 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: *And Provided further*; That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: *And provided further*; That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2014.

Cancer center research grant

For the fiscal year ending June 30, 2012.....\$5,000,000

Provided, That all moneys in the cancer center research grant account for fiscal year 2012 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *Provided further*; That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further*; That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$5,000,000

Provided, That any unencumbered balance in the cancer center research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further*; That all moneys in the cancer center research grant account for fiscal year 2013 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *And provided*

further, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further*, That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

Provided, That any unencumbered balance in the cancer center research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, That all moneys in the cancer center research grant account for fiscal year 2014 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *And provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further*, That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2014.”;

And by redesignating subsections accordingly;

183, by striking all in lines 6 through 43;

By striking all on page 184;

On page 185, by striking all in lines 1 through 37;

On page 190, by striking all in lines 24 through 43;

On page 191, by striking all in lines 1 through 3

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

On roll call, the vote was: Yeas 19, Nays 20, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Kelsey, King, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Steineger, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, McGinn, Morris, Owens, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

A motion by Senator Steineger to amend **Sub SB 234** failed and the following amendment was rejected: on page 26, following line 41, by inserting the following:

“ Sec. 54.

STATE FINANCE COUNCIL

(a) On July 1, 2011, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.

(b) On July 1, 2012, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.”;

On page 243, by striking all in lines 32 through 43;

By striking all on pages 244 and 245;

On page 246, by striking all in lines 1 through 10;

And by renumbering 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: Abrams, Kelsey, Lynn, Masterson, Merrick, Olson, Pilcher-Cook, Steineger, Wagle.

Nays: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

A motion by Senator Lynn to amend **Sub SB 234** failed and the following amendment was rejected: on page 45, in line 36, before the period, by inserting:

“: *And provided further*; For the fiscal year ending June 30, 2012, the legislative coordinating council shall designate the amount of moneys in this account that may be used for out-of-state travel expenses, subsistence expenses and per diem compensation for legislators: *And provided further*; That expenditures from this account in such designated amount for out-of-state travel expenses, subsistence expenses and per diem compensation shall be made in equal amounts to each and every member of the Kansas legislature: *And provided further*; That during the fiscal year ending June 30, 2012, the director of legislative services shall ensure that each legislator is reimbursed for such out-of-state travel, upon a showing of proper receipts, in an equal amount subject to the provisions of this section for fiscal year 2012: *And provided further*; That, on June 30, 2012, if an individual legislator has not been reimbursed for such out-of-state travel, such amount is hereby lapsed”

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

On roll call, the vote was: Yeas 18, Nays 19, Present and Passing 2, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Faust-Goudeau, Haley, Kelsey, King, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Wagle.

Nays: Brungardt, Emler, Hensley, Huntington, Kelly, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Present and Passing: Francisco, Holland.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

A motion by Senator Abrams to amend **Sub SB 234** failed and the following amendment was rejected: on page 246, after line 10, by inserting:

"Sec. 144. (a) (1) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state general fund of the board of regents and state educational institutions, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer

contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state educational institution employees with annual compensation of \$100,000 or more, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(2) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state economic development initiatives fund of the board of regents and state educational institutions, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for employees of state educational institutions with annual compensation of \$100,000 or more, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(b) On June 12, 2011, notwithstanding the provisions of K.S.A. 75-2935b, 75-2935c or 75-2938, and amendments thereto, or any other statute, the rate of compensation for each employee of a state educational institution with annual compensation of \$100,000 or more, as defined by this section, is hereby reduced by 7.5% for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, and shall not be increased for any payroll period chargeable to fiscal year 2012: *Provided*, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state educational institution employee with annual compensation of \$100,000 or more, as defined by this section, subject to the provisions of this section for the fiscal year 2012 have been implemented: *And provided further*, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further*, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 10, 2012: *And provided further*, That, if because of an existing employment contract, the amount of compensation of an employee of a state educational institution that makes \$100,000 or more is not reduced by 7.5%, then when such a contract is to be renewed, extended or otherwise modified the amount of compensation provided in such a contract shall not exceed 92.5% of the previous employment contract.

(c) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the amount equal to 7.5% of the aggregate amount that is budgeted

for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state educational institutions employees with annual compensation of \$100,000 or more, as defined by this section, for all payroll periods commencing on or after June 12, 2011, which are chargeable to fiscal year 2012 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.

(d) As used in this section: (1) "Employee of a state educational institution" has the meaning of state educational institution ascribed by K.S.A. 76-711, and amendments thereto, and includes all employees of the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university, and Fort Hays state university and the state board of regents;

(2) "Compensation" means any salary or per diem compensation provided by law for a state employee with annual compensation of \$100,000 or more, as defined by this section; and

(3) "State educational institution employee with annual compensation of \$100,000 or more" means an employee of the board of regents or a state educational institution who has an annual rate of compensation that is equal to or more than \$100,000 for fiscal year 2011.";

And by renumbering the remaining sections accordingly

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

On roll call, the vote was: Yeas 14, Nays 24, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Kelsey, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeier, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken.

Nays: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Present and Passing: Wagle.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

A motion by Senator Francisco to amend **Sub SB 234** failed and the following amendment was rejected: on page 45, line 41, by striking \$1,308,199 and inserting in lieu thereof \$1,785,702

A motion by Senator Pilcher-Cook to amend **SB 234** was withdrawn.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **Sub SB 234; S Sub for HB 2158, HB 2184, HB 2312** were advanced to Final Action and roll call.

Sub SB 234, AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016 for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing

certain receipts, disbursements, procedures and acts incidental to the foregoing.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Holland, Pyle, Schmidt A.

Absent or Not Voting: Donovan.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote “No” on **Sub SB 234**. While this budget proposal valiantly works to stave off harmful cuts to state employee pay, special education and mental health services, it also inexorably leads us down the path of slowly but surely dismantling our K-12 public education system. With the state renegeing on its commitment to education, we will end up pitting poor school districts against more affluent ones. Kansas children, along with our state’s economy, will suffer as a result. – TOM HOLLAND

MR. PRESIDENT: I respect the hard work of the Senate Ways and Means Committee, and believe the budget they have drafted is a reasonable approach to shore up many essential state services. I applaud the committee for funding developmental disabilities and community mental health programs, among others. The latter directly impacts our veterans returning from the war.

Still, this budget does not go far enough to support our state’s biggest obligation – education. By cutting more than \$225 from base per pupil aid in the next two years, we will force school districts to lay off teachers and increase class sizes. For the 36th Senate District, which includes *10 rural counties* in North Central Kansas, a lack of education funding will lead to *more school closings* and massive property tax increases. Now what does this mean to us?

This administration is putting effort and investment into revitalizing rural Kansas. We absolutely want to partner in that effort. The long pole in that tent is available quality education. If we are truly going to invest in rural Kansas, we must ensure that quality education is available to every rural child – and not at a 40 mile bus ride away.

As a career Army officer, I have spent decades assessing risk for future endeavors. This budget is simply too risky for rural schools, teachers and students. I vote no on this bill, **Sub SB 234**. – ALLEN C. SCHMIDT

S Sub for HB 2158, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2010 Supp. 72-6441, 72-6449 and 72-6451 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn,

Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed.

HB 2184, AN ACT concerning premises liability; relating to recreational purposes; relating to noncommercial aviation; amending K.S.A. 58-3202 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2312, AN ACT concerning regulated scrap metal; relating to licensure for scrap metal dealers; unlawful acts; criminal penalties; amending K.S.A. 2010 Supp. 50-6,109, 50-6,110, 50-6,111 and section 87 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Bruce, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 143** and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

On motion of Senator Emler the Senate adjourned until 9:00 a.m., Wednesday, March 30, 2011.

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 30, 2011, 9:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-nine senators present.
Senator Donovan was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Whenever one of the Kansas universities makes the “final four”, I usually talk to You about something which I'm sure is not on your agenda.

But neither KU and KState made the final four this year...however Wichita State has made it to the championship game in the N.I.T.

Last year (or the year before) Senator McGinn called my attention to how I omitted any reference to the Shockers, and I have tried to make sure I never do that again!

So, Lord, please bear with me
As I share, with You my attempt
To never, ever allow them
In my prayer to be exempt.

Everyone in Wichita
And the rest of Kansas, too,
Now know that the Shockers
Are in the N.I.T. final two.

So although I know that basketball
On Your agenda does not rate;
As long as one team has to win,
Why not Wichita State?!

Again trusting in Your sense of humor, Lord, I pray in the Name of Your Son, Jesus Christ. AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 246**.

KPERS Select: **Sub HB 2333**.

CHANGE OF REFERENCE

The Vice President withdrew **HB 2141** from the Committee on **Local Government**, and rereferred the bill to the Committee on **Utilities**.

The Vice President withdrew **HB 2267** from the Committee on **Utilities**, and referred the bill to the Committee on **Local Government**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1837—

A RESOLUTION congratulating the Tribune-Greeley County High School boys basketball team for winning the 2011 Class 1A Division II State Basketball Championship.

WHEREAS, The Tribune-Greeley County High School boys basketball team won the 2011 Kansas State High School Activities Association Class 1A Division II State Basketball Championship with a 42-35 victory over Hope in the state championship game at Fort Hays State University's Gross Memorial Coliseum in Hays; and

WHEREAS, The 2011 Tribune-Greeley County boys basketball team finished the season with a record of 23-3 and completed their championship season with a memorable come-from-behind victory. The Jackrabbits trailed Hope 18-9 at halftime and by as many as 15 points before cutting the deficit to 10 points at the end of the third quarter. The team then turned to their full-court pressure defense and rallied to outscore Hope 21-4 in the final period to capture the state title; and

WHEREAS, The 2011 state championship is the first state basketball championship for the school since 1968; and

WHEREAS, The members of the championship team are: #2 Arthur Govert, #3 Jonathan Miller, #5 Martin Veleta, #10 Troy Wineinger, #11 Elijah Stone, #13 Chaz Schneider, #14 Anthony Wilson, #15 Cesar Yanez, #22 Clay Robertson, #23 Stephen Houston, #24 Adam Smith and #31 Miguel Trejo. The head coach is Jeff Starkey and the assistant coach is Buddy Brandl: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Tribune-Greeley County High School boys basketball team and Coach Jeff Starkey be congratulated for winning the 2011 Kansas State High School Activities Association Class 1A Division II State Basketball Championship. Their hard work and outstanding athletic achievement are points of pride for their families, school and community. 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 an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1837** was adopted unanimously.

Senator Ostmeyer introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1838—

A RESOLUTION congratulating the Norton Community High School girls cross country team for winning the 2010 Class 3A State Cross Country Championship.

WHEREAS, The Norton Community High School girls cross country team won the 2010 Kansas State High School Activities Association Class 3A State Cross Country Championship at the Wamego Country Club in Wamego. Their victory was the school's first ever state cross country championship; and

WHEREAS, The members of the championship team are Kaylen Rossi, Dustyna Sprigg, Abby Bainter, Astrid Moen, Kamilla Jones, Julia Kent, Darcy Bainter, Katelyn Engelbert and Marissa Maddy. The head coach is George Rossi, and he is assisted by Nicole Satran; and

WHEREAS, State Medalists from the team are Astrid Moen - 5th, Katelyn Engelbert - 13th and Julia Kent - 14th; and

WHEREAS, Dustyna Sprigg was named to the Academic All-State Cross Country team by the Kansas Cross Country and Track and Field Coaches Association. To be eligible for this honor, the student-athlete must be a junior or senior, finish in the top 30 at State Cross Country and have an unweighted GPA of 3.75 or higher; and

WHEREAS, Cross country is one of the more grueling high school sports, requiring dedication, determination and many hours of intense training: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Norton Community High School girls cross country team and Coach George Rossi for winning the 2010 Kansas State High School Activities Association Class 3A State Cross Country Championship and 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 1838** was adopted unanimously.

Senator Ostmeyer introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1839—

A RESOLUTION congratulating the Tribune-Greeley County High School girls and boys cross country teams for winning the 2010 Class 1A State Cross Country Championships.

WHEREAS, Both the Tribune-Greeley County High School girls and boys cross country teams won the 2010 Kansas State High School Activities Association Class 1A State Cross Country Championships at the Wamego Country Club in Wamego; and

WHEREAS, Tribune-Greeley County's sweep of the 2010 championships was the latest chapter in the school's rich history of cross country success. The Jackrabbits had previously won the 1979, 1980, 2006 and 2009 state titles, while the Lady Jackrabbits had previously won the 2006, 2008 and 2009 state titles; and

WHEREAS, The members of the girls team are Carly Robertson, Kennedy Schneider, Monica Veleta and Kelli Holthaus; and

WHEREAS, The members of the boys team are Clay Robertson, Ralph Stone, Troy Wineinger, Isaiah Stone and Elijah Stone. The head coach for both teams is Greg Cook,

whose instruction and guidance have been instrumental in developing a winning tradition at the school; and

WHEREAS, State Medalists for the girls team include: Kennedy Schneider - 2nd, Carly Robertson - 11th and Kelli Holthaus - 18th; and

WHEREAS, State Medalists for the boys team include: Troy Wineinger - 2nd and Clay Robertson - 16th; and

WHEREAS, Clay Robertson, Carly Robertson and Kennedy Schneider were named by the Kansas Cross Country and Track and Field Coaches Association to the Academic All-State Cross Country team. To be eligible for the honor, student-athletes must be juniors or seniors, finish in the top 30 at State Cross Country and have an unweighted GPA of 3.75 or higher; and

WHEREAS, Cross country is one of the more grueling high school sports, requiring these great athletes to dedicate many hours to training: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That both the Tribune-Greeley County High School girls and boys cross country teams and Coach Greg Cook be congratulated for winning the 2010 Kansas State High School Activities Association Class 1A State Cross Country Championships. Their hard work and dedication should serve as an example for future cross county runners. 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 an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1839** was adopted unanimously.

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1840—

A RESOLUTION congratulating the Norton Community High School wrestling team for winning the 2011 Class 3-2-1A State Wrestling Championship.

WHEREAS, The Norton Community High School wrestling team won the 2011 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship held at Gross Memorial Coliseum in Hays. Norton scored 131.5 points, outscoring runner-up Hoxie by 34.5 points. The team had an impressive 21-4 record and an amazing 7-0 pin ratio to capture the school's second straight state wrestling championship; and

WHEREAS, The 2011 Norton wrestlers added another chapter to their school's history of success in wrestling. Expectations were high after last year's championship, and the team not only met those expectations, they exceeded them; and

WHEREAS, State medalists were:

- 112 pounds - John Risewick, second
- 130 pounds - Troy Bainter, first
- 135 pounds - Brett Terrell, second
- 140 pounds - Billy Broeckelman, sixth
- 160 pounds - Landon "Tug" Keiswetter, first
- 171 pounds - Spencer Shirk, first

At 103 pounds, Branson Addington also qualified for the state tournament in his first season; and

WHEREAS, The head coach was Bill Johnson and his assistant coaches were Doug

Ray, Shane Miller and Tony Fiscus. Team managers were Juliana Miller and Kaid McKenna; 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 and commended for winning the 2011 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship, and that 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 1840** was adopted unanimously.

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1841—

A RESOLUTION congratulating the Ness City High School girls and boys cross country teams for winning the 2010 Class 2A State Cross Country Championships.

WHEREAS, The Ness City High School girls and boys cross country teams won the 2010 Kansas State High School Activities Association Class 2A State Cross Country Championships at Wamego. Ness City became only the second school to sweep the 2A cross country titles; and

WHEREAS, The members of the girls championship team are Kendra Pfannenstiel, Madison Wallgren, LaCie Bourne, Jessie Rubottom and Taylor Gabel; and

WHEREAS, The members of the boys championship team are Josh Snodgrass, Austin Gabel, Kyle Schauvliege, Wyatt Beckman and Dallas Winter. The head coach for both teams is Patrick Younger, and the assistant coach is Jeff Zook; and

WHEREAS, State Medalists for the girls team include: Kendra Pfannenstiel - 5th, Taylor Gabel - 7th, LaCie Bourne - 12th and Jessie Rubottom - 14th; and

WHEREAS, State Medalists for the boys team include: Kyle Schauvliege - 5th and Josh Snodgrass - 19th; and

WHEREAS, Josh Snodgrass was named to the Academic All-State Cross Country team by the Kansas Cross Country and Track and Field Coaches Association. To be eligible for this honor, the student-athlete must be a junior or senior, finish in the top 30 at State Cross Country and have an unweighted GPA of 3.75 or higher; and

WHEREAS, The Ness City community is extremely proud of both teams' hard work and impressive effort; and

WHEREAS, Cross country is one of the more grueling high school sports, requiring these outstanding athletes to dedicate countless hours to training: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate both the Ness City High School girls and boys cross country teams and Coach Younger for winning the 2010 Kansas State High School Activities Association 2A State Cross Country Championships and 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 1841** was adopted unanimously.

On motion of Senator Emler, the Senate recessed until 10:00 a.m.

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

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Kelsey moved the Senate concur in house amendments to **H Sub for SB 101**.

H Sub for SB 101, AN ACT concerning cities and counties; relating to residential fire protection sprinkler systems; amending K.S.A. 2010 Supp. 12-16,219 and repealing the existing section.

On roll call, the vote was: Yeas 33, Nays 3, Present and Passing 3, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Emler, Faust-Goudeau, Haley, Hensley, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brungardt, Owens, Reitz.

Present and Passing: Francisco, Holland, Morris.

Absent or Not Voting: Donovan.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2076** submits the following report:

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

On page 1, in line 10, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 2, in line 39, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 3, in line 38, before "(a)" by inserting "From and after July 1, 2011,";

On page 5, in line 16, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 6, following line 31, by inserting the following:

"New Sec. 5. Sections 5 through 7, and amendments thereto, may be cited as the Surplus Lines Insurance Multi-State Compliance Compact.

PREAMBLE

WHEREAS, with regard to Non-Admitted Insurance policies with risk exposures located in multiple states, the 111th United States Congress, has stipulated in Title V, Subtitle B the Non-Admitted and Reinsurance Reform Act of 2010, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, hereafter, the NRRRA, that:

(A) The placement of Non-Admitted Insurance shall be subject to the statutory and regulatory requirements solely of the insured's Home State, and

(B) Any law, regulation, provision, or action of any State that applies or purports to apply to Non-Admitted Insurance sold to, solicited by, or negotiated with an insured

whose Home State is another State shall be preempted with respect to such application; except that any State law, rule, or regulation that restricts the placement of workers' compensation insurance or excess insurance for self-funded workers' compensation plans with a Non-Admitted Insurer shall not be preempted.

WHEREAS, in compliance with NRRRA, no State other than the Home State of an insured may require any Premium Tax payment for Non-Admitted Insurance; and no State other than an insured's Home State may require a Surplus Lines Broker to be licensed in order to sell, solicit, or negotiate Non-Admitted Insurance with respect to such insured;

WHEREAS, the NRRRA intends that the States may enter into a compact or otherwise establish procedures to allocate among the States the premium taxes paid to an insured's Home State; and that each State adopt nationwide uniform requirements, forms, and procedures, such as an interstate compact, that provide for the reporting, payment, collection, and allocation of premium taxes for Non-Admitted Insurance;

WHEREAS, after the expiration of the two-year period beginning on the date of the enactment of the NRRRA, a State may not collect any fees relating to licensing of an individual or entity as a Surplus Lines Licensee in the State unless the State has in effect at such time laws or regulations that provide for participation by the State in the national insurance producer database of the NAIC, or any other equivalent uniform national database, for the licensure of Surplus Lines Licensees and the renewal of such licenses;

WHEREAS, a need exists for a system of regulation that will provide for Surplus Lines Insurance to be placed with reputable and financially sound Non-Admitted Insurers, and that will permit orderly access to Surplus Lines Insurance in this state and encourage insurers to make new and innovative types of insurance available to consumers in this state;

WHEREAS, protecting the revenue of this state and other Compacting States may be accomplished by facilitating the payment and collection of Premium Tax on Non-Admitted Insurance and providing for allocation of Premium Tax for Non-Admitted Insurance of Multi-State Risks among the States in accordance with Uniform Allocation Formulas;

WHEREAS, the efficiency of the surplus lines market may be improved by eliminating duplicative and inconsistent tax and regulatory requirements among the States, and by promoting and protecting the interests of Surplus Lines Licensees who assist such insureds and Non-Admitted Insurers, thereby ensuring the continued availability of Non-Admitted Insurance to consumers;

WHEREAS, regulatory compliance with respect to Non-Admitted Insurance placements may be streamlined by providing for exclusive single-state regulatory compliance for Non-Admitted Insurance of Multi-State Risks, thereby providing certainty regarding such compliance to all persons who have an interest in such transactions, including but not limited to insureds, regulators, Surplus Lines Licensees, other insurance producers, and Surplus Lines Insurers;

WHEREAS, coordination of regulatory resources and expertise between State insurance departments and other State agencies, as well as State surplus lines stamping offices, with respect to Non-Admitted Insurance will be improved;

NOW, THEREFORE, in consideration of the foregoing, the State of Kansas and the various other States do hereby solemnly covenant and agree, each with the other as

follows:

ARTICLE I

Purpose

The purposes of this Compact are:

1. To implement the express provisions of the NRRA.
2. To protect the Premium Tax revenues of the Compacting States through facilitating the payment and collection of Premium Tax on Non-Admitted Insurance; and to protect the interests of the Compacting States by supporting the continued availability of such insurance to consumers; and to provide for allocation of Premium Tax for Non-Admitted Insurance of Multi-State Risks among the States in accordance with uniform Allocation Formulas to be developed, adopted, and implemented by the Commission.
3. To streamline and improve the efficiency of the surplus lines market by eliminating duplicative and inconsistent tax and regulatory requirements among the States; and promote and protect the interest of Surplus Lines Licensees who assist such insureds and Surplus Lines Insurers, thereby ensuring the continued availability of Surplus Lines Insurance to consumers.
4. To streamline regulatory compliance with respect to Non-Admitted Insurance placements by providing for exclusive single-state regulatory compliance for Non-Admitted Insurance of Multi-State Risks, in accordance with Rules to be adopted by the Commission, thereby providing certainty regarding such compliance to all persons who have an interest in such transactions, including but not limited to insureds, regulators, Surplus Lines Licensees, other insurance producers, and Surplus Lines Insurers.
5. To establish a Clearinghouse for receipt and dissemination of Premium Tax and Clearinghouse Transaction Data related to Non-Admitted Insurance of Multi-State Risks, in accordance with Rules to be adopted by the Commission.
6. To improve coordination of regulatory resources and expertise between State insurance departments and other State agencies, as well as State surplus lines stamping offices, with respect to Non-Admitted Insurance.
7. To adopt uniform Rules to provide for Premium Tax payment, reporting, allocation, data collection and dissemination for Non-Admitted Insurance of Multi-State Risks and Single-State Risks, in accordance with Rules to be adopted by the Commission, thereby promoting the overall efficiency of the Non-Admitted Insurance market.
8. To adopt uniform mandatory Rules with respect to regulatory compliance requirements for:
 - (i) foreign Insurer Eligibility Requirements;
 - (ii) surplus lines Policyholder Notices;
9. To establish the Surplus Lines Insurance Multi-State Compliance Compact Commission.
10. To coordinate reporting of Clearinghouse Transaction Data on Non-Admitted Insurance of Multi-State Risks among Compacting States and Contracting States.
11. To perform these and such other related functions as may be consistent with the purposes of the Surplus Lines Insurance Multi-State Compliance Compact.

ARTICLE II

Definitions

For purposes of this Compact the following definitions shall apply:

1. "Admitted Insurer" means an insurer that is licensed, or authorized, to transact the

business of insurance under the law of the Home State; for purposes of this Compact “Admitted Insurer” shall not include a domestic surplus lines insurer as may be defined by applicable State law.

2. “Affiliate” means with respect to an insured, any entity that controls, is controlled by, or is under common control with the insured.

3. “Allocation Formula” means the uniform methods promulgated by the Commission by which insured risk exposures will be apportioned to each State for the purpose of calculating Premium Taxes due.

4. “Bylaws” means those bylaws established by the Commission for its governance, or for directing or controlling the Commission’s actions or conduct.

5. “Clearinghouse” means the Commission’s operations involving the acceptance, processing, and dissemination, among the Compacting States, Contracting States, Surplus Lines Licensees, insureds and other persons, of Premium Tax and Clearinghouse Transaction Data for Non-Admitted Insurance of Multi-State Risks, in accordance with this Compact and Rules to be adopted by the Commission.

6. “Clearinghouse Transaction Data” means the information regarding Non-Admitted Insurance of Multi-State Risks required to be reported, accepted, collected, processed, and disseminated by Surplus Lines Licensees for Surplus Lines Insurance and insureds for Independently Procured Insurance under this Compact and Rules to be adopted by the Commission. Clearinghouse Transaction Data includes information related to Single-State Risks if a state elects to have the Clearinghouse collect taxes on Single-State Risks for such state.

7. “Compacting State” means any State which has enacted this Compact legislation and which has not withdrawn pursuant to Article XIV, Section 1, or been terminated pursuant to Article XIV, Section 2.

8. “Commission” means the “Surplus Lines Insurance Multi-State Compliance Compact Commission” established by this Compact.

9. “Commissioner” means the chief insurance regulatory official of a State including, but not limited to commissioner, superintendent, director or administrator or their designees.

10. “Contracting State” means any State which has not enacted this Compact legislation but has entered into a written contract with the Commission to utilize the services of and fully participate in the Clearinghouse.

11. “Control” An entity has “control” over another entity if:

(A) The entity directly or indirectly or acting through one or more other persons own, controls, or has the power to vote 25% or more of any class of voting securities of the other entity; or

(B) the entity controls in any manner the election of a majority of the directors or trustees of the other entity.

12. "Home State"

(A) IN GENERAL. Except as provided in subparagraph (B), the term “Home State” means, with respect to an insured:

(i) the State in which an insured maintains its principal place of business or, in the case of an individual, the individual’s principal residence; or

(ii) if 100% of the insured risk is located out of the State referred to in subparagraph (A)(i), the State to which the greatest percentage of the insured’s taxable premium for that insurance contract is allocated.

(B) **AFFILIATED GROUPS.** If more than one insured from an affiliated group are named insureds on a single Non-Admitted Insurance contract, the term "Home State" means the Home State, as determined pursuant to subparagraph (A), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

13. "Independently Procured Insurance" means insurance procured by an insured directly from a Surplus Lines Insurer or other Non-Admitted Insurer as permitted by the laws of the Home State.

14. "Insurer Eligibility Requirements" means the criteria, forms and procedures established to qualify as a Surplus Lines Insurer under the law of the Home State provided that such criteria, forms and procedures are consistent with the express provisions of the NRRRA on and after July 21, 2011.

15. "Member" means the person or persons chosen by a Compacting State as its representative or representatives to the Commission provided that each Compacting State shall be limited to one vote.

16. "Multi-State Risk" means a risk with insured exposures in more than one State.

17. "Non-Compacting State" means any State which has not adopted this Compact.

18. "Non-Admitted Insurance" means Surplus Lines Insurance and Independently Procured Insurance.

19. "Non-Admitted Insurer" means an insurer that is not authorized or admitted to transact the business of insurance under the law of the Home State.

20. "NRRRA" means the Non-Admitted and Reinsurance Reform Act which is Title V, Subtitle B of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

21. "Policyholder Notice" means the disclosure notice or stamp that is required to be furnished to the applicant or policyholder in connection with a Surplus Lines Insurance placement.

22. "Premium Tax" means with respect to Non-Admitted Insurance, any tax, fee, assessment, or other charge imposed by a government entity directly or indirectly based on any payment made as consideration for such insurance, including premium deposits, assessments, registration fees, and any other compensation given in consideration for a contract of insurance.

23. "Principal Place of Business" means with respect to determining the Home State of the insured, the state where the insured maintains its headquarters and where the insured's high-level officers direct, control and coordinate the business activities of the insured.

24. "Purchasing Group" means any group formed pursuant to the Liability Risk Retention Act which has as one of its purposes the purchase of liability insurance on a group basis, purchases such insurance only for its group members and only to cover their similar or related liability exposure and is composed of members whose businesses or activities are similar or related with respect to the liability to which members are exposed by virtue of any related, similar or common business, trade, product, services, premises or operations and is domiciled in any State.

25. "Rule" means a statement of general or particular applicability and future effect promulgated by the Commission designed to implement, interpret, or prescribe law or policy or describing the organization, procedure or practice requirements of the Commission which shall have the force and effect of law in the Compacting States.

26. "Single-State Risk" means a risk with insured exposures in only one State.

27. "State" means any state, district or territory of the United States of America.

28. "State Transaction Documentation" means the information required under the laws of the Home State to be filed by Surplus Lines Licensees in order to report Surplus Lines Insurance and verify compliance with surplus lines laws, and by insureds in order to report Independently Procured Insurance.

29. "Surplus Lines Insurance" means insurance procured by a Surplus Lines Licensee from a Surplus Lines Insurer or other Non-Admitted Insurer as permitted under the law of the Home State; for purposes of this Compact "Surplus Lines Insurance" shall also mean excess lines insurance as may be defined by applicable State law.

30. "Surplus Lines Insurer" means a Non-Admitted Insurer eligible under the law of the Home State to accept business from a Surplus Lines Licensee; for purposes of this Compact "Surplus Lines Insurer" shall also mean an insurer which is permitted to write Surplus Lines Insurance under the laws of the state where such insurer is domiciled.

31. "Surplus Lines Licensee" means an individual, firm or corporation licensed under the law of the Home State to place Surplus Lines Insurance.

ARTICLE III

Establishment of the Commission and Venue

1. The Compacting States hereby create and establish a joint public agency known as the Surplus Lines Insurance Multi-State Compliance Compact Commission.

2. Pursuant to Article IV, the Commission will have the power to adopt mandatory Rules which establish exclusive Home State authority regarding Non-Admitted Insurance of Multi State Risks, Allocation Formulas, Clearinghouse Transaction Data, a Clearinghouse for receipt and distribution of allocated Premium Tax and Clearinghouse Transaction Data, and uniform rulemaking procedures and Rules for the purpose of financing, administering, operating and enforcing compliance with the provisions of this Compact, its Bylaws and Rules.

3. Pursuant to Article IV, the Commission will have the power to adopt mandatory Rules establishing foreign Insurer Eligibility Requirements and a concise and objective Policyholder Notice regarding the nature of a surplus lines placement.

4. The Commission is a body corporate and politic, and an instrumentality of the Compacting States.

5. The Commission is solely responsible for its liabilities except as otherwise specifically provided in this Compact.

6. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

ARTICLE IV

Authority to Establish Mandatory Rules

The Commission shall adopt mandatory Rules which establish:

1. Allocation Formulas for each type of Non-Admitted Insurance coverage, which Allocation Formulas must be used by each Compacting State and Contracting State in acquiring Premium Tax and Clearinghouse Transaction Data from Surplus Lines Licensees and insureds for reporting to the Clearinghouse created by the Compact Commission. Such Allocation Formulas will be established with input from Surplus lines Licensees and be based upon readily available data with simplicity and uniformity

for the Surplus Line Licensee as a material consideration.

2. Uniform Clearinghouse Transaction Data reporting requirements for all information reported to the Clearinghouse.

3. Methods by which Compacting States and Contracting States require Surplus Lines Licensees and insureds to pay Premium Tax and to report Clearinghouse Transaction Data to the Clearinghouse, including but not limited to processing Clearinghouse Transaction Data through State stamping and service offices, State insurance departments, or other State designated agencies or entities.

4. That Non-Admitted Insurance of Multi-State Risks shall be subject to all of the regulatory compliance requirements of the Home State exclusively. Home State regulatory compliance requirements applicable to Surplus Lines Insurance shall include but not be limited to, (i) person(s) required to be licensed to sell, solicit, or negotiate Surplus Lines Insurance; (ii) Insurer Eligibility Requirements or other approved Non-Admitted Insurer requirements; (iii) Diligent Search; (iv) State Transaction Documentation and Clearinghouse Transaction Data regarding the payment of Premium Tax as set forth in this Compact and Rules to be adopted by the Commission. Home State regulatory compliance requirements applicable to Independently Procured Insurance placements shall include but not be limited to providing State Transaction Documentation and Clearinghouse Transaction Data regarding the payment of Premium Tax as set forth in this Compact and Rules to be adopted by the Commission.

5. That each Compacting State and Contracting State may charge its own rate of taxation on the premium allocated to such State based on the applicable Allocation Formula provided that the state establishes one single rate of taxation applicable to all Non-Admitted Insurance transactions and no other tax, fee assessment or other charge by any governmental or quasi governmental agency be permitted. Notwithstanding the foregoing, stamping office fees may be charged as a separate, additional cost unless such fees are incorporated into a state's single rate of taxation.

6. That any change in the rate of taxation by any Compacting State or Contracting State be restricted to changes made prospectively on not less than 90 days advance notice to the Compact Commission.

7. That each Compacting State and Contracting State shall require Premium Tax payments either annually, semi-annually, or quarterly utilizing one or more of the following dates only: March 1, June 1, September 1, and December 1.

8. That each Compacting State and Contracting State prohibit any other State agency or political subdivision from requiring Surplus Lines Licensees to provide Clearinghouse Transaction Data and State Transaction Documentation other than to the insurance department or tax officials of the Home State or one single designated agent thereof.

9. The obligation of the Home State by itself, through a designated agent, surplus lines stamping or service office, to collect Clearinghouse Transaction Data from Surplus Line Licensees and from insureds for Independently Procured Insurance, where applicable, for reporting to the Clearinghouse.

10. A method for the Clearinghouse to periodically report to Compacting States, Contracting States, Surplus Lines Licensees and insureds who independently procure insurance, all Premium Taxes owed to each of the Compacting States and Contracting States, the dates upon which payment of such Premium Taxes are due and a method to pay them through the Clearinghouse.

11. That each Surplus Line Licensee is required to be licensed only in the Home State of each insured for whom Surplus Lines Insurance has been procured.

12. That a policy considered to be Surplus Lines Insurance in the insured's Home State shall be considered Surplus Lines Insurance in all Compacting States and Contracting States, and taxed as a Surplus Lines transaction in all states to which a portion of the risk is allocated. Each Compacting State and Contracting State shall require each Surplus Lines Licensee to pay to every other Compacting State and Contracting State Premium Taxes on each Multi-State Risk through the Clearinghouse at such tax rate charged on surplus lines transactions in such other Compacting States and Contracting States on the portion of the risk in each such Compacting State and Contracting State as determined by the applicable uniform Allocation Formula adopted by the Commission. A policy considered to be Independently Procured Insurance in the insured's Home State shall be considered Independently Procured Insurance in all Compacting States and Contracting States. Each Compacting State and Contracting State shall require the insured to pay every other Compacting State and Contracting State the Independently Procured Insurance Premium Tax on each Multi-State Risk through the Clearinghouse pursuant to the uniform Allocation Formula adopted by the Commission.

13. Uniform foreign Insurer Eligibility Requirements as authorized by the NRRA.

14. A uniform Policyholder Notice.

15. Uniform treatment of Purchasing Group Surplus Lines Insurance placements.

ARTICLE V

Powers of the Commission

The Commission shall have the following powers:

1. To promulgate Rules and operating procedures, pursuant to Article VIII of this Compact, which shall have the force and effect of law and shall be binding in the Compacting States to the extent and in the manner provided in this Compact;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State insurance department to sue or be sued under applicable law shall not be affected;

3. To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence, provided however, the Commission is not empowered to demand or subpoena records or data from Non-Admitted Insurers;

4. To establish and maintain offices including the creation of a Clearinghouse for the receipt of Premium Tax and Clearinghouse Transaction Data regarding Non-Admitted Insurance of Multi-State Risks, Single-State Risks for states which elect to require Surplus Lines Licensees to pay Premium Tax on Single State Risks through the Clearinghouse and tax reporting forms;

5. To purchase and maintain insurance and bonds;

6. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compacting State or stamping office, pursuant to an open, transparent, objective competitive process and procedure adopted by the Commission;

7. To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the Compact, and determine their qualifications, pursuant to an open, transparent, objective competitive process and procedure adopted by the Commission; and to establish the Commission's personnel policies and programs

relating to conflicts of interest, rates of compensation and qualifications of personnel, and other related personnel matters;

8. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

9. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

10. To sell convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

11. To provide for tax audit Rules and procedures for the Compacting States with respect to the allocation of Premium Taxes including:

a. Minimum audit standards, including sampling methods,

b. Review of internal controls,

c. Cooperation and sharing of audit responsibilities between Compacting States,

d. Handling of refunds or credits due to overpayments or improper allocation of Premium Taxes,

e. Taxpayer records to be reviewed including a minimum retention period,

f. Authority of Compacting States to review, challenge, or re-audit taxpayer records.

12. To enforce compliance by Compacting States and Contracting States with Rules, and Bylaws pursuant to the authority set forth in Article XIV;

13. To provide for dispute resolution among Compacting States and Contracting States;

14. To advise Compacting States and Contracting States on tax-related issues relating to insurers, insureds, Surplus Lines Licensees, agents or brokers domiciled or doing business in Non-Compacting States, consistent with the purposes of this Compact;

15. To make available advice and training to those personnel in State stamping offices, State insurance departments or other State departments for record keeping, tax compliance, and tax allocations; and to be a resource for State insurance departments and other State departments;

16. To establish a budget and make expenditures;

17. To borrow money;

18. To appoint and oversee committees, including advisory committees comprised of Members, State insurance regulators, State legislators or their representatives, insurance industry and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;

19. To establish an Executive Committee of not less than seven (7) nor more than fifteen (15) representatives, which shall include officers elected by the Commission and such other representatives as provided for herein and determined by the Bylaws. Representatives of the Executive Committee shall serve a one year term. Representatives of the Executive Committee shall be entitled to one vote each. The Executive Committee shall have the power to act on behalf of the Commission, with the exception of rulemaking, during periods when the Commission is not in session. The Executive Committee shall oversee the day to day activities of the administration of the Compact, including the activities of the Operations Committee created under this Article and compliance and enforcement of the provisions of the Compact, its Bylaws,

and Rules, and such other duties as provided herein and as deemed necessary.

20. To establish an Operations Committee of not less than seven (7) and not more than fifteen (15) representatives to provide analysis, advice, determinations and recommendations regarding technology, software, and systems integration to be acquired by the Commission and to provide analysis, advice, determinations and recommendations regarding the establishment of mandatory Rules to be adopted to be by the Commission.

21. To enter into contracts with Contracting States so that Contracting States can utilize the services of and fully participate in the Clearinghouse subject to the terms and conditions set forth in such contracts;

22. To adopt and use a corporate seal; and

23. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of the business of insurance.

ARTICLE VI

Organization of the Commission

1. Membership, Voting and Bylaws

a. Each Compacting State shall have and be limited to one Member. Each State shall determine the qualifications and the method by which it selects a Member and set forth the selection process in the enabling provision of the legislation which enacts this Compact. In the absence of such a provision the Member shall be appointed by the governor of such Compacting State. Any Member may be removed or suspended from office as provided by the law of the State from which he or she shall be appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compacting State wherein the vacancy exists.

b. Each Member shall be entitled to one (1) vote and shall otherwise have an opportunity to participate in the governance of the Commission in accordance with the Bylaws.

c. The Commission shall, by a majority vote of the Members, prescribe Bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact including, but not limited to:

- i. Establishing the fiscal year of the Commission;
- ii. Providing reasonable procedures for holding meetings of the Commission the Executive Committee and the Operations Committee;
- iii. Providing reasonable standards and procedures: (i) for the establishment and meetings of committees, and (ii) governing any general or specific delegation of any authority or function of the Commission;
- iv. Providing reasonable procedures for calling and conducting meetings of the Commission that consist of a majority of Commission Members, ensuring reasonable advance notice of each such meeting and providing for the right of citizens to attend each such meeting with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and insurers' and Surplus Lines Licensees' proprietary information, including trade secrets. The Commission may meet in camera only after a majority of the entire membership votes to close a meeting in toto or in part. As soon as practicable, the Commission must make public: (i) a copy of the vote to close the meeting revealing the vote of each Member with no proxy votes allowed, and (ii) votes taken during such meeting;

v. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;

vi. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;

vii. Promulgating a code of ethics to address permissible and prohibited activities of Commission Members and employees;

viii. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;

d. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compacting States.

2. Executive Committee, Personnel and Chairperson

a. An Executive Committee of the Commission ("Executive Committee") shall be established. All actions, of the Executive Committee, including compliance and enforcement are subject to the review and ratification of the Commission as provided in the Bylaws. The Executive Committee shall have no more than fifteen (15) representatives, or one for each State if there are less than fifteen (15) Compacting States, who shall serve for a term and be established in accordance with the Bylaws.

b. The Executive Committee shall have such authority and duties as may be set forth in the Bylaws, including but not limited to:

i. Managing the affairs of the Commission in a manner consistent with the Bylaws and purposes of the Commission;

ii. Establishing and overseeing an organizational structure within, and appropriate procedures for the Commission to provide for the creation of Rules and operating procedures.

iii. Overseeing the offices of the Commission; and

iv. Planning, implementing, and coordinating communications and activities with other State, federal and local government organizations in order to advance the goals of the Commission.

c. The Commission shall annually elect officers from the Executive Committee, with each having such authority and duties, as may be specified in the Bylaws.

d. The Executive Committee may, subject to the approval of the Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Commission may deem appropriate. The executive director shall serve as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other persons as may be authorized by the Commission.

3. Operations Committee

a. An Operations Committee shall be established. All actions of the Operations Committee are subject to the review and oversight of the Commission and the Executive Committee and must be approved by the Commission. The Executive Committee will accept the determinations and recommendations of the Operations Committee unless good cause is shown why such determinations and recommendations should not be approved. Any disputes as to whether good cause exists to reject any

determination or recommendation of the Operations Committee shall be resolved by the majority vote of the Commission.

The Operations Committee shall have no more than fifteen (15) representatives or one for each State if there are less than fifteen (15) Compacting States, who shall serve for a term and shall be established as set forth in the Bylaws.

The Operations Committee shall have responsibility for:

i. Evaluating technology requirements for the Clearinghouse, assessing existing systems used by state regulatory agencies and state stamping offices to maximize the efficiency and successful integration of the Clearinghouse technology systems with state and state stamping office technology platforms and to minimize costs to the states, state stamping offices and the Clearinghouse.

ii. Making recommendations to the Executive Committee based on its analysis and determination of the Clearinghouse technology requirements and compatibility with existing state and state stamping office systems.

iii. Evaluating the most suitable proposals for adoption as mandatory Rules, assessing such proposals for ease of integration by states, and likelihood of successful implementation and to report to the Executive Committee its determinations and recommendations.

iv. Such other duties and responsibilities as are delegated to it by the Bylaws, the Executive Committee or the Commission.

b. All representatives of the Operations Committee shall be individuals who have extensive experience and/or employment in the Surplus Lines Insurance business including but not limited to executives and attorneys employed by Surplus Line Insurers, Surplus Line Licensees, Law Firms, State Insurance Departments and or State stamping offices. Operations Committee representatives from Compacting States which utilize the services of a state stamping office must appoint the Chief Operating Officer or a senior manager of the state stamping office to the Operations Committee.

4. Legislative and Advisory Committees

a. A legislative committee comprised of State legislators or their designees shall be established to monitor the operations of and make recommendations to, the Commission, including the Executive Committee; provided that the manner of selection and term of any legislative committee member shall be as set forth in the Bylaws. Prior to the adoption by the Commission of any Uniform Standard, revision to the Bylaws, annual budget or other significant matter as may be provided in the Bylaws, the Executive Committee shall consult with and report to the legislative committee.

b. The Commission may establish additional advisory committees as its Bylaws may provide for the carrying out of its functions.

5. Corporate Records of the Commission

The Commission shall maintain its corporate books and records in accordance with the Bylaws.

6. Qualified Immunity, Defense and Indemnification

a. The Members, officers, executive director, employees and representatives of the Commission, the Executive Committee and any other Committee of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing

occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

b. The Commission shall defend any Member, officer, executive director, employee or representative of the Commission, the Executive Committee or any other Committee of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act error or omission did not result from that person's intentional or willful or wanton misconduct.

c. The Commission shall indemnify and hold harmless any Member, officer, executive director, employee or representative of the Commission, Executive Committee or any other Committee of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE VII

Meetings and Acts of the Commission

1. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

2. Each Member of the Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Commission. A Member shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Members' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

4. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or otherwise provided in the Compact.

5. The Commission shall promulgate Rules concerning its meetings consistent with the principles contained in the "Government in the Sunshine Act," 5 U.S.C., § 552b, as may be amended.

6. The Commission and its committees may close a meeting, or portion thereof, where it determines by majority vote that an open meeting would be likely to:

- a. Relate solely to the Commission's internal personnel practices and procedures;
- b. Disclose matters specifically exempted from disclosure by federal and State statute;
- c. Disclose trade secrets or commercial or financial information which is privileged or confidential;
- d. Involve accusing a person of a crime, or formally censuring a person;

e. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

f. Disclose investigative records compiled for law enforcement purposes;

g. Specifically relate to the Commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

7. For a meeting, or portion of a meeting, closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptive provision. The Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission.

ARTICLE VIII

Rules and Operating Procedures: Rulemaking

Functions of the Commission

Rulemaking functions of the Commission:

1. Rulemaking Authority.—The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.

2. Rulemaking Procedure.—Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Commission.

3. Effective Date — All Rules and amendments, thereto, shall become effective as of the date specified in each Rule, operating procedure or amendment.

4. Not later than thirty (30) days after a Rule is promulgated, any person may file a petition for judicial review of the Rule; provided that the filing of such a petition shall not stay or otherwise prevent the Rule from becoming effective unless the court finds that the Petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Commission consistent with applicable law and shall not find the Rule to be unlawful if the Rule represents a reasonable exercise of the Commission's authority.

ARTICLE IX

Commission Records and Enforcement

1. The Commission shall promulgate Rules establishing conditions and procedures for public inspection and copying of its information and official records, except such information and records involving the privacy of individuals, insurers, insureds or Surplus Lines Licensee trade secrets. State Transaction Documentation and Clearinghouse Transaction Data collected by the Clearinghouse shall be used for only those purposes expressed in or reasonably implied under the provisions of this Compact and the Commission shall afford this data the broadest protections as permitted by any applicable law for proprietary information, trade secrets or personal data. The

Commission may promulgate additional Rules under which it may make available to federal and State agencies, including law enforcement agencies, records and information otherwise exempt from disclosure, and may enter into agreements with such agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

2. Except as to privileged records, data and information, the laws of any Compacting State pertaining to confidentiality or nondisclosure shall not relieve any Compacting State Member of the duty to disclose any relevant records, data or information to the Commission; provided that disclosure to the Commission shall not be deemed to waive or otherwise affect any confidentiality requirement, and further provided that, except as otherwise expressly provided in this Act, the Commission shall not be subject to the Compacting State's laws pertaining to confidentiality and nondisclosure with respect to records, data and information in its possession. Confidential information of the Commission shall remain confidential after such information is provided to any Member, and the Commission shall maintain the confidentiality of any information provided by a member that is confidential under that Member's State Law.

3. The Commission shall monitor Compacting States for compliance with duly adopted Bylaws and Rules. The Commission shall notify any non-complying Compacting State in writing of its noncompliance with Commission Bylaws or Rules. If a non-complying Compacting State fails to remedy its noncompliance within the time specified in the notice of noncompliance, the Compacting State shall be deemed to be in default as set forth in Article XIV.

ARTICLE X

Dispute Resolution

1. Before a Member may bring an action in a court of competent jurisdiction for violation of any provision, standard or requirement of the Compact, the Commission shall attempt, upon the request of a Member, to resolve any disputes or other issues that are subject to this Compact and which may arise between two or more Compacting States, Contracting States or Non-Compacting States, and the Commission shall promulgate a Rule providing alternative dispute resolution procedures for such disputes.

2. The Commission shall also provide alternative dispute resolution procedures to resolve any disputes between insureds or Surplus Lines Licensees concerning a tax calculation or allocation or related issues which are the subject of this Compact.

3. Any alternative dispute resolution procedures shall be utilized in circumstances where a dispute arises as to which State constitutes the Home State.

ARTICLE XI

Review of Commission Decisions

Regarding Commission decisions:

1. Except as necessary for promulgating Rules to fulfill the purposes of this Compact, the Commission shall not have authority to otherwise regulate insurance in the Compacting States.

2. Not later than thirty (30) days after the Commission has given notice of any Rule or Allocation Formula, any third party filer or Compacting State may appeal the determination to a review panel appointed by the Commission. The Commission shall promulgate Rules to establish procedures for appointing such review panels and provide for notice and hearing. An allegation that the Commission, in making compliance or tax determinations acted arbitrarily, capriciously, or in a manner that is an abuse of

discretion or otherwise not in accordance with the law, is subject to judicial review in accordance with Article III, Section 6.

3. The Commission shall have authority to monitor, review and reconsider Commission decisions upon a finding that the determinations or allocations do not meet the relevant Rule. Where appropriate, the Commission may withdraw or modify its determination or allocation after proper notice and hearing, subject to the appeal process in Section 2 above.

ARTICLE XII

Finance

1. The Commission shall pay or provide for the payment of the reasonable expenses of its establishment and organization. To fund the cost of its initial operations the Commission may accept contributions, grants, and other forms of funding from the State stamping offices, Compacting States and other sources.

2. The Commission shall collect a fee payable by the insured directly or through a Surplus Lines Licensee on each transaction processed through the Compact Clearinghouse, to cover the cost of the operations and activities of the Commission and its staff in a total amount sufficient to cover the Commission's annual budget.

3. The Commission's budget for a fiscal year shall not be approved until it has been subject to notice and comment as set forth in Article VIII of this Compact.

4. The Commission shall be regarded as performing essential governmental functions in exercising such powers and functions and in carrying out the provisions of this Compact and of any law relating thereto, and shall not be required to pay any taxes or assessments of any character, levied by any State or political subdivision thereof, upon any of the property used by it for such purposes, or any income or revenue therefrom, including any profit from a sale or exchange.

5. The Commission shall keep complete and accurate accounts of all its internal receipts, including grants and donations, and disbursements for all funds under its control. The internal financial accounts of the Commission shall be subject to the accounting procedures established under its Bylaws. The financial accounts and reports including the system of internal controls and procedures of the Commission shall be audited annually by an independent certified public accountant. Upon the determination of the Commission, but not less frequently than every three (3) years, the review of the independent auditor shall include a management and performance audit of the Commission. The Commission shall make an annual report to the Governor and legislature of the Compacting States, which shall include a report of the independent audit. The Commission's internal accounts shall not be confidential and such materials may be shared with the Commissioner, the controller, or the stamping office of any Compacting State upon request provided, however, that any work papers related to any internal or independent audit and any information regarding the privacy of individuals, and licensees' and insurers' proprietary information, including trade secrets, shall remain confidential.

6. No Compacting State shall have any claim to or ownership of any property held by or vested in the Commission or to any Commission funds held pursuant to the provisions of this Compact.

7. The Commission shall not make any political contributions to candidates for elected office, elected officials, political parties nor political action committees. The Commission shall not engage in lobbying except with respect to changes to this

Compact.

ARTICLE XIII

Compacting States, Effective Date and Amendment

1. Any State is eligible to become a Compacting State.
2. The Compact shall become effective and binding upon legislative enactment of the Compact into law by two (2) Compacting States, provided the Commission shall become effective for purposes of adopting Rules, and creating the Clearinghouse when there are a total of ten (10) Compacting States and Contracting States or, alternatively, when there are Compacting States and Contracting States representing greater than forty percent (40%) of the Surplus Lines Insurance premium volume based on records of the percentage of Surplus Lines Insurance premium set forth in Appendix A hereto. Thereafter, it shall become effective and binding as to any other Compacting State upon enactment of the Compact into law by that State. Notwithstanding the foregoing, the Clearinghouse operations and the duty to report Clearinghouse Transaction Data shall begin on the first January 1st or July 1st following the first anniversary of the Commission effective date. For States which join the Compact subsequent to the effective date, a start date for reporting Clearinghouse Transaction Data shall be set by the Commission provided Surplus Lines Licensees and all other interested parties receive not less than 90 days advance notice.
3. Amendments to the Compact may be proposed by the Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Commission and the Compacting States unless and until all Compacting States enact the amendment into law.

ARTICLE XIV

Withdrawal, Default and Termination

1. Withdrawal
 - a. Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State, provided that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.
 - b. The effective date of withdrawal is the effective date of the repealing statute. However, the withdrawal shall not apply to any tax or compliance determinations approved on the date the repealing statute becomes effective, except by mutual agreement of the Commission and the Withdrawing State unless the approval is rescinded by the Commission.
 - c. The Member of the Withdrawing State shall immediately notify the Executive Committee of the Commission in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.
 - d. The Commission shall notify the other Compacting States of the introduction of such legislation within ten (10) days after its receipt of notice thereof.
 - e. The Withdrawing State is responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. To the extent those obligations may have been released or relinquished by mutual agreement of the Commission and the Withdrawing State, the Commission's determinations prior to the effective date of withdrawal shall continue to be effective and be given full force and effect in the Withdrawing State, unless formally rescinded by the Commission.

f. Reinstatement following withdrawal of any Compacting State shall occur upon the effective date of the Withdrawing State reenacting the Compact.

2. Default

a. If the Commission determines that any Compacting State has at anytime defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the Bylaws or duly promulgated Rules then after notice and hearing as set forth in the Bylaws, all rights, privileges and benefits conferred by this Compact on the Defaulting State shall be suspended from the effective date of default as fixed by the Commission. The grounds for default include, but are not limited to, failure of a Compacting State to perform its obligations or responsibilities, and any other grounds designated in Commission Rules. The Commission shall immediately notify the Defaulting State in writing of the Defaulting State's suspension pending a cure of the default. The Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Commission, the Defaulting State shall be terminated from the Compact and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of termination.

b. Decisions of the Commission that are issued on the effective date of termination shall remain in force in the Defaulting State in the same manner as if the Defaulting State had withdrawn voluntarily pursuant to Section 1 of this Article.

c. Reinstatement following termination of any Compacting State requires a reenactment of the Compact.

3. Dissolution of Compact

a. The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

b. Upon the dissolution of this Compact, the Compact becomes null and void and shall have no further force or effect, and the business and affairs of the Commission shall be wound up and any surplus funds shall be distributed in accordance with the Rules and Bylaws.

ARTICLE XV

Severability and Construction

1. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

2. The provisions of this Compact shall be liberally construed to effectuate its purposes.

3. Throughout this Compact the use of the singular shall include the plural and vice-versa.

4. The headings and captions of articles, sections and sub-sections used in this Compact are for convenience only and shall be ignored in construing the substantive provisions of this Compact.

ARTICLE XVI

Binding Effect of Compact and Other Laws

1. Other Laws

a. Nothing herein prevents the enforcement of any other law of a Compacting State except as provided in Paragraph b. of this section.

b. Decisions of the Commission, and any Rules, and any other requirements of the

Commission shall constitute the exclusive Rule, or determination applicable to the Compacting States. Any law or regulation regarding Non-Admitted Insurance of Multi-State Risks that is contrary to Rules of the Commission, is preempted with respect to the following:

- (i) Clearinghouse Transaction Data reporting requirements;
- (ii) Allocation Formula;
- (iii) Clearinghouse Transaction Data collection requirements;
- (iv) Premium Tax payment time frames and Rules concerning dissemination of data among the Compacting States for Non-Admitted Insurance of Multi-State Risks and Single-State Risks;
- (v) Exclusive compliance with surplus lines law of the Home State of the insured; and
- (vi) Rules for reporting to a Clearinghouse for receipt and distribution of Clearinghouse Transaction Data related to Non-Admitted Insurance of Multi-State Risks;
- (vii) Uniform foreign Insurers Eligibility Requirements;
- (viii) Uniform Policyholder Notice; and
- (ix) Uniform treatment of Purchasing Groups procuring Non-Admitted Insurance.

c. Except as stated in paragraph b, any Rule, Uniform Standard or other requirement of the Commission shall constitute the exclusive provision that a Commissioner may apply to compliance or tax determinations. Notwithstanding the foregoing, no action taken by the Commission shall abrogate or restrict: (i) the access of any person to State courts; (ii) the availability of alternative dispute resolution under Article X of this Compact (iii) remedies available under State law related to breach of contract, tort, or other laws not specifically directed to compliance or tax determinations; (iv) State law relating to the construction of insurance contracts; or (v) the authority of the attorney general of the State, including but not limited to maintaining any actions or proceedings, as authorized by law.

2. Binding Effect of this Compact

a. All lawful actions of the Commission, including all Rules promulgated by the Commission, are binding upon the Compacting States, except as provided herein.

b. All agreements between the Commission and the Compacting States are binding in accordance with their terms.

c. Upon the request of a party to a conflict over the meaning or interpretation of Commission actions, and upon a majority vote of the Compacting States, the Commission may issue advisory opinions regarding the meaning or interpretation in dispute. This provision may be implemented by Rule at the discretion of the Commission.

d. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by that provision upon the Commission shall be ineffective as to that State and those obligations duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which those obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

Surplus Line Insurance Premiums by State	Premiums based on taxes paid	Appendix A Share of Total Premiums
Alabama	445,746,000	1.47%
Alaska	89,453,519	0.29%
Arizona	663,703,267	2.18%
Arkansas	201,859,750	0.66%
California	5,622,450,467	18.49%
Colorado	543,781,333	1.79%
Connecticut	329,358,800	1.08%
Delaware	92,835,950	0.31%
Florida	2,660,908,760	8.75%
Georgia	895,643,150	2.95%
Hawaii	232,951,489	0.77%
Idaho	74,202,255	0.24%
Illinois	1,016,504,629	3.34%
Indiana	412,265,320	1.36%
Iowa	135,130,933	0.44%
Kansas	160,279,300	0.53%
Kentucky	167,996,133	0.55%
Louisiana	853,173,280	2.81%
Maine	60,111,200	0.20%
Maryland	434,887,600	1.43%
Massachusetts	708,640,225	2.33%
Michigan	703,357,040	2.31%
Minnesota	393,128,400	1.29%
Mississippi	263,313,175	0.87%
Missouri	404,489,860	1.33%
Montana	64,692,873	0.21%
Nebraska	92,141,167	0.30%
Nevada	354,271,514	1.17%
New Hampshire	102,946,250	0.34%
New Jersey	1,087,994,033	3.58%
New Mexico	67,608,458	0.22%
New York	2,768,618,083	9.11%
North Carolina	514,965,060	1.69%
North Dakota	36,223,943	0.12%
Ohio	342,000,000	1.12%
Oklahoma	319,526,400	1.05%
Oregon	312,702,150	1.03%
Pennsylvania	780,666,667	2.57%
Rhode Island	71,794,067	0.24%
South Carolina	412,489,825	1.36%
South Dakota	38,702,120	0.13%
Tennessee	451,775,240	1.49%
Texas	3,059,170,454	10.06%
Utah	142,593,412	0.47%

Vermont	41,919,433	0.14%
Virginia	611,530,667	2.01%
Washington	739,932,050	2.43%
West Virginia	130,476,250	0.43%
Wisconsin	248,758,333	0.82%
Wyoming	40,526,967	0.13%
Total	30,400,197,251	100.00%

This Data is 2005 Calendar Year Data excerpted from a study dated February 27, 2007 by Mackin & Company.

New Sec. 6. The commissioner of insurance shall represent this state on the surplus lines insurance multi-state compliance compact.

New Sec. 7. The member representing this state on the surplus lines insurance multi-state compliance compact may be represented thereon by an alternate designated by the commissioner of insurance. Any such alternate shall be an assistant commissioner or a division director of the insurance department.

Sec. 8. K.S.A. 2010 Supp. 40-246b is hereby amended to read as follows: 40-246b. ~~The (a) Upon receipt of a proper application, the commissioner of insurance may issue to any duly licensed resident agent of this state, who has been licensed as a fire or casualty, or both, resident agent in this or any other state or combination thereof, for three consecutive years immediately prior to application for the type of license herein prescribed, upon proper application, an excess coverage license to negotiate an excess lines coverage license to any licensed property and casualty agent of this state or any other state. Any agent so licensed may negotiate for insureds whose home state is this state, the types of contracts of fire insurance enumerated in K.S.A. 40-901, and amendments thereto, and the type of casualty insurance contracts enumerated in K.S.A. 40-1102, and amendments thereto, or reinsurance, or to place risks, or to effect insurance or reinsurance for persons or corporations other than such agent, with insurers not authorized to do business in this state. An agent, as defined in K.S.A. 40-241e-2010 Supp. 40-4902, and amendments thereto, may place the kind or kinds of business specified in this act for which such agent is licensed pursuant to K.S.A. 40-240 and 40-241-2010 Supp. 40-4903 and subsection (d) of 40-4906, and amendments thereto, with an insurer not authorized to do business in this state by placing such business with a person licensed pursuant to the provisions of this act and may share in the applicable commissions on such business. Before any such license shall be issued, the applicant shall submit proper application on a form prescribed by the commissioner, which application shall be accompanied by a fee of \$50. Such license shall be renewable each year on May 1, upon the payment of a \$50 fee. Excess lines agents licensed by the department on the effective date of this act shall be exempt from the experience requirement.~~

(b) The agent so licensed shall on or before March 1 of each year, file with the insurance department of this state, a sworn affidavit or statement to the effect that, after diligent effort, such agent has been unable to secure the amount of insurance required to protect the property, person, or firm described in such agent's affidavit or statement from loss or damage in regularly admitted companies during the preceding year. Mere rate differential shall not be grounds for placing a particular risk in a nonadmitted carrier when an admitted carrier would accept such risk at a different rate. The licensed excess coverage agent must, prior to placing insurance with an insurer not authorized to

do business in this state, obtain the written consent of the prospective named insured and provide such insured the following information in a form promulgated by the commissioner:

~~(a)~~-(1) A statement that the coverage will be obtained from an insurer not authorized to do business in this state;

~~(b)~~-(2) a statement that the insurer's name appears on the list of companies maintained by the commissioner pursuant to K.S.A. 40-246e, and amendments thereto;

~~(c)~~ (3) a notice that the insurer's financial condition, policy forms, rates and trade practices are not subject to the review or jurisdiction of the commissioner;

~~(d)~~ (4) a statement that the protection of the guaranty associations is not afforded to policyholders of the insurer; and

~~(e)~~ (5) a statement or notice with respect to any other information deemed necessary by the commissioner pertinent to insuring with an insurer not authorized to do business in this state.

(c) In the event the insured desires that coverage be bound with an insurer not admitted to this state and it is not possible to obtain the written consent of the insured prior to binding the coverage, the excess lines agent may bind the coverage after advising the insured of the information set out above and shall obtain written confirmation that the insured desires that coverage be placed with an insurer not admitted to this state within 30 days after binding coverage.

(d) When business comes to a licensed excess lines agent *in which this state is the home state* for placement with an insurer not authorized to do business in this state from an agent not licensed as an excess lines agent, it shall be the responsibility of the licensed excess lines agent to ascertain that the insured has been provided the preceding information and has consented to being insured with an insurer not authorized to do business in this state. Each excess lines agent shall keep a separate record book in such agent's office showing the transactions of fire and casualty insurance and reinsurance placed in companies not authorized to do business in this state, the amount of gross premiums charged thereon, the insurer ~~in which~~ *with which the policy was* placed, the date, term and number of the policy, the location and nature of the risk, the name of the ~~assured~~ *insured* and such other information as the commissioner may require and such record shall be available at all times for inspection by the commissioner of insurance or the commissioner's authorized representatives. The commissioner may revoke or suspend any license issued pursuant to the provisions of this act in the same manner and for the same reasons prescribed by K.S.A. ~~40-242~~ *2010 Supp. 40-4909*, and amendments thereto.

Any policy issued under the provisions of this statute shall have stamped or endorsed in a prominent manner thereon, the following: This policy is issued by an insurer not authorized to do business in Kansas and, as such, the form, financial condition and rates are not subject to review by the commissioner of insurance and the insured is not protected by any guaranty fund.

If business is placed with a nonadmitted company that is subsequently determined to be insolvent, the excess lines agent placing such business with such company is relieved of any responsibility to the insured as it relates to such insolvency, if the excess lines agent has satisfactorily complied with all requirements of this section pertaining to notification of the insured, has properly obtained the written consent of the insured and has used due diligence in selecting the insurer. It shall be presumed that due diligence

was used in selecting the insurer if such insurer was on the list compiled pursuant to K.S.A. 40-246e, and amendments thereto, at the time coverage first became effective.

Sec. 9. K.S.A. 40-246c is hereby amended to read as follows: 40-246c. ~~Each licensed agent shall file with the commissioner on or before March 1 of each year a statement on a form prescribed by the commissioner, accounting for the gross premiums upon all policies written on risks situated in this state up to January 1 in each year for the year next preceding and the licensee shall transmit to the commissioner, with such affidavit or statement, a sum equal to 6% of the gross premiums upon all policies procured by such agent on risks situated in this state written under the provisions of this act. Any individual placing a policy with an insurer not authorized to do business in this state on a risk domiciled in a state other than this state, but also covering a risk or location in Kansas, shall file with the commissioner a statement in the form prescribed by the commissioner, describing the risk and shall pay to the commissioner a sum equal to 6% of the portion of the premium applicable to the risk located in Kansas within 120 days after writing the risk:~~

(a) On March 1 of each year, each licensed agent shall collect and pay to the commissioner a sum based on the total gross premiums charged, less any return premiums, for surplus lines insurance provided by the licensee pursuant to the license. Where the insurance covers properties, risks or exposures located or to be performed both in and out of this state, the sum payable shall be computed based on:

(1) An amount equal to 6% of that portion of the gross premiums allocated to this state; plus

(2) an amount equal to the portion of the premiums allocated to other states or territories on the basis of the tax rates and fees applicable to properties, risks or exposures located or to be performed outside of this state; less

(3) the amount of gross premiums allocated to this state and returned to the insured.

(b) The tax on any portion of the premium unearned at termination of insurance, if any, having been credited by the state to the licensee shall be returned to the policyholder directly by the surplus lines licensee or through the producing broker. The surplus lines licensee is prohibited from rebating any part of the tax for any reason. To the extent that other states where portions of the properties, risks or exposures reside have failed to enter into a compact or reciprocal allocation procedure with this state, the net premium tax collected shall be retained by this state.

(c) The individual responsible for filing the statement shall be the agent who signs the policy or the agent of record with the company. The commissioner of insurance shall collect double the amount of tax herein provided from any licensee or other responsible individual as herein described who shall fail, refuse or neglect to transmit the required affidavit or statement or shall fail to pay the tax imposed by this section, to the commissioner within the period specified.

Sec. 10. K.S.A. 40-246e is hereby amended to read as follows: 40-246e. The commissioner shall maintain a list of insurers not authorized to do business in this state for review by any interested person. Only those insurers who have filed a certified copy of their most recent annual statement with the commissioner in the form prescribed by K.S.A. 40-225, and amendments thereto, or, if domiciled outside the United States, have filed their most recent annual statement with the national association of insurance commissioners may appear on the list. No excess lines agent shall place insurance on a

Kansas domiciled risk with an insurer whose name does not appear on this list. No company shall appear on the list whose capital or surplus as shown on the annual statement does not equal or exceed ~~\$1,500,000~~ \$4,500,000. Individual unincorporated insurers not listed by the national association of insurance commissioners may appear on the list if they are authorized to transact an insurance business in at least one state of the United States, possess assets which are held in trust for the benefit of American policyholders in the sum of not less than \$50,000,000 and pay the filing fee required by this section. Insurance exchanges who issue contracts on behalf of their members and pay the filing fee required by this section may appear on the list if their individual members have a capital or surplus equal to or in excess of \$1,500,000 and the aggregate capital or surplus of all members of the exchange is at least \$15,000,000. A nonrefundable filing fee of \$200 shall be required of any insurer submitting its annual statement for review by the commissioner for inclusion on such list. The commissioner shall remove an insurer's name from the listing only when: (a) The insurer requests such removal; or (b) the insurer fails to file its latest annual statement and required filing fee prior to May 1 of each year as required by this section; or (c) the commissioner is notified by the insurance supervisory authority of any state of the United States that such insurer has had its authority to transact business restricted; or has been declared insolvent or placed in receivership, conservatorship, rehabilitation or any similar status wherein the business of the insurer is formally supervised by an insurance supervisory authority; or (d) the commissioner is notified by the N.A.I.C. that any insurer domiciled outside the United States has been declared insolvent or placed in receivership, conservatorship, rehabilitation or any similar status wherein the business of the insurer is formally supervised by an insurance supervisory authority pursuant to an order by any court of competent jurisdiction; or (e) the insurer has failed to effectuate reasonably prompt, fair and equitable payment of just losses and claims in this state; or (f) the insurer encourages, promotes or rewards an agent to violate the provisions of K.S.A. 40-246b, and amendments thereto. There shall be no liability on the part of and no cause of action of any nature shall arise against the commissioner, the commissioner's employees, or the state of Kansas as a result of any insurer's name appearing or not appearing on the list required by this section if such list is constructed and maintained in good faith and without malice.

Sec. 11. K.S.A. 40-246c and 40-246e and K.S.A. 2010 Supp. 40-246b are hereby repealed.";

And by renumbering the remaining sections accordingly;

Also on page 6, in line 32, before "K.S.A." where it appears for the first time by inserting "From and after July 1, 2011,"; in line 35, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "relating to"; by striking all in lines 2 through 5 and inserting "relating to certain filings with the insurance commissioner; relating to certain records of the insurance department's anti-fraud division; relating to surplus lines insurance; relating to the surplus lines insurance multi-state compliance compact; amending K.S.A. 12-2618, 40-246c, 40-246e and 44-584 and K.S.A. 2010 Supp. 40-246b";

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

RUTH TEICHMAN

TY MASTERSON

ALLEN C. SCHMIDT

Conferees on part of Senate

CLARK SHULTZ

PHIL HERMANSON

BOB GRANT

Conferees on part of House

Senator Teichman moved the Senate adopt the Conference Committee Report on **HB 2076**.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Pilcher-Cook.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2147**, submits the following report:

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

On page 2, by striking all in line 38, and inserting "adjust staffing personnel and resources as necessary to meet residents' needs in"; in line 41, after "take" by inserting "annual";

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

VICKI SCHMIDT

PETE BRUNGARDT

LAURA KELLY

Conferees on part of Senate

BOB BETHELL

RON WORLEY

GERALDINE FLAHARTY

Conferees on part of House

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **HB 2147**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Hensley,

Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2151**, submits the following report:

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

On page 1, in line 17, by striking “into a private place”; in line 18, following “conversations” by inserting “in a private place”; in line 19, following “persons” by inserting “entitled to privacy”;

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

PAT COLLOTON

LANCE KINZER

MELODY MCCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2151**.

Senator Love made a substitute motion to not adopt the conference committee report on HB 2151 and requested a conference committee be appointed. The motion failed.

On roll call, the vote was: Yeas 31, Nays 8, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Bruce, Brungardt, Emler, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Owens, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Abrams, Faust-Goudeau, Love, Merrick, Ostmeyer, Petersen, Steineger, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFIRMATION OF APPOINTMENTS

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

Senator Emler moved the following appointment be confirmed as recommended by the Standing Committee:

By the Governor:

On the appointment to the:

Department of Social and Rehabilitation Services:

Rob Siedlecki, Secretary, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 34, Nays 1, Present and Passing 4, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Holland, Huntington, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Hensley.

Present and Passing: Francisco, Kelly, Kultala, Owens.

Absent or Not Voting: Donovan.

The appointment was confirmed.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **HB 2080** be amended by adoption of the amendments recommended by the Committee on Ethics and Elections as reported in the Journal of the Senate on March 21, 2011, and the bill as printed as Senate Substitute for House Bill 2080 by further amended on page 7, in line 18, by striking "June" and inserting "May"; in line 21, by striking "24" and inserting "10"; in line 25, by striking "June" and inserting "May"; in line 28, by striking "July 12" and inserting "June 18";

On page 13, following line 13, by inserting:

"Sec 13. K.S.A. 2010 Supp. 25-4119f is hereby amended to read as follows: 25-4119f. (a) In addition to any other fee required by law, every person becoming a candidate for the following offices shall pay a fee at the time of filing for such office in the amount prescribed by this section:

- (1) Governor and lieutenant governor.....480\$1,000;
- (2) state offices elected by statewide election, other than the governor and lieutenant governor.....\$480\$1,000;
- (3) state senator; ~~state representative, state board of education, district attorney, board of public utilities of the city of Kansas City and elected county offices~~.....~~\$35~~\$200; and
- (4) state representative, state board of education, elected county offices, district attorney and judges of the district court in judicial districts in which judges are elected.....\$150; and
- (4)(5) members of boards of education of unified school districts having 35,000 or more pupils regularly enrolled in the preceding school year, members of governing bodies of cities of the first class ~~and judges of the district court in judicial districts in which judges are elected and members of the Kansas City board of public utilities~~.....~~\$35~~\$75.

(b) The secretary of state shall remit all fees received by that office to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. County election officers receiving fees in accordance with this section shall remit such fees to the county treasurer of the county who shall quarterly remit the same to the state treasurer. Upon receipt of each such remittance, the state treasurer shall

deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

Sec. 14. K.S.A. 2010 Supp. 25-4145 is hereby amended to read as follows: 25-4145. (a) Each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each party committee and each political committee which anticipates receiving contributions or making expenditures for a candidate for state office shall make a statement of organization and file it with the secretary of state not later than 10 days after establishment of such committee. The chairperson of each political committee which anticipates receiving contributions or making expenditures for any candidate for local office, shall make a statement of organization and file it with the county election officer not later than 10 days after establishment of such committee.

(b) Every statement of organization shall include:

(1) The name and address of the committee. The name of the committee shall reflect the full name of the organization with which the committee is connected or affiliated or sufficiently describe such affiliation. If the political committee is not connected or affiliated with any one organization, the name shall reflect the trade, profession or primary interest of the committee as reflected by the statement of purpose of such organization;

(2) the names and addresses of the chairperson and treasurer of the committee;

(3) the names and addresses of affiliated or connected organizations; and

(4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(c) Any change in information previously reported in a statement of organization shall be reported on a supplemental statement of organization and filed not later than 10 days following the change.

(d) (1) Each political committee which anticipates receiving contributions shall register annually with the commission on or before July 1 of each year. Each political committee registration shall be in the form and contain such information as may be required by the commission.

(2) Each registration by a political committee anticipating the receipt of \$2,501 or more in any calendar year shall be accompanied by an annual registration fee of ~~\$240~~\$500.

(3) Each registration by a political committee anticipating the receipt of more than \$500 but less than \$2,501 in any calendar year shall be accompanied by an annual registration fee of ~~\$35~~\$70.

(4) Each registration by a political committee anticipating the receipt of \$500 or less in any calendar year shall be accompanied by an annual registration fee of ~~\$20~~\$40.

(5) Any political committee which is currently registered under subsection (d)(3) or (d)(4) and which receives contributions in excess of \$2,500 for a calendar year, shall file, within three days of the date when contributions exceed such amount, an amended registration form which shall be accompanied by an additional fee for such year equal to the difference between ~~\$240~~\$500 and the amount of the fee that accompanied the current registration.

(6) Any political committee which is currently registered under subsection (d)(4) and which receives contributions in excess of \$500 but which are less than \$2,501, shall file, within three days of the date when contributions exceed \$500, an amended registration form which shall be accompanied by an additional fee of ~~\$20~~\$30 for such year.

(e) All such fees received by or for the commission 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 governmental ethics commission fee fund.

Sec. 15. K.S.A. 2010 Supp. 46-265 is hereby amended to read as follows: 46-265.

(a) Every lobbyist shall register with the secretary of state by completing and signing a registration form prescribed and provided by the commission. Such registration shall show the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying, the purpose of the employment and the method of determining and computing the compensation of the lobbyist. If the lobbyist is compensated or to be compensated for lobbying by more than one employer or is to be engaged in more than one employment, the relevant facts listed above shall be stated separately for each employer and each employment. Whenever any new lobbying employment or lobbying position is accepted by a lobbyist already registered as provided in this section, such lobbyist shall report the same on forms prescribed and provided by the commission before engaging in any lobbying activity related to such new employment or position, and such report shall be filed with the secretary of state. When a lobbyist is an employee of a lobbying group or firm which contracts to lobby and not an owner or partner of such entity, the lobbyist shall report each client of the group, firm or entity whose interest the lobbyist represents. Whenever the lobbying of a lobbyist concerns a legislative matter, the secretary of state promptly shall transmit copies of each registration and each report filed under this act to the secretary of the senate and the chief clerk of the house of representatives.

(b) On or after October 1, in any year any person may register as a lobbyist under this section for the succeeding calendar year. Such registration shall expire annually on December 31, of the year for which the lobbyist is registered. In any calendar year, before engaging in lobbying, persons to whom this section applies shall register or renew their registration as provided in this section. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending \$1,000 or less for lobbying in such registration year on behalf of any one employer shall pay to the secretary of state a fee of ~~\$35~~\$100 for lobbying for each such employer. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending more than \$1,000 for lobbying in such registration year on behalf of any one employer shall pay to the secretary of state a fee of ~~\$300~~\$400 for lobbying for such employer. Any lobbyist who at the time of initial registration anticipated spending less than \$1,000, on behalf of any one employer, but at a later date spends in excess of such amount, within three days of the date when expenditures exceed such amount, shall file an amended registration form which shall be accompanied by an additional fee of ~~\$220~~\$300 for such year. Every person registering or renewing registration as a lobbyist who is an employee of a lobbying group or firm and not an owner or partner of such entity shall pay an annual fee of

~~§360~~§450. The secretary of state 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 to the credit of the governmental ethics commission fee fund.

(c) Any person who has registered as a lobbyist pursuant to this act may file, upon termination of such person's lobbying activities, a statement terminating such person's registration as a lobbyist. Such statement shall be on a form prescribed by the commission and shall state the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying and the date of the termination of the lobbyist's lobbying activities.

(d) No person who has failed or refused to pay any civil penalty imposed pursuant to K.S.A. 46-280, and amendments thereto, shall be authorized or permitted to register as a lobbyist in accordance with this section until such penalty has been paid in full.

Sec. 16. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
 - (2) entertainment, gifts, honoraria or payments;
 - (3) mass media communications;
 - (4) recreation provided as hospitality;
 - (5) communications for the purpose of influencing legislative or executive action;
- and
- (6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, members of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of

the legislator, member of the judicial branch and employee who received such gift, entertainment or hospitality ~~and~~, the amount expended on such gift, entertainment or hospitality *and the date the expenditure was made*.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

(A) Meals, the provision of which is motivated by a personal or family relationship;

(B) meals provided at public events in which the person is attending in an official capacity;

(C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person's official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

(i) All members of the legislature or all members of either house of the legislature; or

(ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.";

And by renumbering sections accordingly;

Also on page 13, in line 15, following "'25-1216," by inserting "25-4119f, 25-4145,"; also in line 15, by striking "and" where it appears for the last time and inserting a comma; in line 16, following "25-4501" by inserting ", 46-265 and 46-269";

On page 1, in the title, in line 1, following "elections" by inserting "and elected officials"; in line 3, by striking "25-4156 and 25-4501" and inserting "25-4119f, 25-4145, 25-4156, 25-4501, 46-265 and 46-269"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1835, SR 1836 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 30, 2011.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2087, Substitute HB 2161, Substitute HB 2178, Substitute HB 2229.**

Announcing passage of **SB 80**, as amended; **SB 93**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2087, Substitute HB 2161, Substitute HB 2178, Substitute HB 2229 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Reitz introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1842—

A RESOLUTION encouraging participation in the American Public Health Association's and the Kansas Public Health Association's National Public Health Week, which is April 4-10, 2011.

WHEREAS, The week of April 4-10, 2011 is National Public Health Week, and

WHEREAS, Kansas counties and local health departments play a vital role in the state's public health; and

WHEREAS, Since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policy-makers and public health professionals about public health issues; and

WHEREAS, Each year, nearly 150,000 people die from injuries. Unintentional injuries, such as motor vehicle crashes, poisonings and falls rank among the top 10 causes of death for people ages 1-44; and

WHEREAS, Almost 30 million people are injured seriously enough to go to the emergency room each year; and

WHEREAS, The financial costs of injuries are staggering, accounting for 12% of annual medical care spending and totaling as much as \$69 billion per year; and

WHEREAS, Injuries, unexpected events and violence affect people at home, at work, in their communities, on the move and even at play; and

WHEREAS, Many injuries and associated costs can be proactively prevented by taking actions such as wearing a seat belt, properly installing smoke alarms, correctly installing and using child safety seats, wearing a helmet, and storing cleaning supplies in locked cabinets. Furthermore, educating the community about violence and maltreatment towards children, seniors and other vulnerable populations prevents injuries: Now, therefore,

Be it resolved by the 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 4-10, 2011, as National Public Health Week in Kansas. We call upon the people of Kansas to observe this week by helping our families, friends, neighbors, co-workers and leaders better understand the importance of public health to a successful health system by remembering this year's theme, "Safety is *no* Accident; Live Injury-Free;" and

Be it further resolved: That the Secretary of the Senate shall provide an enrolled copy of this resolution to Jonathan Larence, Kansas Department of Health and Environment, 1000 SW Jackson, Ste 230, Topeka, KS 66612-1274.

On emergency motion of Senator Reitz **SR 1842** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2157**; **HB 2392**, as amended by House Committee, be passed.

On motion of Senator Emler the Senate recessed until 5:00 p.m.

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **S Sub for HB 2008** and requests return of the bill.

The House concurs in Senate amendments to **HB 2118** and requests return of the bill.

The House concurs in Senate amendments to **HB 2122** and requests return of the bill.

MOTION TO CONCUR OR NONCONCUR

On motion of Senator Brungardt the Senate nonconcurred in house amendments to SB 93 and requested a conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **Sub HB 2135** be amended on page 2, in line 29, after "valid" by inserting "subject to the provisions of K.S.A. 44-703(i)(3)(D), and amendments thereto";

On page 3, in line 36, after "occurred" by inserting ", including whether or not a reasonable basis for the classification exists. If a reasonable basis for the classification exists, then the secretary shall not impose penalties or interest or seek recovery of back taxes for the time period prior to the secretary's determination that a reasonable basis exists"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2357**, as amended by House Committee, be amended on page 1, in line 33, by striking “\$75,000” and inserting “\$80,000”; in line 36, by striking “\$75,000” and inserting “\$80,000”;

And the bill be passed as amended.

On motion of Senator Emler the Senate adjourned until 9:00 a.m., Thursday, March 31, 2011.

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 31, 2011, 9:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-seven senators present.
Senators Donovan, McGinn and Taddiken were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I am honored to be a Kansas Senator.
But sometimes the Senate makes me feel like paraphrasing the 23rd Psalm.

The Senate is my shepherd, I want much more.
It maketh me to lie down in exhaustion.
It leadeth me by General Orders.
It restoreth my confusion.
It leadeth me in the path of multiple committee meetings, for fatigue's sake.
Yea, though I walk through the valley of frustration, I will fear no relief, the
Senate offers none.
Its two-thirds majority vote sometimes surprises me.
It prepareth legislation before me in the presence of disappointment.
It anointeth my head with statistics.
My calendar runneth over.
Surely reporters and lobbyists will follow me all the days of my term,
Even if I dwell in the House of the Senate forever.

Although I rarely feel this way, Lord, I am very grateful that You are my real
Shepherd.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **Sub HB 2161.**
 Federal and State Affairs: **Sub HB 2178, Sub HB 2229.**
 Judiciary: **HB 2087.**

REPORT ON ENROLLED BILLS

SR 1837, SR 1838, SR 1839, SR 1840, SR 1841, SR 1842 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 31, 2011.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was introduced and read.

SENATE CONCURRENT RESOLUTION No. 1608—

By Senators V. Schmidt, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Marshall, McGinn, Morris, Ostmeier, Owens, Reitz, A. Schmidt, Schodorf, Teichman, Umbarger and Vratil

A CONCURRENT RESOLUTION urging the President of the United States of America and members of the United States Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal fiscal years 2011 and 2012.

WHEREAS, The Kansas legislature supports the positive impacts of the Community Services Block Grant program; and

WHEREAS, Kansas has eight community action agencies that employ nearly 900 Kansans and which helped 1,322 people attain or retain meaningful employment in 2010; and

WHEREAS, Each community action agency is governed by a community-based volunteer board of directors consisting of elected officials, private sector representatives and low-income individuals; and

WHEREAS, In 2010, more than 76,899 individuals in Kansas (over 20,109 households) were helped in their fight for economic stability through services supported by the Federal community service block grant program; and

WHEREAS, More than 81% of the families receiving community action services in Kansas have household incomes at or below 125% of the Federal poverty level (\$23,163 annually for a family of three); and

WHEREAS, Less than 8.5% of those served by Kansas' eight community action agencies have a two or four-year college degree; and

WHEREAS, More than 74% of the persons served by the eight community action agencies are employed or are receiving social security as their source of income; and

WHEREAS, Federal funding for the eight community action agencies helps generate \$6,347,446 in local and state funding, and \$1,301,670 in private funds; and

WHEREAS, Community Services Block Grant program funding for Kansas' eight community action agencies helps generate \$13,776,916 in in-kind goods and services and donated items; and

WHEREAS, Kansas' community action agencies receive \$5,004,000 in community services block grant program funds to operate community-based services and those funds are the necessary "glue" that enables the eight community action agencies to administer otherwise inaccessible private, state and federally funded programs; and

WHEREAS, President Obama has proposed a 50% reduction of the Community Services Block Grant program funding and to make the remaining funds competitive instead of continuing the current allocation formula that brings stability to Kansas' community and economic development initiatives; and

WHEREAS, The United States House of Representatives propose to eliminate Community Services Block Grant program funding for the remainder of the current Federal fiscal year; and

WHEREAS, The Kansas legislature is supportive of Congress finding effective ways to reduce the federal deficit while protecting the current and future economic security of all Kansans: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature urges the President and the members of the United States Congress not to reduce Community Services Block Grant program funding for federal fiscal years 2011 and 2012 beyond 7% of 2010 funding; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and each member of the Kansas congressional delegation as well as the President of the United States.

On emergency motion of Senator V. Schmidt **SCR 1608** was adopted by voice vote.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2296**.

Announcing passage of **SB 210, SB 215**.

Also, passage of **SB 36**, as amended by **House Substitute for SB 36; Substitute SB 72**, as amended; **SB 224**, as amended; **SB 227**, as amended.

The House concurs in Senate amendments to **Senate Substitute for HB 2132**.

The House accedes to the request of the Senate for a conference on **SB 93** and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2296 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1843 —

A RESOLUTION congratulating and commending the Scott Community High School boys basketball team for winning the 2011 Kansas State High School Activities Association Basketball Championship Class 3A.

WHEREAS, The Scott Community High School boys basketball team won the 2011 Kansas State High School Activities Association Basketball Championship Class 3A with a 55-53 victory over Minneapolis High School in Hutchinson, Kansas; and

WHEREAS, The Scott Community High School boys basketball team delivered the winning basket with just 2.6 seconds remaining in the championship game; and

WHEREAS, This was Scott Community High School boys basketball team's third appearance in a championship game in the last six years and their first title since winning the Class 4A crown in 2006; and

WHEREAS, The members of the championship team are: Kaleb Roemer, Brett O'Neil, Tyler Hess, Ron Baker, Joseph Meyer, Drew Kite, Mason Turner, Jeremy Clinton, Colten Yager, Braeden Robinson, Dalton Buehler and Austin Habiger. The coaches are Glenn O'Neil, Scott Holt and Brian Gentry. The athletic director is Randy Huck. Team managers are Sean Tuttle, Skyler Glenn and Daniell Hutton. The high school's principal is Shelly Turner and superintendent Don Wells: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Scott Community High School boys basketball team and coaches Glenn O'Neil, Scott Holt and Brian Gentry be congratulated for winning the 2011 Kansas State High School Activities Association Basketball Championship Class 3A. Their hard work and athleticism are points of pride for their families, school and community of Scott City, Kansas and Scott County, Kansas. 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 1 enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1843** was adopted unanimously.

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1844 —

A RESOLUTION congratulating the Ness City High School boys track and field team for winning the 2010 State Championship Class 1A.

WHEREAS, The Ness City High School boys track and field team placed first at the 2010 Kansas State High School Activities Association Track Meet at Cessna Stadium in Wichita; and

WHEREAS, The Ness City High School boys track and field team scored 62 points, which was well ahead of the second place finisher, Ashland High School, who had 45 ½

points; and

WHEREAS, The members of the championship team are: Kyle Calvin, Colton McNinch, Joe Flax, Dustin Foster, Austin Gabel, Clay McIntosh, Gage Kepple, Drew Pfannenstiel, Garrett Flax, Dalton Gantz, Wyatt Beckman, Case Beckman and Skyler Kraft. The alternates are Tucker VonLehe and Josh Snodgrass. The head coach is Patrick Younger and the assistant coaches are Val Kepple and Merris Schaub; and

WHEREAS, Although the championship was a result of the participation of all team members, significant contributions were made by Gage Kepple, who earned first place in the 100 and third place in the 200. He was also a member of the 4 x 100 relay team that placed first, along with Garrett Flax, Drew Pfannenstiel and Dalton Gantz. The 4 x 400 relay team of Case Beckman, Dustin Foster, Clay McIntosh and Skyler Kraft came in third. Colton McNinch placed second in the 3,200 and in the 1,600. He was also a member of the 4 x 800 relay team that earned second place, along with Joe Flax, Wyatt Beckman and Kyle Calvin. Kyle Calvin also placed third in the 3,200; and

WHEREAS, The success of this team was due to its strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Ness City High School boys track and field team and Coach Younger upon being the 2010 Kansas State High School Activities Association Class 1A state champion and wish them continued success and happiness in the future; 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 1844** was adopted unanimously.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1845—

A RESOLUTION designating May as Lupus Awareness Month.

WHEREAS, Every year, the Lupus Foundation of America designates May as National Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus; and

WHEREAS, Lupus is an acute and chronic autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body; and

WHEREAS, Lupus can affect any part of the body, including the skin, lungs, heart, kidneys, and brain; causing seizures, strokes, heart attacks, miscarriages and organ failure; and

WHEREAS, Despite striking mostly women of childbearing age, no one is safe from lupus. African-Americans, Hispanics, Asians and Native Americans are two to three times more likely to develop lupus – a disparity that remains unexplained; and

WHEREAS, Lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences of lupus. Symptoms, such as fatigue, skin rashes, joint pain and hair loss mimic other conditions and appear differently in different people. More

than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis as there is no single test to diagnose lupus; and

WHEREAS, A late diagnosis of lupus contributes to significant disability and death. If left untreated, the health consequences of lupus can be devastating and potentially fatal. People with lupus suffer tremendous emotional and physical pain, one in four are permanently disabled, and thousands die each year from lupus complications; and

WHEREAS, The awareness of lupus is extremely low, as only one in five Americans is aware of lupus symptoms and health effects. Young women ages 18-34 are least aware of lupus, yet they are the group most often affected, and nearly all Americans lack the understanding of the serious and life-threatening complications of lupus; and

WHEREAS, Recent medical advances in the treatment of lupus have been recently announced and signify the potential for an improvement in the standard of treatment for this dreaded disease: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate the month of May as Lupus Awareness Month in the State of Kansas and that we urge all Kansans to observe this month by educating themselves on the symptoms and impact of lupus, and to join the Lupus Foundation of America in supporting programs of research, education, and community service; 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 1845** was adopted unanimously.

SPECIAL REMARKS

MR. PRESIDENT: It is an honor for me to have this opportunity to say a few words about **SR 1845**. This resolution designates May as National Lupus Awareness Month to show our support for the nearly 1.5 million Americans who have Lupus. This disease mainly affects women of childbearing age, however, no one is safe from Lupus. One of our own colleagues in the House, Representative Gail Finney, of Wichita, suffers from this chronic autoimmune disease and suffers its effect every day. It has been found that African-Americans, Hispanics, Asians and Native Americans are two to three times more likely to develop Lupus, although it is unknown why. The awareness of Lupus is extremely low, as only one in five Americans is aware of Lupus symptoms and the health effects of this disease. Symptoms, such as fatigue, skin rashes, joint pain and hair loss mimic other conditions and are often not associated with Lupus. People with Lupus suffer emotional and physical pain, one in four is permanently disabled, and thousands die each year from Lupus complications. As we designate May as National Lupus Awareness Month, let us all become more aware, and make others more aware of this painful disease. — OLETHA FAUST-GOUDEAU

REPORTS OF STANDING COMMITTEES

Committee on **Local Government** recommends **HB 2267** be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2267,” as follows:

MARCH 31, 2011

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“SENATE Substitute for HOUSE BILL No. 2267

By Committee on Local Government

“AN ACT concerning homeowners associations; amending K.S.A. 2010 Supp. 58-4608, 58-4610 and 58-4618 and repealing the existing sections.”;
and the substitute bill be passed.

On motion of Senator Emler the Senate adjourned until 9:00 a.m., Friday, April 1, 2011.

Journal of the Senate

FIFTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 1, 2011, 9:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Donovan and McGinn were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The first day of April has been called April Fools Day for a long time. While there have been lots of tricks pulled, sometimes "April Fool" can be heard with a sigh of relief.

If I get a call from home
Saying my kid's dropped out of school,
Let me hear those welcome words,
"It's just April Fool."

And the I.R.S. tells me
That I broke some rules,
Let the words that follow say
"It's just April Fool."

And should my hometown paper
Hold me up to ridicule,
It would be a relief to read,
"It's just April Fool."

After telling my son to buy a horse,
And my wife says it's a mule;
Please let me hear her say,
"It's just April Fool."

And most of all....
If the President announces,
"An extra session would be cool"
Please let us hear him quickly add,

“It’s just April Fool.”

I pray this in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **Sub HB 2296**.

CHANGE OF REFERENCE

The President withdrew **Sub HB 2157; HB 2392** from the Calendar under the heading of General Orders and rereferred the bills to the Committee on **Assessment and Taxation**.

MESSAGE FROM THE GOVERNOR

SB 15, SB 152, SB 179, SB 185, SB 186, SB 188, SB 212 approved on March 31, 2011.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2269, HB 2383**.

The House nonconcur in Senate amendments to **HB 2312**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2269, HB 2383 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Petersen moved the Senate concur in House amendments to **Sub SB 72**.

Sub SB 72, AN ACT concerning telecommunications; amending K.S.A. 50-6,103 and 66-1,187 and K.S.A. 2010 Supp. 66-2005 and repealing the existing sections.

On roll call, the vote was: Yeas 31, Nays 7, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Longbine, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Apple, Bruce, Emler, King, Love, Ostmeier, Schmidt A.

Absent or Not Voting: Donovan, McGinn.

The Senate concurred.

Senator Brungardt moved the Senate concur in House amendments to **SB 80**.

SB 80, AN ACT concerning alcoholic beverages; amending K.S.A. 2010 Supp. 41-102, 41-308b and 41-2703 and repealing the existing sections.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, McGinn.

The Senate concurred.

Senator Huntington moved the Senate concur in House amendments to **SB 125**.

SB 125, AN ACT concerning elections; relating to candidate filing deadlines; amending K.S.A. 2-624 and 25-4004 and K.S.A. 2010 Supp. 25-205 and repealing the existing sections.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, McGinn.

The Senate concurred.

Senator Apple moved the Senate concur in House amendments to **SB 224**.

SB 224, AN ACT concerning; utilities amending; K.S.A. 2010 Supp. 66-2203 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, McGinn.

The Senate concurred.

Senator Apple moved the Senate concur in House amendments to **SB 227**.

SB 227, AN ACT concerning property; relating to renewable energy; amending K.S.A. 58-2272 and repealing the existing section.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Bruce.

Absent or Not Voting: Donovan, McGinn.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2020**, submits the following report:

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

On page 1, in line 10, before "K.S.A." by inserting "On July 1, 2011,";

On page 2, following line 34, by inserting the following:

"Sec. 2. K.S.A. 47-1731 is hereby amended to read as follows: 47-1731. (a) No dog or cat may be transferred to the permanent custody of a prospective owner by a pound or animal shelter, as defined by K.S.A. 47-1701, and amendments thereto, or by a humane society, unless:

(1) Such dog or cat has been surgically spayed or neutered before the physical transfer of the animal occurs; or

(2) the prospective owner signs an agreement to have the dog or cat spayed or neutered and deposits with the pound or animal shelter funds not less than the lowest nor more than the highest cost of spaying or neutering in the community. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog or cat has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the animal, the pound or animal shelter shall keep the deposit and may reclaim the unspayed or unneutered animal.

(b) No person shall spay or neuter any dog or cat for or on behalf of a pound or animal shelter unless such person is a licensed veterinarian or a student currently enrolled in the college of veterinary medicine, Kansas state university, who has completed at least two years of study in the veterinary medical curriculum and is participating in a spay or neuter program *and* as part of the curriculum under the direct supervision of a licensed veterinarian ~~who is a faculty member at the Kansas state university veterinary medical center. The spay or neuter program shall only be conducted at the surgery clinic at the Kansas state university medical center in Manhattan, Kansas.~~ *Students shall only spay or neuter any dog or cat that belongs to the pound or animal shelter, and shall not spay or neuter any dog or cat that belongs to a member of the public.* No pound or animal shelter shall designate the veterinarian which a person must use, or a list from which a person must select a veterinarian, to spay or neuter a dog or cat transferred by such person from such pound or animal shelter. Any premises located in the state of Kansas where the spaying, neutering or any other practice of veterinary medicine occurs shall register such premises with the board of veterinary examiners.

(c) With the written approval of the livestock commissioner, any pound or shelter may use an innovative spay or neuter program not precisely meeting the requirements of subsection (a)(2), if the pound or shelter can prove to the commissioner that it is actively enforcing the spaying and neutering requirements set forth in this statute.

(d) Nothing in this section shall be construed to require sterilization of a dog or cat which is being held by a pound or animal shelter and which may be claimed by its rightful owner within the holding period established in K.S.A. 47-1710, and amendments thereto.

(e) The livestock commissioner shall promulgate rules and regulations as may be necessary to carry out the provisions of this section.

Sec. 3. On July 1, 2011, K.S.A. 2010 Supp. 74-32,181 is hereby amended to read as follows: 74-32,181. ~~(a) This section is subject to the provisions of K.S.A. 2010 Supp. 74-32,181a, and amendments thereto.~~

~~(b) (a) The state board shall fix, charge and collect fees for certificates of approval, registration of representatives and providing transcripts to students who attended an institution that has ceased operation not to exceed the following amounts by adopting rules and regulations for such purposes, subject to the following limitations:~~

(1) For institutions domiciled or having their principal place of business within the state of Kansas:

Initial issuance of certificate of approval nondegree granting — not more than.....	\$1,700
Initial issuance of certificate of approval degree granting — not more than.....	\$2,000
Renewal of certificate of approval nondegree granting — not more than.....	\$1,200
Renewal of certificate of approval degree granting — not more than.....	\$1,600
Initial registration of representative — not more than.....	\$150
Annual renewal of registration of representative — not more than.....	\$100
<i>Initial application fees:</i>	
<i>Non-degree granting institution.....</i>	<i>\$2,000</i>
<i>Degree granting institution.....</i>	<i>\$3,000</i>
<i>Initial evaluation fee (in addition to initial application fees):</i>	
<i>Non-degree level.....</i>	<i>\$750</i>
<i>Associate degree level.....</i>	<i>\$1,000</i>
<i>Baccalaureate degree level.....</i>	<i>\$2,000</i>
<i>Master's degree level.....</i>	<i>\$3,000</i>
<i>Professional or doctoral degree level.....</i>	<i>\$4,000</i>
<i>Renewal application fees:</i>	
<i>Non-degree granting institution.....</i>	<i>2% of gross tuition, but not less than \$800, nor more than \$25,000</i>
<i>Degree granting institution.....</i>	<i>2% of gross tuition, but not less than \$1,600, nor more than \$25,000</i>
<i>New program submission fees, for each new program:</i>	
<i>Non-degree program.....</i>	<i>\$250</i>
<i>Associate degree program.....</i>	<i>\$500</i>
<i>Baccalaureate degree program.....</i>	<i>\$750</i>
<i>Master's degree program.....</i>	<i>\$1,000</i>
<i>Professional or doctoral degree program.....</i>	<i>\$2,000</i>
<i>Program modification fee, for each program.....</i>	<i>\$100</i>
<i>Branch campus site fees, for each branch campus site:</i>	
<i>Initial non-degree granting institution.....</i>	<i>\$1,500</i>
<i>Initial degree granting institution.....</i>	<i>\$2,500</i>
<i>Renewal branch campus site fees, for each branch campus site:</i>	
<i>Non-degree granting institution.....</i>	<i>2% of gross tuition, but not less than \$800, nor more than \$25,000</i>
<i>Degree granting institution.....</i>	<i>2% of gross tuition, but not less than \$1,600, nor more than \$25,000</i>
<i>Onsite branch campus review fee, for each site.....</i>	<i>\$250</i>

Representative fees:

<i>Initial registration.....</i>	<i>\$200</i>
<i>Renewal of registration.....</i>	<i>\$150</i>
<i>Late submission of renewal of application fee.....</i>	<i>\$125</i>
<i>Student transcript copy fee.....</i>	<i>\$10</i>
<i>Returned check fee.....</i>	<i>\$50</i>

Changes in institution profile fees:

<i>Change of institution name.....</i>	<i>\$100</i>
<i>Change of institution location.....</i>	<i>\$100</i>
<i>Change of ownership only.....</i>	<i>\$100</i>

(2) For institutions domiciled or having their principal place of business outside the state of Kansas:

<i>Initial issuance of certificate of approval nondegree granting — not more than.....</i>	<i>\$3,400</i>
<i>Initial issuance of certificate of approval degree granting — not more than.....</i>	<i>\$3,800</i>
<i>Renewal of certificate of approval nondegree granting — not more than.....</i>	<i>\$2,400</i>
<i>Renewal of certificate of approval degree granting — not more than.....</i>	<i>\$2,800</i>
<i>Initial registration of representative — not more than.....</i>	<i>\$300</i>
<i>Annual renewal of registration of representative — not more than.....</i>	<i>\$200</i>
<i>Student transcript from institution that has ceased operation — not more than.....</i>	<i>\$10</i>

Initial application fees:

<i>Non-degree granting institution.....</i>	<i>\$4,000</i>
<i>Degree granting institution.....</i>	<i>\$5,500</i>

Initial evaluation fee (in addition to initial application fees):

<i>Non-degree level.....</i>	<i>\$1,500</i>
<i>Associate degree level.....</i>	<i>\$2,000</i>
<i>Baccalaureate degree level.....</i>	<i>\$3,000</i>
<i>Master's degree level.....</i>	<i>\$4,000</i>
<i>Professional or doctoral degree level.....</i>	<i>\$5,000</i>

Renewal application fees:

<i>Non-degree granting institution.....</i>	<i>3% of gross tuition, but not less than \$2,400 nor more than \$25,000</i>
<i>Degree granting institution.....</i>	<i>3% of gross tuition, but not less than \$3,000 nor more than \$25,000</i>

New program submission fees, for each new program:

<i>Non-degree program.....</i>	<i>\$500</i>
<i>Associate degree program.....</i>	<i>\$750</i>
<i>Baccalaureate degree program.....</i>	<i>\$1,000</i>
<i>Master's degree program.....</i>	<i>\$1,500</i>
<i>Professional or doctoral degree program.....</i>	<i>\$2,500</i>
<i>Program modification fee, for each program.....</i>	<i>\$100</i>

Branch campus site fees, for each branch campus site:

<i>Initial non-degree granting institution.....</i>	<i>\$4,000</i>
<i>Initial degree granting institution.....</i>	<i>\$5,500</i>

Renewal branch campus site fees, for each branch campus site:

<i>Non-degree granting institution.....</i>	<i>3% of gross tuition, but not less than \$2,400 nor more than \$25,000</i>
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<i>Degree granting institution.....3% of gross tuition, but not less than \$3,000 nor more than \$25,000</i>	
<i>Onsite branch campus review fee, for each site.....</i>	<i>\$500</i>
<i>Representative fees:</i>	
<i>Initial registration.....</i>	<i>\$350</i>
<i>Renewal of registration.....</i>	<i>\$250</i>
<i>Late submission of renewal of application fee.....</i>	<i>\$125</i>
<i>Student transcript copy fee.....</i>	<i>\$10</i>
<i>Returned check fee.....</i>	<i>\$50</i>
<i>Changes in institution profile fees:</i>	
<i>Change of institution name.....</i>	<i>\$100</i>
<i>Change of institution location.....</i>	<i>\$100</i>
<i>Change of ownership only.....</i>	<i>\$100</i>

(⊕) (b) Fees shall not be refundable.

(⊕) (c) If there is a change in the ownership of an institution and, if at the same time, there also are changes in the institution's programs of instruction, location, entrance requirements or other changes, the institution shall be required to submit an application for an initial certificate of approval and shall pay all applicable fees associated with an initial application.

(⊕) (d) An application for renewal shall be deemed late if the applicant fails to submit a completed application for renewal, or documentation requested by the state board to complete the renewal process, before the expiration date of the current certificate of approval.

(⊕) (e) The state board shall determine on or before June 1 of each year the amount of revenue which will be required to properly carry out and enforce the provisions of the Kansas private and out-of-state postsecondary educational institution act for the next ensuing fiscal year and shall fix the fees authorized for such year at the sum deemed necessary for such purposes within the limits of this section. Prior to adoption of any such fees, the state board shall afford the advisory commission an opportunity to make recommendations on the proposed fees.

(⊕) (f) Fees may be charged to conduct onsite reviews for degree granting and non-degree granting institutions or to review curriculum in content areas where the state board does not have expertise.

(g) *The provisions of this section shall expire on June 30, 2012.*;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 35, before "K.S.A." by inserting "On July 1, 2011,";

On page 3, in line 34, before "K.S.A." by inserting "On July 1, 2011,"; also in line 34, after "Supp." by inserting "74-32,181, 74-32,181a and"; following line 35, by inserting the following:

"Sec. 6. K.S.A. 47-1731 is hereby repealed.";

And by renumbering the remaining section accordingly;

Also on page 3, in line 37, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 5, before "authorizing" by inserting "relating to fees imposed under the Kansas private and out-of-state postsecondary educational institution act; relating to certain veterinary practices by students"; in line 6, after "and" where it appears the first time, by inserting "47-1731 and"; also in line 6, after "Supp." by inserting "74-32,181 and"; in line 7, before the period, by inserting "; also repealing

K.S.A. 2010 Supp. 74-32,181a";

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

JEAN KURTIS SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

CLAY AURAND

STEVE HUBERT

JIM WARD

Conferees on part of House

Senator Schodorf moved the Senate adopt the Conference Committee Report on **HB 2020**.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Pilcher-Cook.

Absent or Not Voting: Donovan, McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2044**, submits the following report:

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

On page 1, in line 27, by striking "5" and inserting "6"; also in line 27, before the period, by inserting ", except as provided in subsection (a)(5)"; following line 27, by inserting "(5) The death of any person, if the person knew or reasonably should have known that such accident resulted in injury or death.";

On page 4, in line 38, following "40" by inserting "of chapter 136 of the 2010 Session Laws of Kansas";

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

DWAYNE UMBARGER

BOB MARSHALL

KELLY KULTALA

Conferees on part of Senate

PAT COLLOTON

LANCE KINZER

MELODY MCCRAY-MILLER

Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2044**.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub for HB 2049**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate substitute for HB 2049, as follows:

On page 7, by striking all in lines in 20 through 22;

And redesignating remaining paragraphs accordingly;

On page 10, following line 5, by inserting the following:

“(10) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

Some trade or other names: HU-210, HU 211.”;

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

VICKI SCHMIDT

PETE BRUNGARDT

LAURA KELLY

Conferees on part of Senate

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of House

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **S Sub for HB 2049**.

On roll call, the vote was: Yeas 35, Nays 2, Present and Passing 1, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Steineger.

Present and Passing: Francisco.

Absent or Not Voting: Donovan, McGinn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **S Sub for HB 2049**. Once again I remain this Senate's most consistent civil libertarian on the issue of the failed war on relatively benign drugs. Quit wasting time and money; attempting, and unsuccessfully, to prevent people's flights of fancy. Regulate them; tax them; put them behind the counters of drug stores but stop criminalizing substances less toxic to the human body than abused prescription drugs, tobacco and alcohol. Explore medicinal values to authentic and manufactured substances. Let us quit driving these people to inhaling more dangerous substances that can not be made illegal and find after these hard, very expensive failed lessons of history, at long last, realistic drug policies that work with public health and safety. —DAVID HALEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2104** submits the following report:

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

On page 3, in line 8, by striking "a current" and inserting "or has been a"; also in line 8, after "facility," by inserting "within the last six months";

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

VICKI SCHMIDT
PETE BRUNGARDT
LAURA KELLY

Conferees on part of Senate

PAT COLLOTON
LANCE KINZER
MELODY McCRAY-MILLER

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2104**.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2105** submits the following report:

The Senate recedes from all of its amendments to the bill;

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

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

MIKE KIEGERL

BILL WOLF

SEAN GATEWOOD

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2105**.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2119**, submits the following report:

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

On page 2, in line 36, by striking "the" where it appears for the first time;

On page 3, in line 1, after "response" by inserting "service"; in line 4 by striking "service" and inserting "services"; by striking all in lines 16 through 43;

By striking all in pages 4 through 22;

On page 23, by striking all in lines 1 through 14 and inserting:

"Sec. 3. K.S.A. 8-305 is hereby repealed";

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all after "concerning"; by striking all in lines 4 through 9 and inserting "political subdivisions; pertaining to accident response service fees; pertaining to marking of motor vehicles; amending K.S.A. 8-305 and repealing the existing section.";

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

RUTH TEICHMAN

TY MASTERSON

ALLEN C. SCHMIDT

Conferees on part of Senate

STEVE HUEBERT

JOE SEIWERT

ANN E. MAH

Conferees on part of House

Senator Teichman moved the Senate adopt the Conference Committee Report on **HB 2119**.

On roll call, the vote was: Yeas 35, Nays 3, Present and Passing 0, Absent or Not Voting 2.

Yeas: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Ostmeyer, Pyle.

Absent or Not Voting: Donovan, McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2172** submits the following report:

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

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 and 3;

On page 4 by striking all in lines 1 through 28, and inserting:

"New Section 1. The junction of United States highway 24 and K-7 highway in Wyandotte county is hereby designated as the Representative Margaret Long interchange. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the junction of United States highway 24 and K-7 highway is the Representative Margaret Long interchange, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

New Sec. 2. If the state of Missouri designates a portion of interstate highway 70 as the Truman/Eisenhower Presidential highway, or something substantially similar, then the portion of interstate highway 70 from the Missouri state line to the junction with highway K-15 shall be designated the Eisenhower/Truman Presidential highway. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is the Eisenhower/Truman Presidential highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 3. K.S.A. 68-1009 is hereby amended to read as follows: 68-1009. (a) The portion of United States highway No. 40 traversing this state where it crosses the Missouri-Kansas border on the east to the point where it leaves the state on the west at the Kansas-Colorado line, be and it is hereby designated as the official east-west Blue Star memorial highway in the state of Kansas.

(b) *If the state of Missouri designates a portion of interstate highway 70 as the Truman/Eisenhower Presidential highway, or something substantially similar, then the portion of United States highway No. 40 from where it crosses the Missouri-Kansas border, to the west city limits of Topeka, and then from the junction of highway K-15 with United States highway No. 40, then west on United States highway No. 40 to the point where it leaves the state at the Kansas-Colorado line, shall be designated as the official east-west Blue Star memorial highway in the state of Kansas.*

Sec. 4. K.S.A. 68-1009 is hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 and 3; in line 4, by striking all before the period; and inserting " concerning roads and highways; designating the Margaret Long interchange; Eisenhower/Truman Presidential highway; amending K.S.A. 68-1009 and repealing the existing section";

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

DWAYNE UMBARGER

BOB MARSHALL

KELLY KULTALA

Conferees on part of Senate

GARY K. HAYZLETT

WILLIE PRESCOTT

VINCENT WETTA

Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2172**.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2192** submits the following report:

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

On page 1, after line 7, by inserting:

"Section 1. K.S.A. 2010 Supp. 8-116a is hereby amended to read as follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments thereto, when an application is made for a vehicle which has been assembled, reconstructed, reconstituted or restored from one or more vehicles, or the proper identification number of a vehicle is in doubt, the procedure in this section shall be followed. The owner of the vehicle shall request the Kansas highway patrol to check the vehicle and the highway patrol shall within a reasonable period of time perform such vehicle check. At the time of such check the owner shall supply the highway patrol with information concerning the history of the various parts of the vehicle. Such information shall be supplied by affidavit of the owner, if so requested by the highway patrol. If the highway patrol is satisfied that the vehicle contains no stolen parts, it shall assign an existing or new identification number to the vehicle and direct the places and manner in which the identification number is to be located and affixed or implanted. A charge of ~~\$10~~ \$15 per hour or part thereof, with a minimum charge of ~~\$10~~ \$15, *and on and after July 1, 2012, a charge of \$20 per hour or part thereof, with a minimum charge of \$20*, shall be made to the owner of a vehicle requesting check under this subsection, and such charge shall be paid prior to the check under this section. When a check has been made under subsection (b), not more than 60 days prior to a check of the same vehicle identification number, requested by the owner of the vehicle to obtain a regular certificate of title in lieu of a nonhighway certificate of title or to obtain a rebuilt salvage title in lieu of a salvage title, no charge shall be made for such second check.

(b) Any person making application for any original Kansas title for a used vehicle which, at the time of making application, is titled in another jurisdiction, as a condition precedent to obtaining any Kansas title, shall have such vehicle checked by the Kansas highway patrol for verification that the vehicle identification number shown on the foreign title is genuine and agrees with the identification number on the vehicle. Checks under this section may include inspection for possible violation of K.S.A. 21-3757, and amendments thereto, or other evidence of possible fraud. The verification shall be made upon forms prescribed by the division of vehicles which shall contain such information as the secretary of revenue shall require by rules and regulations. A charge of ~~\$10~~ \$15 per hour or part thereof, with a minimum charge of ~~\$10~~ \$15, *and on and after July 1, 2012, a charge of \$20 per hour or part thereof, with a minimum charge of \$20*, shall be made for checks under this subsection. When a vehicle is registered in another state, but is financed by a Kansas financial institution and is repossessed in another state and such vehicle will not be returned to Kansas, the check required by this subsection ~~(b)~~ shall not be required to obtain a valid Kansas title or registration.

(c) As used in this act, "identification number" or "vehicle identification number" means an identifying number, serial number, engine number, transmission number or other distinguishing number or mark, placed on a vehicle, engine, transmission or other essential part by its manufacturer or by authority of the division of vehicles or the Kansas highway patrol or in accordance with the laws of another state or country.

(d) The checks made under subsection (b) may be made by:

- (1) A designee of the superintendent of the Kansas highway patrol; or
- (2) an employee of a new vehicle dealer, as defined in subsection (b) of K.S.A. 8-2401, and amendments thereto, for the purposes provided for in subsection (f). For checks made by a designee *or new vehicle dealer*, ~~\$1~~ 10% of each charge shall be remitted to the Kansas highway patrol and the balance of such charges shall be retained

by such designee *or new vehicle dealer. If the designee is a city or county law enforcement agency, then the balance shall be paid to the law enforcement agency that conducted the inspection.* When a check is made under either subsection (a) or (b) by personnel of the Kansas highway patrol ~~or when a check is made under subsection (b) by an employee of a new vehicle dealer,~~ the entire amount of the charge therefor shall be paid to the highway patrol.

(e) There is hereby created the vehicle identification number fee fund. The Kansas highway patrol shall remit all moneys received by the Kansas highway patrol from fees collected under subsection (d) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the vehicle identification number fee fund. All expenditures from the vehicle identification number fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the Kansas highway patrol or by a person or persons designated by the superintendent.

(f) An employee of a new vehicle dealer, who has received initial training and certification from the highway patrol, and has met continuing certification requirements, in accordance with rules and regulations adopted by the superintendent of the highway patrol, may provide the checks under subsection (b), in accordance with rules and regulations adopted by the superintendent of the highway patrol, on motor vehicles *that a new vehicle dealer purchases through a manufacturer's sponsored auction or on motor vehicles* repurchased or reacquired by a manufacturer, distributor or financing subsidiary of such manufacturer and which are purchased by the new vehicle dealer. At any time, after a hearing in accordance with the provisions of the Kansas administrative procedure act, the superintendent of the highway patrol may revoke, suspend, decline to renew or decline to issue certification for failure to comply with the provisions of this subsection, including any rules and regulations.

Sec. 2. K.S.A. 2010 Supp. 8-173 is hereby amended to read as follows: 8-173. (a) An application for registration of a vehicle as provided in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall not be accepted unless the person making such application shall exhibit:

(1) A receipt showing that such person has paid all personal property taxes levied against such person for the preceding year, including taxes upon such vehicle, except that if such application is made before May 11, such receipt need show payment of only one-half the preceding year's tax; or

(2) evidence that such vehicle was assessed for taxation purposes by a state agency, or was assessed as stock in trade of a merchant or manufacturer or was exempt from taxation under the laws of this state.

(b) An application for registration of a vehicle as provided in article 1 of chapter 8 of the Kansas Statutes Annotated shall not be accepted if the records of the county treasurer show that the applicant is delinquent and owes personal property taxes levied against the applicant for any preceding year.

(c) An *original* application for registration ~~or renewal of registration~~ of a motor vehicle shall not be accepted until the applicant signs a certification, provided by the director of motor vehicles, certifying that the applicant has and will maintain, during the period of registration, the required insurance, self-insurance or other financial security

required pursuant to K.S.A. 40-3104, and amendments thereto.

(d) An application for registration or renewal of registration of a vehicle shall not be accepted if the applicant is unable to provide proof of the insurance, self-insurance or other financial security required by article 31 of chapter 40 of the Kansas Statutes Annotated. Proof of insurance shall be verified by examination of the insurance card or other documentation issued by an insurance company, a certificate of self-insurance issued by the commissioner, a binder of insurance, a certificate of insurance, a motor carrier identification number issued by the state corporation commission, proof of insurance for vehicles covered under a fleet policy, a commercial policy covering more than one vehicle or a policy of insurance required by K.S.A. 40-3104, and amendments thereto, and for vehicles used as part of a drivers education program, a dealership contract and a copy of a motor vehicle liability insurance policy issued to a school district or accredited nonpublic school. Examination of a photocopy or facsimile of any of these documents shall suffice for verification of registration or renewal. Proof of insurance may also be verified on-line or electronically and the commissioner of insurance may require, by duly adopted rules and regulations, any motor vehicle liability insurance company authorized to do business in this state to provide verification of insurance in that manner. Any motor vehicle liability insurance company which is providing verification of insurance on-line or electronically on the day preceding the effective date of this act may continue to do so in the same manner and shall be deemed to be in compliance with this section.";

On page 5, after line 21, by inserting:

"Sec. 5. K.S.A. 2010 Supp. 8-1558 is hereby amended to read as follows: 8-1558.

(a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:

- (1) In any urban district, 30 miles per hour;
- (2) on any separated multilane highway, as designated and posted by the secretary of transportation, ~~70~~ 75 miles per hour;
- (3) on any county or township highway, 55 miles per hour; and]
- (4) on all other highways, 65 miles per hour.

(b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.

(c) The maximum speed limits in this section may be altered as authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto.

Sec. 6. K.S.A. 2010 Supp. 8-1560c is hereby amended to read as follows: 8-1560c.

(a) Any conviction or forfeiture of bail or bond for violating a maximum posted or authorized speed limit of 30 miles per hour or more but not exceeding 54 miles per hour on any highway, by not more than six miles per hour, shall not be construed as a

moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(b) Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding ~~70~~ 75 miles per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

Sec. 7. K.S.A. 2010 Supp. 8-1560d is hereby amended to read as follows: 8-1560d. Convictions for violating a maximum posted speed limit of 55 miles per hour or more but not exceeding ~~70~~ 75 miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit, shall not be reported by the division and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.

Sec. 8. K.S.A. 8-2204 is hereby amended to read as follows: 8-2204. This act shall be known and may be cited as the uniform act regulating traffic on highways. The uniform act regulating traffic on highways includes K.S.A. 8-1560a through 8-1560d; all sections located in articles 10, ~~and~~ 14 through 22 ~~and~~ 25 of chapter 8 of *the* Kansas Statutes Annotated; K.S.A. 8-1,129, 8-1,130a, 8-1428a, 8-1742a, 8-2118 and K.S.A. 8-1599, and amendments thereto.

Sec. 9. K.S.A. 2010 Supp. 8-2503 is hereby amended to read as follows: 8-2503. (a) Except as provided in K.S.A. 8-1344 and 8-1345, ~~and amendments thereto, and in subsection (b) or (e) subsection (b);~~

(1) Each occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is 18 years of age or older, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion ~~;~~ *and*

~~(b)(2)~~ each occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person's body at all times when the passenger car is in motion.

~~(c)(b)~~ This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes; *or*

(3) newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes; ~~or.~~

~~(4) an occupant of a passenger car required to be protected by a safety restraining system under the child passenger safety act.~~

~~(d)(c)~~ The secretary of transportation shall initiate an educational program designed to encourage compliance with the safety belt usage provisions of this act.

~~(e)(d)~~ The secretary shall evaluate the effectiveness of this act and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits under 23 U.S.C. § 402.

~~(f)(e)~~ Law enforcement officers shall not stop drivers for violations of subsection

(a)(1) by a back seat occupant in the absence of another violation of law. A citation for violation of subsection (a)(1) by a back seat occupant shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

Sec. 10. K.S.A. 2010 Supp. 8-2504 is hereby amended to read as follows: 8-2504.

(a) (1) ~~From and after the effective date of this act and prior to June 30, 2010, a law enforcement officer shall issue a warning citation to anyone violating subsection (a) of K.S.A. 8-2503, and amendments thereto;~~

(2) ~~from and after June 30, 2010, until July 1, 2011, Persons violating subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$5 including and no court costs;~~

(3) ~~and~~, from and after July 1, 2011, persons violating subsection (a)(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$10 ~~including and no~~ court costs; and

(4) ~~(2)~~ persons violating subsection ~~(b)(a)(2)~~ of K.S.A. 8-2503, and amendments thereto, shall be fined \$60 ~~including and no~~ court costs.

(b) No court shall report violation of this act to the department of revenue.

(c) Evidence of failure of any person to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(d) *The provisions of this section shall be applicable and uniform throughout the state and no city, county, subdivision or local authority shall enact or enforce any law, ordinance, rule, regulation or resolution in conflict with, in addition to, or supplemental to, the provisions of this section.* ";

And by renumbering the remaining sections accordingly;

Also on page 5, in line 23, after "8-1516" by inserting "and K.S.A. 2010 Supp. 8-116a, 8-173, 8-1558, 8-1560c, 8-1560d, 8-2204, 8-2503 and 8-2504";

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in line 2; in line 3, by striking all before "amending" and inserting "concerning vehicles; relating to the regulation and registration thereof;"; in line 4, after "8-1516" by inserting "and K.S.A. 2010 Supp. 8-116a, 8-173, 8-1558, 8-1560c, 8-1560d, 8-2204, 8-2503 and 8-2504";

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

DWAYNE UMBARGER

BOB MARSHALL

KELLY KULTALA

Conferees on part of Senate

GARY K. HAYZLETT

WILLIE PRESCOTT

VINCENT WETTA

Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2192**.

On roll call, the vote was: Yeas 23, Nays 14, Present and Passing 1, Absent or Not Voting 2.

Yeas: Apple, Bruce, Brungardt, Francisco, Haley, Holland, Huntington, Kelsey, Kultala, Love, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Schmidt A, Steineger, Taddiken, Teichman, Umbarger.

Nays: Abrams, Emler, Faust-Goudeau, Hensley, Kelly, King, Lynn, Owens, Pyle, Reitz, Schmidt V, Schodorf, Vratil, Wagle.

Present and Passing: Longbine.

Absent or Not Voting: Donovan, McGinn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: **HB 2192** contains two VIN Inspection fees. I cannot support the bill that doubles the fee for an ineffective program. A NO vote would be considered self-saving for someone in my industry. I pass on **HB 2192**. — JEFF LONGBINE

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2271** submits the following report:

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

On page 2, in line 40, before "To", by inserting "(a)"; by striking all on lines 42 and 43; on page 3, by striking all in line 1 and inserting the following:

"(1) Enter any property in the state, except private dwellings, in order to:

(A) Inspect;

(B) monitor;

(C) place and inspect monitoring equipment; and

(D) obtain samples; and";

Also on page 3, in line 2 by striking "(b)" and inserting "(2)"; in line 5, by striking "(c)" and inserting "(b)";

On page 4, in line 26, by striking "\$80" and inserting "\$30";

On page 5, in line 12, by striking "\$60" and inserting "\$80";

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

MARK TADDIKEN

RUTH TEICHMAN

MARCI FRANCISCO

Conferees on part of Senate

LARRY POWELL

DAN KERSCHEN

JERRY D. WILLIAMS

Conferees on part of House

Senator Taddiken moved the Senate adopt the Conference Committee Report on **HB 2271**.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, McGinn.
The Conference Committee Report was adopted.

ORIGINAL MOTION

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2312**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

REPORT ON ENGROSSED BILLS

Sub SB 234 reported correctly engrossed March 31, 2011.

REPORT ON ENROLLED BILLS

SB 12, SB 24, SB 38; H Sub SB 101; SB 122 reported correctly enrolled, properly signed and presented to the governor on April 1, 2011.

SR 1843, SR 1844, SR 1845 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 1, 2011.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator V. Schmidt in the chair.

On motion of Senator V. Schmidt the following report was adopted.

Recommended.

S Sub for HB 2080 be amended by adoption of the committee amendments, and the bill be passed as amended.

Sub HB 2135 be amended by adoption of the committee amendments, be further amended by motion of Senator Holland, on page 28, after line 9, by inserting the following:

"New Sec. 6. On or before January 31 of each year, the secretary shall transmit annually to the standing committee of commerce on the senate and the standing committee on commerce and economic development of the house of representatives or any successor committee, a report, based on information received or developed by the department of labor concerning misclassification of employees and any investigations related thereto. Such report shall contain the following information for the preceding calendar year:

- (a) The number of investigations initiated;
- (b) the number of investigations which were closed:
 - (1) With no assessment being made;
 - (2) with assessment being made which includes the following information:
 - (A) An estimate of the amount of unreported payroll;
 - (B) an estimate of the unpaid taxes or taxes which have not been withheld on such unreported payroll amount;
 - (C) the amount of unpaid contributions or other amounts required to be paid under the employment security act related to such unreported payroll amount;
 - (D) the total amount of interest assessed;
 - (E) the total amount of penalties assessed; and

- (F) the number of employers found to be employing undocumented workers;
- (c) the total amounts collected for each of the categories listed in subsection (b).";

And by renumbering the remaining sections accordingly

Senator Apple further amended **Sub HB 2135** on page 24, line 23, by striking "severity level 10, nonperson felony" and inserting "class A nonperson misdemeanor"

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

On roll call, the vote was: Yeas 26, Nays 10, Present and Passing 0, Absent or Not Voting 4.

Yeas: Abrams, Apple, Bruce, Brungardt, Huntington, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Pilcher-Cook, Pyle, Reitz, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Petersen, Schmidt A, Schmidt V.

Absent or Not Voting: Donovan, Emler, McGinn, Steineger.

The motion carried and the amendment was adopted and **Sub HB 2135** be passed as further amended.

S Sub for HB 2267 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Apple, on page 2, in line 17, by striking "any" and inserting "an"; in line 18, before "common" by inserting "a";

On page 3, in line 4, by striking "any" and inserting "an association for a"; in line 21, by striking "any" and inserting "a" and **S Sub for HB 2267** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **S Sub for HB 2080**, **HB 2135**, **S Sub for HB 2267** were advanced to Final Action and roll call.

S Sub for HB 2080, AN ACT concerning elections and elected officials; amending K.S.A. 25-321, 25-1215, 25-1218, 25-4004, 25-4153, 25-4502 and 25-4503 and K.S.A. 2010 Supp. 25-205, 25-1216, 25-4119f, 25-4145, 25-4156, 25-4501, 46-265, and 46-269 and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

Absent or Not Voting: Donovan, McGinn.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR PRESIDENT: Although the majority of **S Sub for HB 2080** is good policy which I support and every other Senator does too, as the nominee twice for Kansas Secretary of State, I promised all voting Kansans that I would support our democracy and vote to fund our presidential preference primary. Every four years, this Legislature suggests the ability to hold a free and open statewide election to select a nominee for

U.S. President costs too much! Give me a break. Tell that to the Egyptians. Tell that to the millions of people around the world who too (eerily similar to voting Kansans every four years) are being denied the opportunity to vote in a public secure election for the candidate of their choice.

I again declare that our Legislature's priorities in this regard are misguided. We all got here by a vote of a majority. As a Democrat, I already know who I intend to see renominated and reelected President in 2012. Most Democrats do not see a need to fund the 2012 Primary. But with all the choices Republicans might have, whether good or bad, one wonders why democracy loving elected Kansas Republicans wouldn't want to give their constituents the right to choose in 2012. — DAVID HALEY

Sub HB 2135, AN ACT concerning certain employees; relating to misclassification of employees to avoid tax withholding, contributions and reporting requirements; amending K.S.A. 2010 Supp. 44-703, 44-766 and 79-3234 and repealing the existing sections.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco, Holland.

Absent or Not Voting: Donovan, McGinn.

The substitute bill passed, as amended.

S Sub for HB 2267, AN ACT concerning homeowners associations; amending K.S.A. 2010 Supp. 58-4608, 58-4610 and 58-4618 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, McGinn.

The substitute bill passed, as amended.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

MOTION TO CONCUR OR NONCUR

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 36** and requested a conference committee be appointed.

The President appointed Senators Owens, King and Haley as a conference committee on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to Sub HB 2134 submits the following report:

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

On page 3, in line 24, after "(a)" by inserting "(1)"; in line 26, by striking "(1)" and inserting "(A)"; in line 27, by striking "(2)" and inserting "(B)"; in line 30, by striking "(3)" and inserting "(C)"; following line 31 by inserting the following:

"(D) the employee's reckless violation of their employer's workplace safety rules or regulations; or

(E) the employee's voluntary participation in fighting or horseplay with a co-employee for any reason, work related or otherwise.

(2) Subparagraphs (B) and (C) of paragraph (1) of subsection (a) shall not apply when it was reasonable under the totality of the circumstances to not use such equipment, or if the employer approved the work engaged in at the time of an accident or injury to be performed without such equipment.";

On page 9, in line 19, by striking "unincorporate" and inserting "unincorporated";

On page 11, in line 17, by striking "or events";

On page 12, in line 29, by striking "or repetitive trauma" and inserting ", repetitive trauma or occupational disease"; in line 31, by striking "''"; in line 32, by striking "''";

On page 13, in line 29, before "of" by inserting "owned or under the exclusive control"; in line 32, before "and" by inserting "connected with the nature of the employment that is not a risk or hazard to which the general public is exposed";

On page 14, in line 22, by striking "The "prevailing factor" is defined as" and inserting ""Prevailing" as it relates to the term "factor" means"; in line 29, before the period by inserting "unless a higher burden of proof is specifically required by this act";

On page 16, in line 7, by striking "medical" and inserting "health care"; in line 20, before "injury" by inserting "accident or "; in line 30, before "injury" by inserting "accident or ";

On page 24, in line 29, before "injury" by inserting "whole body";

On page 26, in line 4, after "impairment" by inserting "("work disability)";

On page 27, in line 39, by striking all after "for"; by striking all in line 40; in line 41, by striking all before "shall" and inserting "whole body injury under this section";

On page 28, in line 9, by striking all after "of"; in line 10, by striking all before the period and inserting:

"functional impairment pursuant to subsection (a)(2)(B) or the percentage of work disability pursuant to subsection (a)(2)(C), whichever is applicable.

(3) When an injured worker is eligible to receive an award of work disability, compensation is limited to the value of the work disability as calculated above. In no case shall functional impairment and work disability be awarded together.";

On page 32, in line 17, by striking "medical" and inserting "health care"; in line 19, by striking "medical" and inserting "health care";

On page 40, in line 40, after "(a)" by inserting "(1)";

On page 41, by striking all in lines 21 and 22 and inserting "by the earliest of the following dates:

(A) 30 calendar days from the date of accident or the date of injury by repetitive

trauma;

(B) if the employee is working for the employer against whom benefits are being sought and such employee seeks medical treatment for any injury by accident or repetitive trauma, 20 calendar days from the date such medical treatment is sought; or

(C) if the employee no longer works for the employer against whom benefits are being sought, 20 calendar days after the employee's last day of actual work for the employer.";

Also on page 41, in line 24, by striking "(1)" and inserting "(2)"; in line 30 by striking "(2)" and inserting "(3)"; in line 34 by striking "(3)" and inserting "(4)"; in line 43, by striking "30-day" and inserting "applicable"; also in line 43, after "in" by inserting "paragraph (1) of";

On page 50, in line 3, by striking "injury" and inserting "accident";

On page 53, following line 25, by inserting the following:

"(d) The certified short hand reporter's fee shall be taxed to the division of workers compensation if a fee is incurred and no record is taken.";

On page 60, in line 12 by striking "and 44-552" and inserting ", 44-552 and 44-596"; in line 13, after "after" by inserting "May 15, 2011, and";

On page 1, in the title, in line 7, before the period by inserting "and K.S.A. 2010 Supp. 44-596";

And your committee on conference recommends the adoption of this report

SUSAN WAGLE

JULIA LYNN

G. THOMAS HOLLAND

Conferees on part of Senate

ANTHONY BROWN

GENE SUELLENTROP

MIKE SLATTERY

Conferees on part of House

Senator Wagle moved the Senate adopt the Conference Committee Report on **Sub HB 2134**.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Brungardt, Donovan, McGinn.

The Conference Committee Report was adopted.

On motion of Senator Emler and pursuant to **HCR 5021** the Senate adjourned until 10:00 a.m., Wednesday, April 27, 2011.

Journal of the Senate

FIFTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 27, 2011, 10:00 a.m.

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

Heavenly Father,

One of the first things we discovered after we got here, if we had not already learned it, is that regardless of what we do, some people, maybe most people, are going to be upset.

Some will say we did too much,
Others.....“Not enough”.
Some will say we're soft on crime,
Others say, “Too tough”.

Some say the social issues
Take entirely too much time.
Others say they're more important
Than those that take our time.

Some will say we cut too much,
Some will say, “Not so”.
“We cut too little on some of them
Although they had the dough.”

Some will say we quit too soon,
But from others we will hear
How much it costs the taxpayers
The extra days we're here.

Just help us, Lord, to buckle down
And do the best we can.
After all, they crucified
The only perfect Man.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2269**.

Ways and Means: **HB 2383**.

CHANGE OF REFERENCE

The President withdrew **SB 78** from the Calendar under the heading of General Orders and re-referred the bill to the Committee on **Ways and Means**.

MESSAGES FROM THE GOVERNOR

SB 198 approved March 31, 2011.

SB 12, SB 24, SB 38, SB 103, SB 119, SB 122 approved on April 7, 2011.

H Sub for SB 101 approved on April 8, 2011.

SB 9, SB 112, SB 125, SB 215, SB 224, SB 227, SB 229 approved on April 13, 2011.

Sub SB 72 approved on April 14, 2011.

SB 80, SB 210 approved on April 18, 2011.

MESSAGE FROM THE GOVERNOR

March 18, 2011

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

Secretary, Wildlife and Parks, Robin Jennison (R) Healy, pursuant to the authority vested in me by KSA 32-801 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

State Librarian, Library, Joanne Budler (U) Auburn, pursuant to the authority vested in me by KSA 75-2535 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

April 20, 2011

To the Senate of the State of Kansas:

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

Sam Brownback
Governor

Member, Employment Security Board of Review, Patricia Bossert (R), Topeka, pursuant to the authority vested in me by KSA 44-709 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2014.

Member, Employment Security Board of Review, Hylaurd Wayne Maichel (D), Topeka, pursuant to the authority vested in me by KSA 44-709 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2015.

Member, Pooled Money Investment Board, Robert Chestnut (R), Lawrence, pursuant to the authority vested in me by KSA 75-4221(a) effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2012.

Member, Kansas Development Finance Authority, Donald Linville (R), Garden City, pursuant to the authority vested in me by KSA 74-8903 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2015.

Brigadier General, Kansas National Guard, Keith Lang (R), Leawood, pursuant to the authority vested in me by KSA 48-208 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

April 22, 2011

To the Senate of the State of Kansas:

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

Sam Brownback
Governor

Executive Director, State Gaming Agency, Mark Dodd (R), Topeka, pursuant to the authority vested in me by KSA 74-9804 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, State Civil Service Board, Phillis Setchell (R), Topeka, pursuant to the authority vested in me by KSA 75-2929(a) effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2015.

Executive Director, Racing and Gaming, Rick Petersen-Klein (R), Topeka, pursuant to the authority vested in me by KSA 74-8805 effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Member, Kansas Public Employees' Retirement Board of Trustees, Terry Matlack (D), Shawnee, pursuant to the authority vested in me by KSA 74-4905 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2015.

APRIL 27, 2011

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

April 7, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-06 for your information.

Sam Brownback
Governor

The President announced Executive Order No. 11-06, regarding drought conditions within the state, is on file in the office of the Secretary of the Senate and is available for review at any time.

April 26, 2011

Message to the Senate of the State of Kansas

Enclosed herewith is Executive Order No. 11-07 for your information.

Sam Brownback
Governor

The President announced Executive Order No. 11-07, regarding 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.

COMMUNICATIONS FROM STATE OFFICERS

HOUSE OF REPRESENTATIVES
STATE OF IDAHO
April 13, 2011

Bonnie Alexander, Chief Clerk of the House of Representatives, State of Idaho, has transmitted information on the adoption of House Joint Memorial No. 1, regarding the right of parents to direct the upbringing and education of their children by the Constitution of the United States and the State of Idaho.

SECRETARY OF STATE
STATE OF NORTH DAKOTA
April 19, 2011

Secretary of State, State of North Dakota, Alvin A. Jaeger has sent information on House Concurrent Resolution No. 3048, a resolution urging Congress to call a

convention for the sole purpose of proposing an amendment to the Constitution of the United States to avoid a “runaway convention”, which was recently passed by the 62nd Legislative Assembly for the State of North Dakota.

The President 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 passage of **SB 229**.

Announcing passage of **HB 2382, HB 2390**.

The House adopts the Conference Committee report on **House Substitute for SB 23**.

The House adopts the Conference Committee report on **SB 67**.

The House adopts the Conference Committee report on **SB 123**.

The House adopts the Conference Committee report on **House Substitute for SB 213**.

The House adopts the Conference Committee report on **House Substitute for SB 214**.

The House adopts the Conference Committee report to agree to disagree on **SB 77**, and has appointed Representatives Brown, Suellentrop and Slattery as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 93**, and has appointed Representatives Kinzer, Patton and Pauls as second conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 36** and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House adopts the conference committee report on **Substitute HB 2134**.

The House adopts the conference committee report on **HB 2192**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2382, HB 2390 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Longbine introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1846—

A RESOLUTION congratulating the Olpe High School girls basketball team for winning the State Basketball Championship Class 1A Division I.

WHEREAS, The Olpe High School girls basketball team won the 2011 Kansas State High School Activities Association State Basketball Championship Class 1A Division I with a 63-44 victory over Hoxie High School in the state championship game at White Auditorium in Emporia, Kansas. The Olpe High School Eagles shot 54% from the field and hit all three of their 3-point attempts; and

WHEREAS, The Olpe High School girls basketball team has been in the state tournament 21 of 33 years; finished 4th place once, 3rd place seven times, 2nd place once and have 3 state championships. The Olpe High School girls basketball team has won 23 league championships and 23 league tournament championships; and

WHEREAS, The Olpe High School girls basketball team's last loss was in the semi-

final game of the state tournament in 2008-2009. With the win in the third place game of that year and the 26-0 record in the 2010 season followed by a 26-0 record in the 2011 season, the Olpe girls basketball team has won 53 consecutive games and back to back state championships in 2 different classes: 2A State Champions in the 2009-2010 season and 1A State Champions in the 2010-2011 season; and

WHEREAS, The members of the championship team are: Katelyn Henderson, Kendyl McDougald, Natalie Kuhlmann, Jill Cole, Janae Haag, Emmy Redeker, Elena Flott, Kayla McDougald, Emily Samuels, Taylor Scheidegger, Dalten Benton and Cara Garretson. The head coach is Jesse Nelson, Assistant Coach Carolyn Davis, Manager Sara Wendling and Assistant Managers Frankie Davis and Neleh Davis; and

WHEREAS, Head coach Jesse Nelson has been has been an Olpe High School basketball coach for 33 years and Olpe Junior High School basketball coach for 30 years. Coach Nelson's high school career record is 718 wins and 95 losses and his junior high career record is 303 wins and 47 losses: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Olpe High School girls basketball team and Coach Jesse Nelson be congratulated for winning the 2011 Kansas High School Activities Association State Basketball Championship Class 1A Division I. Their hard work and athleticism are points of pride for their families, school and community of Olpe, Kansas and Lyon County, Kansas. 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 22 enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1846** was adopted unanimously.

Senator Longbine congratulated and introduced the Olpe High School girl's basketball team for winning the State Basketball Championship Class 1A Division 1. The members of the basketball team present were introduced as follows: Katelyn Henderson, Natalie Kuhlmann, Jill Cole, Elena Flott, and Dalten Benton. Also in attendance were Head Coach Jesse Nelson and Assistant Coach Carolyn Davis. All were welcomed with a standing ovation.

Senators Kelly, Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1847—

A RESOLUTION recognizing April as the month of the military child.

WHEREAS, Former secretary of defense, Caspar Weinberger, established April as the month of the military child in 1986; and

WHEREAS, There are more than 33,000 Kansas military children; and

WHEREAS, From a young age, military children are impacted by multiple duty station changes or the deployment of one or both parents; and

WHEREAS, Military children display remarkable adaptability as they transcend the difficult challenges of moving to new cities and attending new schools; and

WHEREAS, Military children show amazing resiliency in their ability to establish and maintain multicultural, diverse friendships with people from all over the world; and

WHEREAS, Military children develop responsibility, maturity, strength, patience and a sense of pride in helping to keep a stable family system for their younger siblings while a parent is deployed; and

WHEREAS, Military children know and experience great joy when a deployed parent returns home: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the military children of Kansas for the sacrifices they make, the challenges they overcome and the contributions they make to the culture of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send 15 enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1847** was adopted unanimously.

Senator Kelly congratulated and commended Kansas military children in recognizing April as the month of the military child.

The following students introduced were: Ty Shafer, Toby Sullivan, Jared Brown, Jacob Brown, Ryan Brunner, Jahna Yuhn, Cassidy Seaba, Skylar Dickey, Allyson Henry, Sawyer Green, Mary Powledge, Preston Henry and Reed Wheeler. Also in attendance were: Brigadier General Randal Dragon, Brigadier General Bradley Link, Denise Winton, SPC Stephanie Hodges, Tsgt Deanna Davis, Sophia Olsen, Laura Wheeler, Major Robert Stinson, Cheryl Brown, Richard Sullivan and Lisa Webster. All were recognized with a standing ovation.

REPORT ON ENGROSSED BILLS

SB 112 reported correctly re-engrossed April 1, 2011.

SB 9, SB 80, SB 125, SB 224, SB 227 reported correctly re-engrossed April 4, 2011.

Sub SB 72 reported correctly re-engrossed April 5, 2011.

REPORT ON ENROLLED BILLS

SB 9; Sub SB 72; SB 80, SB 112, SB 125, SB 210, SB 215, SB 224, SB 227, SB 229 reported correctly enrolled, properly signed and presented to the Governor on April 8, 2011.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

Senator Emler moved that subsection 4(k) of the Joint Rules of the Senate and the House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 23, H Sub for SB 36; SB 67, SB 77, SB 93, SB 123, SB 136; H Sub for 213, H Sub for SB 214.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub for SB 23** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Senate Bill No. 23, as follows:

On page 1, in line 7, by striking all after "(a)"; by striking all in lines 8 through 12 and inserting: "The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17 years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the custody of the secretary at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.";

Also on page 1, in line 15, by striking all after "(a)"; by striking all in lines 16 through 20 and inserting: "The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17 years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the custody of the commissioner at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.";

Also on page 1, following line 22, by inserting the following:

"Sec. 3. K.S.A. 2010 Supp. 38-2241 is hereby amended to read as follows: 38-2241.

(a) Jurisdiction of the court. Parties and interested parties in a child in need of care proceedings are subject to the jurisdiction of the court.

(b) *Rights of parties.* Subject to the authority of the court to rule on the admissibility of evidence and provide for the orderly conduct of the proceedings, the rights of parties to participate in a child in need of care proceeding include, but are not limited to:

(1) Notice in accordance with K.S.A. 2010 Supp. 38-2236 and 38-2239, and amendments thereto;

(2) present oral or written evidence and argument, to call and cross-examine witnesses; and

(3) representation by an attorney in accordance with K.S.A. 2010 Supp. 38-2205, and amendments thereto.

(c) *Grandparents as interested parties.* (1) A grandparent of the child shall be made an interested party to a child in need of care proceeding ~~if the grandparent notifies the court of such grandparent's desire to become an interested party. Notification may be made in writing, orally or by appearance at the initial or a subsequent hearing on the child in need of care petition.~~

(2) Grandparents ~~with interested party status~~ shall have the participatory rights of parties pursuant to subsection (b), except that the court may restrict those rights if the court finds that it would be in the best interests of the child. A grandparent may not be prevented under this paragraph from attending the proceedings, having access to the child's official file in the court records or making a statement to the court.

(d) *Persons with whom the child has been residing as interested parties.* (1) Any person with whom the child has resided for a significant period of time within six months of the date the child in need of care petition is filed shall be made an interested party, if such person notifies the court of such person's desire to become an interested party. Notification may be made in writing, orally or by appearance at the initial or a subsequent hearing on the child in need of care petition.

(2) Persons with interested party status under this subsection shall have the participatory rights of parties pursuant to subsection (b), except that the court may restrict those rights if the court finds that it would be in the best interests of the child.

(e) *Other interested parties.* (1) Any person with whom the child has resided at any time, who is within the fourth degree of relationship to the child, or to whom the child has close emotional ties may, upon motion, be made an interested party if the court determines that it is in the best interests of the child.

(2) Any other person or Indian tribe seeking to intervene that is not a party may, upon motion, be made an interested party if the court determines that the person or tribe has a sufficient relationship with the child to warrant interested party status or that the person's or tribe's participation would be beneficial to the proceedings.

(3) The court may, upon its own motion, make any person an interested party if the court determines that interested party status would be in the best interests of the child.

(f) *Procedure for determining, denying or terminating interested party status.* (1) Upon the request of the court, the secretary shall investigate the advisability of granting interested party status under this section and report findings and recommendations to the court.

(2) The court may deny or terminate interested party status under this subsection if the court determines, after notice and a hearing, that a person does not qualify for interested party status or that there is good cause to deny or terminate interested party status.

(3) A person who is denied interested party status or whose status as an interested party has been terminated may petition for review of the denial or termination by the chief judge of the district in which the court having jurisdiction over the child in need of care proceeding is located, or a judge designated by the chief judge. The chief judge or the chief judge's designee shall review the denial or termination within 30 days of receiving the petition. The child in need of care proceeding shall not be stayed pending resolution of the petition for review.";

And by renumbering remaining sections accordingly;

On page 8, in line 43, after "Supp." by inserting "38-2241,";

On page 1, in the title, in line 1, before "relating" by inserting "relating to grandparents as interested parties;"; in line 3, by striking "need of care" and inserting "the custody of the commissioner"; also in line 3, after "Supp." by inserting "38-2241,";

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

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **H Sub for SB 23**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 67** submits the following report:

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

On page 2, in line 37 by striking all after "remitted"; by striking all in line 38;

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

SCOTT SCHWAB

MARIO GOICO

ANN E. MAH

Conferees on part of House

TERRIE HUNTINGTON

VICKI SCHMIDT

MARCI FRANCISCO

Conferees on part of Senate

Senator Huntington moved the Senate adopt the Conference Committee Report on **SB 67**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 77** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

ANTHONY BROWN

GENE SUELLENTROP

MIKE SLATTERY

Conferees on part of House

SUSAN WAGLE
 JULIA LYNN
 G. THOMAS HOLLAND
Conferees on part of Senate

On motion of Senator Wagle the Senate adopted the conference committee report on **SB 77**, and requested a new conference committee be appointed.

The President appointed Senators Wagle, Lynn and Holland as a second Conference Committee on the part of the Senate on **SB 77**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 93**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

LANCE KINZER
 JOE PATTON
 JANICE L. PAULS
Conferees on part of House

PETE BRUNGARDT
 ROGER REITZ
Conferees on part of Senate

On motion of Senator Brungardt the Senate adopted the conference committee report on **SB 93**, and requested a new conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as a second Conference Committee on the part of the Senate on **SB 93**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 123** submits the following report:

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

On page 2, in line 5, by striking "160" and inserting "320"; following line 15 by inserting "(3) The provisions of this subsection shall not apply to any purchase of land by the secretary, which is less than 640 acres in the aggregate and owned by a private individual, if the purchase price is an amount less than such land's appraised valuation.";

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

LARRY POWELL
 DAN KERSCHEN
 JERRY D. WILLIAMS
Conferees on part of House

RALPH OSTMEYER
 CAROLYN MCGINN
 MARCI FRANCISCO

Conferees on part of Senate

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **SB 123**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub for SB 213**, submits the following report:

The House recedes from all of its amendments to the bill;

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

GARY K. HAYZLETT
 WILLIE PRESCOTT
 VINCENT WETTA

Conferees on part of House

DWAYNE UMBARGER
 BOB MARSHALL
 KELLY KULTALA

Conferees on part of Senate

Senator Umbarger moved the Senate adopt the Conference Committee Report on **H Sub for SB 213**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub for SB 214** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate

Bill No. 214, as follows:

On page 3, in line 42, preceding the period by inserting "per eligible voter";
And your committee on conference recommends the adoption of this report.

LARRY POWELL

DAN KERSCHEN

JERRY D. WILLIAMS

Conferees on part of House

RALPH OSTMEYER

CAROLYN MCGINN

MARCI FRANCISCO

Conferees on part of Senate

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **H Sub for SB 214**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Pilcher-Cook moved the Senate concur in House amendments to **H Sub for SB 36**.

H Sub for SB 36, AN ACT concerning abortion; relating to licensure of abortion clinics.

On roll call, the vote was: Yeas 24, Nays 15, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Taddiken, Teichman, Umbarger, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Owens, Schmidt V, Schodorf, Steineger, Vratil.

Absent or Not Voting: Donovan.

The Senate concurred.

EXPLANATION OF VOTE

MR. PRESIDENT: All Kansans, regardless of gender, deserve to be safe when any procedure of an invasive nature is performed upon their person. While there may be emotional issues incident to an abortion that are different from other procedures, the patients in those other procedures are just as vulnerable to infections and complications as the patient receiving an abortion. Because I believe in the sanctity of the life of every patient, I vote no on **H Sub for SB 36** and urge the proponents to introduce legislation that protects the life of every patient, regardless of gender or procedure.—JAY SCOTT EMLER

Senators Francisco, Haley, Huntington, Kelly, Kultula, Owens, V. Schmidt and Schodorf request the record to show they concur with the "Explanation of Vote" offered by Senator Emler on **H Sub for SB 36** .

MR. PRESIDENT: I vote NO on the **H Sub for SB 36**.

I agree with other concerns that have been raised, and I am also disturbed by the serious lack of clarity in the wording of the bill. The act says that it relates to licensure of abortion clinics, however "abortion clinic" is not defined nor is it used in the bill. Wording in the bill seems to restrict all abortions performed in a clinic to a facility licensed pursuant to this act, not allowing for a limit of fewer than five per month as indicated in the definition of facility. Furthermore, it calls for the secretary to adopt rules and regulations requiring laboratory tests and then offers the review of the laboratory results weeks after the procedure. If we truly want to protect the health of women, we should work with physicians to write legislation to address issues of concern and write the legislation in a way that makes the regulations and restrictions clear. — MARCI FRANCISCO

MR. PRESIDENT: The added expense of a safe, legal abortion in a registered clinical environment is completely unnecessary and only puts greater burden on average and low income women in a crisis, unplanned or unwanted pregnancy. Kansas government needs to get out of the personal lives of people. With no deaths reported, this can lead us back to "back alley" abortions which no reasonable Legislature should want to go.—DAVID HALEY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **H Sub for SB 36**.

MR. PRESIDENT: I am shocked and dismayed that men and women of this chamber would show blatant discrimination against women at one of the most vulnerable times in their lives – having an abortion.

Inspection of abortion facilities will protect the life and health of women much like the legislation this body passed last year regarding inspection of child care homes to protect the life and health of children. — JULIA LYNN

MR. PRESIDENT: I vote "NO" on **H Sub for SB 36** because the bill represents an egregious example of government waste. This bill provides for two annual inspections of three abortion clinics in the state, a total of six annual inspections. The fiscal note on this bill is \$67,000 per year and one full time equivalent employee. It is incomprehensible to me that the Kansas Department of Health and Environment needs to pay an inspector \$67,000 per year to perform six inspections. That is truly government waste of taxpayer dollars and I oppose such waste. —JOHN VRATIL

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Vratil on **H Sub for SB 36**

Senator Teichman moved the Senate concur in House amendments to **SB 136**.

SB 136, AN ACT concerning insurance; relating to the recovery of economic or noneconomic loss sustained as a result of an accident while operating an uninsured motor vehicle.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Senate concurred.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator King introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1848—

A RESOLUTION congratulating and commending Tyrel Reed.

WHEREAS, Tyrel Reed, of Burlington, Kansas, is the winningest player in the history of University of Kansas men's basketball with a 132-17 record in his four seasons, and the second winningest player in NCAA Division I men's basketball; and

WHEREAS, During the 2010-2011 season, Tyrel was the only Jayhawk to have started in all 38 games; was named All-Big 12 honorable mention, Capital One Academic All-America First Team, Academic All-Big 12 First Team, CoSIDA Academic All-District 7 and Lowe's Senior CLASS Award All-America First Team; and was the third leading scorer on the team, averaging 9.7 points per game. Tyrel led the University of Kansas men's basketball team as a shooting guard with 72 threes made this season, 56 steals and a 79.8 percent free throw percentage; and

WHEREAS, In his collegiate career at the University of Kansas, Tyrel excelled as a student athlete. He was part of one NCAA National Championship, one NCAA Elite Eight, two NCAA Sweet 16's, four Big 12 regular-season titles and three Big 12 Tournament Championships. Tyrel also graduated from the University of Kansas in 3½ years as a pre-physical therapy and exercise science major, earning a 3.65 grade-point average, and was accepted into the physical therapy program at the University of Kansas Medical Center; and

WHEREAS, Prior to attending the University of Kansas, Tyrel was a legend at the high school level. Tyrel guided Class 3A Burlington High School to three state playoff appearances with one title and a 95-4 four-year record, and in his senior year, he led his high school to a third place finish in the Kansas state playoffs. In doing so, he was named Kansas' Gatorade Player of the Year and Mr. Kansas Basketball; and

WHEREAS, Tyrel has won over a multitude of fans and supporters throughout his high school and collegiate career, but none have been more loyal or supportive than his parents, Stacy and Debbie Reed: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Tyrel Reed upon the completion of his collegiate career in Kansas basketball and wish him great success in his future endeavors. We also thank him for being a role model to a myriad of Kansas youth; 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 1848** was adopted unanimously.

Senator King introduced and congratulated Tyrel Reed for being the winningest player in the history of the University of Kansas men's basketball and the second winningest player in NCAA Division I men's basketball. Also introduced were his parents, Stacy and Debbie Reed and Assistant Coach Barry Hinson. All were recognized with a standing ovation.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2020**.

The House adopts the Conference Committee report on **HB 2076**.

The House adopts the Conference Committee report on **HB 2104**.

The House adopts the Conference Committee report on **HB 2105**.

The House adopts the Conference Committee report on **HB 2147**.

The House adopts the Conference Committee report on **HB 2151**.

The House adopts the Conference Committee report on **HB 2172**.

The House adopts the Conference Committee report on **Substitute HB 2271**.

The House not adopts the Conference Committee report on **HB 2044**, requests a conference and appoints Representatives Colloton, Kinzer and McCray-Miller as 2nd conferees on the part of the House.

The House not adopts the Conference Committee report on **S Sub for HB 2049**, requests a conference and appoints Representatives Colloton, Kinzer and McCray-Miller as 2nd conferees on the part of the House.

The House not adopts the Conference Committee report on **HB 2119**, requests a conference and appoints Representatives Huebert, Seiwert and Mah as 2nd conferees on the part of the House.

The House announced the appointment of Representative Loganbill as a conferee on **H Sub for SB 36** to replace Representative Pauls.

The House announced the appointment of Representative Carlson as a conferee on **HB 2014** to replace Representative Kelley.

On motion of Senator Emler the Senate adjourned until 10:00 a.m., Thursday, April 28, 2011.

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 28, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Donovan and Taddiken were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father:

How do I deal with someone with whom I totally disagree?
Who I believe is totally wrong?
When I cannot understand how an intelligent person could possibly hold such views?

Help me, Lord, to listen when I don't want to listen.
To attack the person's position without attacking the person.
To use my head more than my voice.
To be courteous without becoming a doormat.
To be persistent without being patronizing.
To be firm without belittling.
To consult You, Lord, before I start talking.

And most of all, help me to remember that You love me even though You know me so well!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to introduce his and Michelle's youngest child, Malori Simone Haley, age 9, to the Senate who was present for National Take Your Child To Work Day. Malori is a third grader at English Landing Elementary School.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Utilities: **HB 2390**.

Ways and Means: **HB 2382.**

REFERRAL OF APPOINTMENTS

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

Member, Employment Security Board of Review, Patricia Bossert, to serve a four year term expiring March 15, 2014.

(Commerce)

Member, Kansas Development Finance Authority, Donald Linville, to serve a four year term expiring January 15, 2015.

(Commerce)

Member, Employment Security Board of Review, Hylaurd Wayne Maichel, to serve a four year term to expire March 15, 2015.

(Commerce)

State Librarian, Library, Joanne Budler, to serve at the pleasure of the Governor.

(Federal and State Affairs)

Executive Director, State Gaming Agency, Mark Dodd, to serve at the pleasure of the Governor.

(Federal and State Affairs)

Brigadier General, Kansas National Guard, Keith Lang, to serve at the pleasure of the Governor.

(Federal and State Affairs)

Executive Director, Racing and Gaming, Rick Petersen-Klein, to serve at the pleasure of the Governor.

(Federal and State Affairs)

Member, State Civil Service Board, Phillis Setchell, to serve a four year term expiring, March 15, 2015.

(Federal and State Affairs)

Member, Pooled Money Investment Board, Robert Chestnut, to serve a four year term expiring March 15, 2015.

(Financial Institutions and Insurance)

Secretary, Wildlife and Parks, Robin Jennison, to serve at the pleasure of the Governor.

(Natural Resources)

Member, Kansas Corporation Commission, Mark Sievers, to serve a four year term, expiring March 15, 2015.

(Utilities)

Member, Kansas Public Employees' Retirement Board of Trustees, Terry Matlack, to serve a four year term, expiring January 15, 2015.

(Ways and Means)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1849—

A RESOLUTION congratulating Alyssa Morrison for being crowned 2011 Miss Rodeo Kansas.

WHEREAS, Miss Rodeo Kansas is a young lady who strives to promote the state of Kansas and the sport of professional rodeo, and in so doing, promotes the great western way of life. Miss Rodeo Kansas is a talented, personable horsewoman with a vast knowledge of the sport of rodeo, the equine industry and the state of Kansas. She will have the opportunity to travel, meet new people and garner educational experiences that will lay a solid foundation for her future; and

WHEREAS, Miss Rodeo Kansas portrays exceptional sportsmanship and high moral and ethical character and is able to speak intelligently and display dignity in all situations; and

WHEREAS, The Miss Rodeo Kansas pageant is held annually to select a young lady who has the desire and the enthusiasm to serve as a goodwill ambassador for the sport of rodeo and the state of Kansas; and

WHEREAS, Alyssa Morrison of Bonner Springs, Kansas, was crowned Miss Rodeo Kansas 2011 in Dodge City, Kansas, at the conclusion of a four-day pageant held in conjunction with the Dodge City Roundup Rodeo. Alyssa will travel more than 35,000 miles in 2011 representing Kansas and the sport of professional rodeo; and

WHEREAS, Alyssa is a senior nursing student at Mid-America Nazarene University in Olathe, Kansas. Alyssa will graduate summa cum laude on May 8 with a Bachelor of Science in nursing degree. At MNU, Alyssa is a mentor for incoming freshmen, vice president for MNU's chapter of the Kansas Association of Nursing Students, and was selected for Who's Who Among American College Students; and

WHEREAS, Family has played an enormous role in shaping Alyssa into the person she is today. Alyssa is the proud daughter of Joyce and Al Morrison and sister to Kendra Morrison. She is grateful for their abounding support and encouragement in the pursuit of her dream, as well as through her lifetime; and

WHEREAS, Other prestigious awards and recognitions that Alyssa has earned include: 2008 Pinto of the Year Award (a national award bestowed by the Pinto Horse Association of America); four Registers of Merit achieved by Alyssa's pinto, Indian Rhythm, and entered into his breed registry at the Pinto Horse Association of America in the last two years for Open Pinto Color, Open Disciplined Rail Western, Amateur Disciplined Rail Western, and Amateur Western Horsemanship; nine 2010 Kansas Pinto Year End awards, specifically Champion Amateur Western Discipline Rail 19 & Over, Champion Amateur Western Horsemanship 19 & Over, Champion Barrel Racing, Champion Flag Racing, Champion Pole Bending, Champion Discipline Rail Western, Champion Amateur, Champion Speed Horse, Reserve Champion Western Horse; the 2008 High Point Award at the American Royal (saddle-type); six State Horse Championships at the Kansas State Fair; several top five finishes in both barrel racing and pole bending; District Representative on the Versatility Team at the Kansas State Fair for three years; two State Dog Championships at the Kansas State Fair in obedience; three-time winner of the 4-H Year End High Point, Grand Champion Halter Horse and High Point Exhibitor at the Johnson County Fair; a four-time winner of both year-end top awards in the Kansas State Horse Show Circuit; winner of the Barrel Racing Buckle and a "Walk the Talk Award" finalist at Rodeo Bible Camp; and

WHEREAS, Alyssa is also a graduate of Mill Valley High School in Shawnee and graduated as valedictorian in 2007; and

WHEREAS, Alyssa is enthusiastically looking forward to her year as Miss Rodeo Kansas 2011, eager to embrace every opportunity that arises, sharing her passion of

rodeo and the western way of life: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Alyssa Morrison for her achievement as Miss Rodeo Kansas 2011; and

Be it further resolved: That the Secretary of the Senate shall send six enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1849** was adopted unanimously.

Senator Holland and members of the Senate welcomed and recognized Alyssa Morrison for her outstanding talents of becoming crowned 2011 Miss Rodeo Kansas. Also introduced were her parents, Al and Joyce Morrison and family friend, Jamie Knabe. All were acknowledged with a standing ovation.

ORIGINAL MOTIONS

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2044**.

The President appointed Senators Umbarger, Marshall and Kultala as second conferees on the part of the Senate.

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **S Sub for HB 2049**.

The President appointed Senators V. Schmidt, Brungardt and Kelly as second conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2119**.

The President appointed Senators Teichman, Masterson and A. Schmidt as second conferees on the part of the Senate.

On motion of Senator V. Schmidt, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

CHANGE OF REFERENCE

The President withdrew **HB 2392** from the Committee on **Assessment and Taxation** and re-referred the bill to the calendar under the heading of General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1850—

A RESOLUTION declaring April 28, 2011 as Workers' Memorial Day in Kansas.

WHEREAS, The Kansas AFL-CIO and its affiliated unions are joining in a nationwide effort to commemorate workers injured, disabled or killed on the job and focus attention on what needs to be done to prevent senseless deaths and injuries; and

WHEREAS, Each April 28th, since 1989, Workers' Memorial Day has been observed in nearly one hundred countries and officially endorsed by the International Confederation of Free Trade Unions; and

WHEREAS, April 28th falls on the anniversary of the enactment of federal legislation creating the Occupational Safety and Health Administration (OSHA), which was signed into law by President Richard Nixon on April 28, 1971; and

WHEREAS, Since its inception, OSHA has assisted employers and employees in creating better working conditions and has helped cut workplace fatalities by more than 60% and occupational injury and illness by 40%; and

WHEREAS, Despite OSHA's best efforts, each year 5,000 workers nationwide die from job-related injuries and illnesses and millions more are injured. One hundred thousand more die a slow death from cancer, lung disease or other disabling conditions caused by exposure to toxins at work; and

WHEREAS, Last year, 76 of our fellow Kansans lost their lives in the workplace and an additional 38,200 sustained injury or illness because of their workplace; and

WHEREAS, Today, April 28, 2011, the 40th anniversary of the Occupational Safety and Health Act, Kansas workers will remember those who have suffered and died in the workplace. They will also join their brothers and sisters all across this country in a renewed commitment to prevent those tragedies from happening again: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we remember the American workers who have been injured, disabled or killed on the job by declaring April 28, 2011 as Workers' Memorial Day in Kansas; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to the Kansas AFL-CIO, 2131 S.W. 31st Street, Topeka, KS 66611.

On emergency motion of Senator Hensley **SR 1850** was adopted unanimously.

Senator Merrick introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1851—

A RESOLUTION encouraging agency cooperation in the development of 4-H projects in south Johnson County.

WHEREAS, The Johnson County Extension Education Foundation provides grant funds to help 4-H students and their families design agricultural projects that will be available for use by community members; and

WHEREAS, These grant funds have been awarded in cooperation with the city of Overland Park and the Prairie Moon 4-H Club project leaders in south Johnson County; and

WHEREAS, Kemper Farm in Overland Park would be a unique and beneficial site for the 4-H students to create such agricultural projects specifically designed for that site. Upon approval by the city, Kemper Farm's 300 acres could be made available for use for these agricultural projects; and

WHEREAS, The state of Kansas has numerous agricultural agencies that may be able to facilitate the provision of resources for use at this unique site, and at no cost to these agencies, in cooperation with the project designers and partners; and

WHEREAS, Through such cooperation, the state of Kansas may be able to provide assistance toward the development of avenues for its citizens to better understand and celebrate the state's proud and nation-leading agricultural heritage and resources; and

WHEREAS, In the spirit of the governor's recent executive restructuring order for agricultural agencies, there are potential financial benefits when state agencies partner with city and community leaders for such purposes: Now, therefore,

Be it resolved by the Senate of the State of Kansas: We encourage Kansas state agencies to cooperate with Prairie Moon 4-H project representatives in their efforts to explore the manner in which Kemper Farm may be utilized for the development of resources and public platforms for family and community projects; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Merrick.

On emergency motion of Senator Merrick **SR 1851** was adopted unanimously.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Friday, April 29, 2011.

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 29, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine Senators present.

Senator Donovan was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Our hearts go out to sections of the South where an incredibly powerful tornado left unbelievable destruction in the South Wednesday night. The state hardest hit was Alabama where much of Tuscaloosa was destroyed.

This great tragedy reminds us of the earthquakes and tsunamis which have reeked havoc throughout the world in this year and the last.

Lord, we pray for the survivors who have lost loved ones in these disasters and also in the revolutions being carried on in the middle east.

We pray for healing for the injured and for those who have lost their homes and their businesses.

Remind us of those who have suffered losses in the tornadoes in Kansas in the past years.

Where possible, lead us to offer help. I pray in the name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **Senate Substitute for HB 2133**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2282**, and requests return of the bill.

ORIGINAL MOTION

Senator Emler moved that subsection 4(k) of the Joint Rules of the Senate and the House of Representatives be suspended for the purpose of considering the following bills: **SB 170, SB 216; S Sub for HB 2049, HB 2119, HB 2392.**

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Teichman moved the Senate concur in House amendments to **SB 170.**

SB 170, AN ACT enacting the portable electronics insurance act.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2049**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate substitute for HB 2049, as follows:

On page 7, by striking all in lines in 20 through 22; following line 30, by inserting the following:

- "(33) 4-Bromo-2,5-dimethoxyphenethylamine.....7392
- (34) 2,5-dimethoxy-4-(n)-propylthiopenenthylamine (2C-7), its optical isomers, salts and salts of optical isomers.....7348
- (35) Alpha-methyltryptamine (other name: AMT).....7432
- (36) 5-methoxy-N, N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....7439";

And redesignating remaining paragraphs accordingly;

On page 10, following line 5, by inserting the following:

“(10) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

Some trade or other names: HU-210, HU 211.

Sec. 4. K.S.A. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone and their respective salts, but including the following:

- (A) Raw opium.....9600
- (B) Opium extracts.....9610
- (C) Opium fluid.....9620
- (D) Powdered opium.....9639
- (E) Granulated opium.....9640
- (F) Tincture of opium.....9630
- (G) Codeine.....9050

(H) Ethylmorphine.....	9190
(I) Etorphine hydrochloride.....	9059
(J) Hydrocodone.....	9193
(K) Hydromorphone.....	9150
(L) Metopon.....	9260
(M) Morphine.....	9300
(N) Oxycodone.....	9143
(O) Oxymorphone.....	9652
(P) Thebaine.....	9333
(Q) <i>Dihydroetorphine</i>	9334
(R) <i>Oripavine</i>	9330
(2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.	
(3) Opium poppy and poppy straw.	
(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).	
(5) Cocaine, its salts, isomers and salts of isomers (9041).	
(6) Ecgonine, its salts, isomers and salts of isomers (9180).	
(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).	
(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextropropfan and levopropoxyphene excepted:	
(1) Alfentanil.....	9737
(2) Alphaprodine.....	9010
(3) Anileridine.....	9020
(4) Bezitramide.....	9800
(5) Bulk dextropropoxyphene (nondosage forms).....	9273
(6) Carfentanil.....	9743
(7) Dihydrocodeine.....	9120
(8) Diphenoxylate.....	9170
(9) Fentanyl.....	9801
(10) Isomethadone.....	9226
(11) Levomethorphan.....	9210
(12) Levorphanol.....	9220
(13) Metazocine.....	9240
(14) Methadone.....	9250
(15) Methadone-intermediate, 4-cyano-2-dimethyl amino-4,4-diphenyl butane.....	9254
(16) Moramide-intermediate, 2-methyl-3- morpholino-1, 1-diphenylpropane-carboxylic acid.....	9802
(17) Pethidine (meperidine).....	9230
(18) Pethidine-intermediate-A, 4-cyano-1-methyl- 4-phenylpiperidine.....	9232
(19) Pethidine-intermediate-B, ethyl-4-phenyl- piperidine-4-carboxylate.....	9233

(20) Pethidine-intermediate-C, 1-methyl-4-phenyl- piperidine-4-carboxylic acid.....	9234
(21) Phenazocine.....	9715
(22) Piminodine.....	9730
(23) Racemethorphan.....	9732
(24) Racemorphan.....	9733
(25) Sufentanil.....	9740
(26) Levo-alphaacetyl methadol.....	9648
Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.	
(27) <i>Remifentanil</i>	9739
(28) <i>Tapentadol</i>	9780
(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:	
(1) Amphetamine, its salts, optical isomers and salts of its optical isomers.....	1100
(2) Phenmetrazine and its salts.....	1631
(3) Methamphetamine, including its salts, isomers and salts of isomers.....	1105
(4) Methylphenidate.....	1724
(5) <i>Lisdexamfetamine, its salts, isomers, and salts of its isomers</i>	1205
(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:	
(1) Amobarbital.....	2125
(2) Glutethimide.....	2550
(3) Secobarbital.....	2315
(4) Pentobarbital.....	2270
(5) Phencyclidine.....	7471
(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:	
(1) Immediate precursor to amphetamine and methamphetamine:	
(A) Phenylacetone.....	8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.	
(2) Immediate precursors to phencyclidine (PCP):	
(A) 1-phenylcyclohexylamine.....	7460
(B) 1-piperidinocyclohexanecarbonitrile (PCC).....	8603
(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:	
Nabilone.....	7379
[Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]	
Sec. 5. K.S.A. 65-4109 is hereby amended to read as follows: 65-4109. (a) The controlled substances listed in this section are included in schedule III and the number	

set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Any compound, mixture or preparation containing:
 - (A) Amobarbital.....2126
 - (B) Secobarbital.....2316
 - (C) Pentobarbital.....2271
 or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
- (2) Any suppository dosage form containing:
 - (A) Amobarbital..... 2126
 - (B) Secobarbital..... 2316
 - (C) Pentobarbital..... 2271
 or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.
- (3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules.....2100
- (4) Chlorhexadol.....2510
- (5) Lysergic acid.....7300
- (6) Lysergic acid amide.....7310
- (7) Methyprylon.....2575
- (8) Sulfondiethylmethane.....2600
- (9) Sulfonethylmethane.....2605
- (10) Sulfonmethane.....2610
- (11) Tiletamine and zolazepam or any salt thereof.....7295

Some trade or other names for a tiletamine-zolazepam combination product:
Telazol

Some trade or other names for tiletamine: 2- (ethylamino)-2-(2-thienyl)-cyclohexanone

Some trade or other names for zolazepam: 4- (2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon
- (12) Ketamine, its salts, isomers, and salts of isomers.....7285

Some other names for ketamine: (±) -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone
- (13) Gamma hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma hydroxybutyric acid contained in a drug product for which an application has been approved under section 505 of the federal food, drug and cosmetic act
 - (14) *Embutramide*.....2020
 - (c) Nalorphine.....9400
- (d) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
 - (1) Not more than 1.8 grams of codeine or any of its salts per 100 milliliters

or not more than 90 milligrams per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium.....9803

(2) not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9804

(3) not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium.....9805

(4) not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9806

(5) not more than 1.8 grams of dihydrocodeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9807

(6) not more than 300 milligrams of ethylmorphine or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9808

(7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9809

(8) not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9810

(9) *any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, as set forth below:*

(A) *Buprenorphine*.....9064

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substance listed in schedule II, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 of title 21 of the code of federal regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same, except that it contains a lesser quantity of controlled substances.....1405

(2) Benzphetamine.....1228

(3) Chlorphentermine.....1645

(4) Chlortermine.....1647

(5) Phendimetrazine.....1615

(f) Anabolic steroids.....4000

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and

corticosteroids) that promotes muscle growth, and includes:

- (1) boldenone
- (2) chlorotestosterone (4-chlortestosterone)
- (3) clostebol
- (4) dehydrochlormethyltestosterone
- (5) dihydrotestosterone (4-dihydrotestosterone)
- (6) drostanolone
- (7) ethylestrenol
- (8) fluoxymesterone
- (9) formebulone (formebolone)
- (10) mesterolone
- (11) methandienone
- (12) methandranone
- (13) methandriol
- (14) methandrostenolone
- (15) methenolone
- (16) methyltestosterone
- (17) mibolerone
- (18) nandrolone
- (19) norethandrolone
- (20) oxandrolone
- (21) oxymesterone
- (22) oxymetholone
- (23) stanolone
- (24) stanozolol
- (25) testolactone
- (26) testosterone
- (27) trenbolone

(28) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

(A) Except as provided in (B), such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States' secretary of health and human services for such administration.

(B) If any person prescribes, dispenses or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subsection (f).

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved product...7369
Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro -6-6-9-trimethyl-3-pentyl-6H-dibenzo(b,d)pyran-1-0l, or (-)-delta-9- (trans)-tetrahydrocannabinol.
- (h) The board may except by rule any compound, mixture or preparation containing

any stimulant or depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

Sec. 6. K.S.A. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any material, compound, mixture or preparation which contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Alprazolam.....	2882
(2) Barbital.....	2145
(3) Bromazepam.....	2748
(4) Camazepam.....	2749
(5) Chloral betaine.....	2460
(6) Chloral hydrate.....	2465
(7) Chlordiazepoxide.....	2744
(8) Clobazam.....	2751
(9) Clonazepam.....	2737
(10) Clorazepate.....	2768
(11) Clotiazepam.....	2752
(12) Cloxazolam.....	2753
(13) Delorazepam.....	2754
(14) Diazepam.....	2765
(15) <i>Dichloralphenazone</i>	2467
(15) (16) Estazolam.....	2756
(16) (17) Ethchlorvynol.....	2540
(17) (18) Ethinamate.....	2545
(18) (19) Ethyl loflazepate.....	2758
(19) (20) Fludiazepam.....	2759
(20) (21) Flunitrazepam.....	2763
(21) (22) Flurazepam.....	2767
(23) <i>Fospropofol</i>	2138
(22) (24) Halazepam.....	2762
(23) (25) Haloxazolam.....	2771
(24) (26) Ketazolam.....	2772
(25) (27) Loprazolam.....	2773
(26) (28) Lorazepam.....	2885
(27) (29) Lormetazepam.....	2774
(28) (30) Mebutamate.....	2800
(29) (31) Medazepam.....	2836
(30) (32) Meprobamate.....	2820

(31)(33) Methohexital.....	2264
(32)(34) Methylphenobarbital (mephobarbital).....	2250
(33)(35) Midazolam.....	2884
(34)(36) Nimetazepam.....	2837
(35)(37) Nitrazepam.....	2834
(36)(38) Nordiazepam.....	2838
(37)(39) Oxazepam.....	2835
(38)(40) Oxazolam.....	2839
(39)(41) Paraldehyde.....	2585
(40)(42) Petrichloral.....	2591
(41)(43) Phenobarbital.....	2285
(42)(44) Pinazepam.....	2883
(43)(45) Prazepam.....	2764
(44)(46) Quazepam.....	2881
(45)(47) Temazepam.....	2925
(46)(48) Tetrazepam.....	2886
(47)(49) Triazolam.....	2887
(48)(50) Zolpidem.....	2783
(49)(51) Zaleplon.....	2781
(52) Zopiclone.....	2784

(c) Any material, compound, mixture, or preparation which contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible. The provisions of this subsection (c) shall expire on the date fenfluramine and its salts and isomers are removed from schedule IV of the federal controlled substances act (~~21 United States code 81221 U.S.C. § 812~~; 21 code of federal regulations 1308.14).

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Cathine ((+)-norpseudoephedrine).....	1230
(2) Diethylpropion.....	1610
(3) Fencamfamin.....	1760
(4) Fenproporex.....	1575
(5) Mazindol.....	1605
(6) Mefenorex.....	1580
(7) Pemoline (including organometallic complexes and chelates thereof).....	1530
(8) Phentermine.....	1640

The provisions of this subsection (d)(8) shall expire on the date phentermine and its salts and isomers are removed from schedule IV of the federal controlled substances act (~~21 United States code 81221 U.S.C. § 812~~; 21 code of federal regulations 1308.14).

(9) Pipradrol.....	1750
(10) SPA((-)-1-dimethylamino-1,2-diphenylethane).....	1635
(11) Sibutramine.....	1675

(12) Mondafinil.....1680
(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following, including salts thereof:

- (1) Pentazocine.....9709
(2) Butorphanol (including its optical isomers).....9720

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....9167
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3- methyl-2-propionoxybutane).....9278
(g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(h) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

Sec. 7. K.S.A. 2010 Supp. 65-4113 is hereby amended to read as follows: 65-4113.

(a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

~~(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing the following narcotic drug or its salts:~~

- ~~Buprenorphine.....9064~~

~~(c)~~(b) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.
- (2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.
- (3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
- (6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

~~(c)~~(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the

following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Propylhexedrine (except when part of a compound used for nasal decongestion which is authorized to be sold lawfully over the counter without a prescription under the federal food, drug and cosmetic act, so long as it is used only for such purpose).....8161
- (2) Pyrovalerone.....1485
- (d) Any compound, mixture or preparation containing any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers.
- (e) Any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.
- (f) *Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:*

- (1) *Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide].....2746*
- (2) *Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].....2782";*

Also on page 10, in line 6, by striking all following "K.S.A." and inserting "65-4107, 65-4107, as amended by section 2 of 2011 House Bill No. 2023, 65-4109, 65-4109, as amended by section 3 of 2011 House Bill No. 2023, 65-4111 and 65-4111, as amended by section 4 of 2011 House Bill No. 2023 and K.S.A. 2010 Supp. 21-36a05, 21-36a06, 65-4105, 65-4105, as amended by section 1 of 2011 House Bill No. 2023, 65-4113 and 65-4113, as amended by section 5 of 2011 House Bill No. 2023 are"; in line 9, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 1, after "K.S.A." by inserting "65-4107, 65-4109 and 65-4111 and K.S.A."; in line 2, by striking all following "21-36a06" and inserting ", 65-4105 and 65-4113 and repealing the existing sections; also repealing K.S.A. 65-4107, as amended by section 2 of 2011 House Bill No. 2023, 65-4109, as amended by section 3 of 2011 House Bill No. 2023, 65-4111, as amended by section 4 of 2011 House Bill No. 2023 and K.S.A. 2010 Supp. 65-4105, as amended by section 1 of 2011 House Bill No. 2023 and 65-4113, as amended by section 5 of 2011 House Bill No. 2023.";

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

VICKI SCHMIDT
PETE BRUNGARDT
LAURA KELLY

Conferees on part of Senate

PAT COLLOTON
LANCE KINZER
MELODY McCRAY-MILLER

Conferees on part of House

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **S Sub HB 2049**.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Steineger.

Present and Passing: Francisco.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: For the third time this session (2011) on "K-3", etc. as well as thrice last session (2010) on K-2, once again I proudly remain this Senate's most consistent civil libertarian on the issue of the failed war on relatively benign drugs. Quit wasting time and money; attempting, and unsuccessfully, to prevent people's flights of fancy. Regulate them; tax them; put them behind the counters of drug stores but stop criminalizing substances less toxic to the human body than abused prescription drugs, tobacco and alcohol. Explore medicinal values to authentic and manufactured substances. Let us quit driving these people to inhaling more dangerous substances that can not be made illegal and find after these hard, very expensive failed lessons of history, at long last, realistic drug policies that work with public health and safety. —

DAVID HALEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to HB 2119, submits the following report:

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

On page 2, in line 36, by striking "the" where it appears for the first time;

On page 3, in line 1, after "response" by inserting "service"; in line 4 by striking "service" and inserting "services"; by striking all in lines 16 through 43;

By striking all in pages 4 through 22;

On page 23, by striking all in lines 1 through 14 and inserting:

"Sec. 3. K.S.A. 8-305 is hereby repealed";

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all after "concerning"; by striking all in lines 4 through 9 and inserting "political subdivisions; pertaining to accident response service fees; pertaining to marking of motor vehicles; amending K.S.A. 8-305 and repealing the existing section.";

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

RUTH TEICHMAN

TY MASTERSON

ALLEN C. SCHMIDT

Conferees on part of Senate

STEVE HUEBERT

JOE SEIWERT

ANN E. MAH

Conferees on part of House

Senator Teichman moved the Senate adopt the Conference Committee Report on **HB 2119**.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Bruce, Lynn, Owens, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Owens in the chair.

On motion of Senator Owens the following report was adopted:

Recommended **HB 2392** be passed.

SB 216 be amended by the adoption of the committee amendments, and further amended by motion of Senator V. Schmidt, on page 2, in line 12, after "governor" by inserting "on and";

On page 3, in line 4, by striking "(7) staffing"; by striking all in line 5; in line 6, by striking "and vehicles; and (8)" and inserting "and (7)";

On page 4, in line 18, by striking "courses of certification of instruction" and inserting "certification";

On page 6, in line 14, by striking "following"; in line 15, by striking all before the period;

On page 7, in line 16, by striking "ECG" and inserting "electrocardiogram"; in line 34, by striking "(f)" and inserting "(g)";

On page 9, in line 43, by striking "following the effective date of this act";

On page 11, in line 39, by striking "following the effective date of this act"; in line 40, by striking "EMT-D" and inserting "Emergency medical technician-defibrillator";

On page 12, following line 20, by inserting:

"Sec. 7. K.S.A. 2010 Supp. 65-6124 is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced registered nurse practitioner or licensed professional nurse, who gives emergency instructions to an attendant as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages which may result from gross negligence in giving such instructions.

(b) No attendant as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the responsible physician for a physician assistant, advanced registered nurse practitioner or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of such attendant as defined by K.S.A. 65-6112, and amendments thereto.

(c) No person certified as an instructor-coordinator and no training officer shall be liable for any civil damages which may result from such instructor-coordinator's or training officer's course of instruction, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator or training officer.

(d) No medical ~~adviser~~ *director* who reviews, approves and monitors the activities of attendants shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages which may result from gross negligence in such review, approval or monitoring";

And by renumbering sections accordingly;

Also on page 12, in line 23, by striking the comma; in line 40, by striking "a" and inserting "an application";

On page 14, in line 37, by striking "promulgated thereunder" and inserting "adopted by the board";

On page 16, in line 8, by striking "following the effective date of this act"; in line 34, after "65-6123," by inserting "65-6124,";

On page 1, in the title, in line 3, after "65-6123," by inserting "65-6124," and **SB 216** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 216**; **HB 2392** were advanced to Final Action and roll call.

SB 216, AN ACT concerning emergency medical services; amending K.S.A. 65-102, 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.A. 2010 Supp. 65-6112, 65-6120, 65-6121, 65-6123, 65-124, 65-6129 and 65-6144 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2392, AN ACT concerning setoff against certain debtors; relating to federal department of the treasury, agreements, procedure and fees; amending K.S.A. 75-6204 and K.S.A. 2010 Supp. 75-6202 and repealing the existing sections.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1852—

A RESOLUTION congratulating and commending Columbus Unified High School for being named a 2011 MetLife Foundation-NASSP Breakthrough School.

WHEREAS, Columbus Unified High School of Columbus, Kansas, recently received recognition as a 2011 MetLife Foundation-NASSP Breakthrough School for its academic success; and

WHEREAS, Columbus Unified High School was one of only five high schools in the country to be named a Breakthrough School and was honored at the 2011 NASSP Conference, which was held in San Francisco, California, February 24 to 27, 2011; and

WHEREAS, Columbus Unified High School, and the other four high schools and five middle level schools honorees, will receive a \$5,000 grant and be featured in the National Association of Secondary School Principals' monthly magazine, *Principal Leadership*; and

WHEREAS, The MetLife Foundation-NASSP Breakthrough Schools program was established in 2007 and is funded through a generous grant provided by MetLife Foundation. The goal of the project is to identify, recognize and showcase middle level and high schools that serve large numbers of students living in poverty and are high achieving or dramatically improving student achievement; and

WHEREAS, Nominated schools must demonstrate continuous growth on state assessments over time, including graduation rate for high schools, specific efforts towards reducing the achievement gap and 40% or more students eligible for free or reduced price meals. Additional success indicators include equity of student participation in challenging courses, academic and career focused personal learning plans for all students, school community connections and leadership development and mentoring; and

WHEREAS, Columbus Unified High School was selected for its documented success and for implementing strategies aligned with the three core areas of NASSP's Breaking Ranks framework for middle level and high schools that have led to improved student achievement. These three core areas are: (1) Collaborate leadership: Professional learning communities, shared leadership and student and staff leadership development; (2) Personalization: Attention to all students, mentoring and school/community connections; and (3) Curriculum, instruction and assessment: Access to rigorous coursework for all students, differentiated instruction with multiple assessments, data-based decision making and opportunities for career development; and

WHEREAS, The superintendent of Columbus USD 493 is David Carriger. The principal of Columbus Unified High School is Steve Jameson. The interim principal and assistant principal of Columbus Unified High School is Tony Shearburn. The interim assistant principal of Columbus Unified High School is Dan Grundy: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the administration, teachers and staff of Columbus Unified High School for being recognized as a 2011 MetLife Foundation-NASSP Breakthrough School and for their diligent work in making gains in academic achievement by providing rigorous instruction and personalizing their school to meet the needs of each and every student.

We wish them and their students continued success; and

Be it further resolved: That the Secretary of the Senate shall send eight enrolled copies of this resolution to Senator Umbarger.

On emergency motion of Senator Umbarger **SR 1852** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** 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:

Employment Security Board of Review, Member: K.S.A. 44-709

Patricia Bossert, term expires March 15, 2014

Also, 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:

Development Finance Authority, Member: K.S.A. 74-8903

Donald Linville, term expires January 15, 2015

Also, 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:

Employment Security Board of Review, Member: K.S.A. 44-709

Hylaurd Wayne Maichel, term expires March 15, 2015

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:

Kansas National Guard, Brigadier General: K.S.A. 48-208

Keith Lang, serves at the pleasure of the Governor

Committee on **Natural Resources** 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:

Wildlife and Parks, Secretary: K.S.A. 2010 Supp. 32-801

Robin Jennison, serves at the pleasure of the Governor

REPORT ON ENROLLED BILLS

SR 1846, SR, 1847, SR 1848, SR 1849, SR 1850, SR 1851 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 29, 2011.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Monday, May 2, 2011.

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 2, 2011, 10:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-eight Senators present.
Senators Donovan and Merrick were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

There is a lady in this room
Who has a lot of skill:
She's Secretary of the Senate,
And her name is Pat Saville.

She works and works real hard
Even when it's all uphill;
Even late into the night.
She's our Pat Saville.

I've been here longer than she has,
But she's the one who knows the drill.
She knows how to straighten me out;
She's in charge and she's Pat Saville.

When I bring my family to visit,
I introduce her the same way still.
"Here's the lady who runs this place,
And her name is Pat Saville."

At first I considered it a joke,
But my joke was suddenly fulfilled.
President Morris asked if it was time to start,
And who was he asking? It was Pat Saville!

Pat's respected and liked by all,
And helps things to run downhill,
Everyone knows that she's in charge,
God bless our Pat Saville,

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

CHANGE OF REFERENCE

The Vice President withdrew **HB 2357** from the Calendar under the heading of General Orders, and re-referred the bill to the Committee on Ways and Means.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE GOVERNOR

May 2, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-08 for your information.

Sam Brownback
Governor

The Vice President announced Executive Order 11-08 for Local Emergencies 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.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF HEALTH AND ENVIRONMENT

April 28, 2011

In accordance with KSA 49-512(h), Bob Jurgens, Chief, Assessment and Restoration Section, Bureau of Environmental Remediation, provided the Treece Relocation Assistance Project Monthly Expenditures/Income Report for March 2011.

KANSAS HUMAN RIGHTS COMMISSION

April 29, 2011

In accordance with KSA 44-1004(13) William V. Minner, Executive Director, submitted the Kansas Human Rights Commission Annual Report for the Fiscal Year 2010, July 1, 2009 – June 30, 2010.

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

ORIGINAL MOTION

Senator Emler 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: **HB 2044, HB 2312.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2044** submits the following report:

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

On page 1, in line 27, by striking "5" and inserting "6"; also in line 27, before the period, by inserting ", except as provided in subsection (a)(5)"; following line 27, by inserting: "(5) The death of any person, if the person knew or reasonably should have known that such accident resulted in injury or death, shall be a level 5, person felony.";

On page 4, in line 38, following "40" by inserting "of chapter 136 of the 2010 Session Laws of Kansas";

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

DWAYNE UMBARGER

BOB MARSHALL

KELLY KULTALA

Conferees on part of House

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of Senate

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 2044.**

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2312** submits the following report:

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

On page 5, in line 42, by striking "prepared" and inserting "approved";
 On page 10, in line 42, after "theft" by inserting "of";
 On page 15, in line 17, after "wiring" by inserting "of 25 pair or greater";
 And your committee on conference recommends the adoption of this report.

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2312**.

On roll call, the vote was: Yeas 35, Nays 3, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Bruce, Pyle, Steineger.

Absent or Not Voting: Donovan, Merrick.

The Conference Committee Report was adopted.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Employment Security Board of Review:

Patricia Bossert, Member, to serve a four year term, expiring March 15, 2014.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The appointment was confirmed.

On the appointment to the:

Employment Security Board of Review:

Hylaurd Wayne Maichel, Member, to serve a four year term, expiring March 15, 2015.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The appointment was confirmed.

On the appointment to the:

Kansas Development Finance Authority:

Donald Linville, Member, to serve a four year term, expiring January 15, 2015.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The appointment was confirmed.

On the appointment to the:

Kansas National Guard:

Keith Lang, Brigadier General, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The appointment was confirmed.

On the appointment to the:

Wildlife and Parks:

Robin Jennison, Secretary, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Merrick.

The appointment was confirmed.

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:

By the Governor:

Member, Pooled Money Investment Board: K.S.A. 75-4221a

Robert Chestnut, term expires March 15, 2012

ENGROSSED BILLS

H Sub 36; SB 123, SB 136 reported correctly engrossed April 28, 2011.

H Sub 23; SB 170 reported correctly engrossed May 2, 2011.

Also: **SB 67; H Sub SB 213, H Sub SB 214** correctly re-engrossed April 28, 2011.

ENROLLED BILLS

SR 1852 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 2, 2011.

On motion of Senator Emler the Senate adjourned until 10:00 a.m. Tuesday, May 3, 2011.

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 3, 2011, 10:00 a.m.

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

Heavenly Father,

We've caught a lot of flack
For what has not been done.
We've been called most everything
By almost everyone.

People have a right to gripe,
That we do not doubt.
We are not unanimous
With how wrap-up's turning out.

But it seems somewhat presumptuous
When in media and in letter
It is stated or implied
That they could do it better.

Of course we've heard it all before,
In fact we said it, too,
Before we were elected
How much better we would do.

But soon we realized, O God,
We only had one vote,
And twenty-seven must agree
Before this boat will float.

So we thought it would be great
Since time immemorial,
To let the editors wrap it up,
And let us write the editorials!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 247, AN ACT reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 19-4804, 20-369, as amended by section 4 of chapter 101 of the 2010 Session Laws of Kansas, 22-2307, as amended by section 8 of chapter 101 of the 2010 Session Laws of Kansas, 22-2908, as amended by section 9 of chapter 101 of the 2010 Session Laws of Kansas, 58-2011, as amended by section 23 of 2011 Senate Bill No. 112, 60-1620, as amended by section 44 of 2011 Senate Bill No. 24, 65-445, as amended by section 2 of 2011 House Bill No. 2035, 65-6703, as amended by section 4 of 2011 House Bill No. 2035 and 65-6721, as amended by section 8 of 2011 House Bill No. 2035 and K.S.A. 2009 Supp. 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-116a, as amended by section 1 of 2011 House Bill No. 2192, 8-259, 8-1020, 8-2118, 9-1703, as amended by section 1 of 2011 House Bill No. 2056, 12-1774, 12-17,149, 12-4117, 22-2410, 22-2802, as amended by section 118 of 2011 House Bill No. 2339, 22-3305, 22-3428, 22-3428a, 22-3437, 38-2258, 38-2373, 40-2,118, as amended by section 6 of 2011 House Bill No. 2030, 60-740, 60-3107, as amended by section 46 of 2011 Senate Bill No. 24, 65-530, 66-2304 and 75-52,127 and sections 52, 189, 194 and 266 of chapter 136 of the 2010 Session Laws of Kansas and section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008 and section 298 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 81 of 2011 House Bill No. 2339 and section 36 of 2011 Senate Bill No. 24 and repealing the existing sections; also repealing K.S.A. 19-4804, as amended by section 108 of 2011 House Bill No. 2339, 20-369, as amended by section 109 of 2011 House Bill No. 2339, 22-2307, as amended by section 120 of 2011 House Bill No. 2339, 22-2908, as amended by section 121 of 2011 House Bill No. 2339, 58-2011, as amended by section 24 of 2011 Senate Bill No. 229, 60-1620, as amended by section 218 of 2011 House Bill No. 2339, 65-445, as amended by section 4 of 2011 House Bill No. 2218, 65-6703, as amended by section 247 of 2011 House Bill No. 2339, 65-6721, as amended by section 248 of 2011 House Bill No. 2339 and K.S.A. 2009 Supp. 22-2909, as amended by section 122 of 2011 House Bill No. 2339 and K.S.A. 2010 Supp. 8-116a, as amended by section 85 of 2011 House Bill No. 2339, 8-259a, 8-1020a, 8-2118b, 9-1703, as amended by section 4 of 2011 Senate Bill No. 229, 12-1774c, 12-17,149a, 12-4117a, 21-4603d, as amended by section 1 of 2011 House Bill No. 2118, 22-2410, as amended by section 114 of 2011 House bill No. 2339, 22-2802, as amended by section 2 of 2011 House Bill No. 2118, 22-3305a, 22-3428c, 22-3428d, 22-3437a, 38-2258a, 38-2373a, 40-2,118, as amended by section 177 of 2011 House Bill No. 2339, 60-740a, 60-1610, as amended by section 8 of 2011 Senate Bill No. 38, 60-1610, as amended by section 217 of 2011 House Bill No. 2339, 60-1629, as amended by section 219 of 2011 House Bill No. 2339, 60-3107, as amended by section 221 of 2011 House Bill No. 2339, 65-504a, 65-530a, 65-1626d, 66-2304, as amended by section 249 of 2011 House Bill No.

2339 and 75-52,127, as amended by section 281 of 2011 House Bill No. 2339 and section 52 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 21 of 2011 House Bill No. 2339, section 189 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 51 of 2011 House Bill No. 2339, section 194 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 54 of 2011 House Bill No. 2339, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 3 of 2011 House Bill No. 2118, section 266 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 72 of 2011 House Bill No. 2339, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 77 of 2011 House Bill No. 2339 and section 298 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 House Bill No. 2038, by Committee on Ways and Means.

CHANGE OF REFERENCE

President Morris ruled **H Sub for SB 25**, as amended by the House, to be materially changed and referred the bill to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2119**.

The House concurs in Senate amendments to **HB 2195**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2240**, and requests return of the bill.

Announcing passage of **SB 97**, as amended.

Announcing passage of **SB 25**, as amended by **House Substitute for SB 25**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Morris, Emler, Hensley and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1853—

A RESOLUTION congratulating and commending Janet L. (Jan) Locke.

WHEREAS, Janet L. (Jan) Locke retired on January 1, 2011, after serving the Kansas Legislature for over 23 years through her outstanding efforts in the Kansas Legislative Research Department; and

WHEREAS, Janet L. (Jan) Locke commenced working for the State of Kansas at the Kansas Legislative Research Department in August 1987 as a Secretary III; she began working for the Director Alan D. Conroy and Associate Director William Wolff as secretary in June 2003. Upon Associate Director William Wolff's, retirement in July 2004, she continued working for Alan D. Conroy, Director, and Raney Gilliland, Assistant Director, until her retirement; and

WHEREAS, Janet L. (Jan) Locke is known throughout the Research Department and in many other departments in the Statehouse for her kind smile, helpful ways, proofing skills and delicious white desserts; and

WHEREAS, Janet L. (Jan) Locke was married to Michael A. Locke on November 2, 1963. They have two sons, Matthew Locke and Christopher Locke and are proud grandparents of two grandchildren, Gavin Locke and Grayson Locke: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Janet L. (Jan) Locke for her more than 23 years of devoted service to the State of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Janet L. Locke, 5240 W. 25th Terrace, Topeka, Kansas 66614; Matt and Melinda Locke, 4824 SW 28th Street, Topeka, Kansas 66614; and Chris and Christina Locke, 1745 Cardinal Drive, Griffin, Georgia 30223.

On emergency motion of Senator V. Schmidt **SR 1853** was adopted unanimously.

Senator V. Schmidt introduced and congratulated Janet (Jan) Locke upon her retirement after serving the Kansas Legislative Research Department for over 23 years. Her husband, Michael was also introduced. Janet was congratulated by the Senate with a standing ovation on her achievements.

Senator Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1854—

A RESOLUTION recognizing the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide.

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, 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 2010 Monitoring the Future survey found that six of the top 10 substances abused by high school seniors are prescription drugs. Federal studies show that many teens use the prescription drugs because they think they are safer than illegal drugs; and

WHEREAS, The second leading source of abused prescription drugs is the home medicine cabinet. The number one source are 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, The federal Drug Enforcement Administration sponsored this past weekend's National Prescription Drug Take-Back Day on April 30, 2011, where more than 4,000 locations nationwide, including more than 50 locations in Kansas, had bins set up for people to dispose of any and all unused prescription drugs. National Prescription Drug Take-Back Day is part of a federal aim to cut prescription drug abuse by 15% in the next 10 years. The first nationwide prescription drug drop-off event

occurred in September of 2010 and resulted in 121 tons of prescription drug medications being collected and incinerated nationwide; 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.

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:

Kansas Corporation Commission, Member: K.S.A. 74-601

Mark P. Sievers, term expires March 15, 2015

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

Announcing passage of **HCR 5024**.

The House adopts the Conference Committee report on **HB 2044**.

The House adopts the Conference Committee report on **Senate Substitute for HB 2049**.

The House adopts the Conference Committee report on **HB 2312**.

The House adopts the Conference Committee report on **SB 93**.

The House adopts the Conference Committee report on **SB 124**.

The House adopts the Conference Committee report to agree to disagree on **House Substitute for SB 55**, and has appointed Representatives Colloton, Kinzer and McCray-Miller as second conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2267**, requests a conference and has appointed Representatives Hubert, Seiwert and Mah as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2080**, requests a conference and has appointed Representatives Schwab, Goico and Mah as conferees on the part of the House.

The House concurs in Senate amendments to **Substitute HB 2135**.

The House adopts the Conference Committee report on **SB 10**.

The House adopts the Conference Committee report to agree to disagree on **House Substitute for SB 37**, and has appointed Representatives Colloton, Kinzer and McCray-Miller as second conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5024 was thereupon introduced and read by title.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 37**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

On motion of Senator Owens the Senate adopted the conference committee report on **H Sub for SB 37**, and requested a new conference committee be appointed.

The President appointed Senators Owens, King and Haley as a second Conference Committee on the part of the Senate on **H Sub for SB 37**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 55**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

On motion of Senator Owens the Senate adopted the conference committee report on **H Sub for SB 55**, and requested a new conference committee be appointed.

The President appointed Senators Owens, King and Haley as a second Conference Committee on the part of the Senate on **H Sub for SB 55**.

ORIGINAL MOTION

On motion of Senator Huntington, the Senate acceded to the request of the House for a conference on **S Sub for HB 2080**.

The President appointed Senators Huntington, V. Schmidt and Kultala as conferees on the part of the Senate.

On motion of Senator Reitz, the Senate acceded to the request of the House for a conference on **S Sub for HB 2267**.

The President appointed Senators Reitz, Apple and Faust-Goudeau as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

In accordance with subsection (b) of Senate Rule 11, Senator Steve E. Abrams gave notice of his motion to withdraw **H Sub for SB 25** from the Committee on Federal and State Affairs on May 4, 2011.

This is an important piece of legislation for many people in the State of Kansas. The State has a vested right to regulate sexually oriented businesses because of the negative secondary effects that come with sexually oriented businesses – Senator Steve E. Abrams

On motion of Senator Emler the Senate adjourned until 10:00 a.m., Wednesday, May 4, 2011.

Journal of the Senate

FIFTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 4, 2011, 10:00 a.m.

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

Heavenly Father,

Sometimes when I'm discouraged
And cannot get things done;
It helps a lot for me to pray,
"Lord, thy will be done."

I recommend that Senators
When disagreeing with someone;
Silently pray to You, O God,
"Lord, thy will be done."

When we have alternatives
And we can't decide which one,
Utter a silent prayer to You,
"Lord, thy will be done."

When we thought it was complete,
And it never was begun,
Quietly pray to You, O God,
"Lord, thy will be done."

When I thought we had a victory,
And found out we had not won;
Confidently pray, "Not my will,
But Lord, Thy will be done."

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Committee of the Whole: **SB 247**; **HCR 5024**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2314**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2314 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Brungardt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1855—

A RESOLUTION recognizing and commending Sheriff Darrell Wilson.

WHEREAS, Darrell Wilson began his service in law enforcement to the people of Kansas in July 1962 as an officer with the Salina Police Department. Darrell Wilson rose through the ranks to Assistant Chief in 1971. He retired from the Salina Police Department in 1984, serving a total of 22 years; and

WHEREAS, Darrell Wilson was elected Saline County Sheriff in 1984 and served the citizens of Saline county in that capacity until 1997, serving a total of 13 years; and

WHEREAS, In 1997 Darrell Wilson was elected the Executive Director of the Kansas Sheriff's Association and provided guidance and leadership to other sheriffs in that capacity until 2010, serving a total of 13 years; and

WHEREAS, Darrell Wilson also served the Kansas law enforcement community as the Chairman of the Kansas Law Enforcement Training Commission from 1997 to 2004: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Sheriff Darrell Wilson for his outstanding accomplishments and thank him for his combined 48 years of service to the people and law enforcement community of Kansas; and

Be it further resolved: That the Secretary of the Senate shall be directed to provide 15 enrolled copies of this resolution to Senator Brungardt.

On emergency motion of Senator Brungardt **SR 1855** was adopted unanimously.

REPORT ON ENGROSSED BILLS

SB 216 reported correctly engrossed May 2, 2011.

On motion of Senator Emler, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **Substitute SB 50**.

The House not adopts the Conference Committee report on **SB 143**, requests a conference and appoints Representatives Aurand, Huebert and Ward as second conferees on the part of the House.

CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

President Morris announced the time had arrived to consider the motion submitted in writing by Senator Steve Abrams, citing Rule 11, to withdraw **H Sub for SB 25** from the Committee on **Federal and State Affairs** and be placed on the calendar under the heading of **General Orders**.

H Sub for SB 25, AN ACT establishing the community defense act; amending K.S.A. 2010 Supp. 22-3901 and repealing the existing section.

On roll call, the vote was: Yeas 17, Nays 22, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Bruce, Holland, Kelsey, King, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Taddiken, Wagle.

Nays: Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Huntington, Kelly, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan.

The motion failed and **H Sub for SB 25** remains in committee.

On emergency motion of Senator Haley, **SR 1854**, A RESOLUTION recognizing the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide, was adopted by voice vote. **SR 1854** appeared in the Senate Journal on Tuesday, May 3, 2011.

EXPLANATION OF VOTE

Mr. President: I support the National Prescription Drug Take-Back Day and sponsor and join the Committee of the Whole in unanimous support of this Resolution. According to Kansas US Attorney Grissom, last year, (2010) six people died in Kansas due to accidental overdose of prescription drugs not prescribed to them. With thefts of unused prescriptions rising and as we continue to criminalize relatively benign substances, I will continue to voice my support for regulating prescription drugs (as well as tobacco and alcohol... "legal substances") to keep them out of the bodily systems of our youth. — DAVID HALEY

ORIGINAL MOTION

Senator Emler 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 10, Sub SB 50, SB 93, SB 97, SB 124, SB 247**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Owens moved the Senate concur in house amendments to **SB 97**.

SB 97, AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; docket fees for expungement of records; amending Section 254 of chapter 136 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-2107, 8-2110, 22-2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 10** submits the following report:

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

On page 17, after line 31, by inserting the following:

"Sec. 4. On and after July 1, 2011, K.S.A. 2010 Supp. 79-1701a is hereby amended to read as follows: 79-1701a. Any taxpayer, the county appraiser or the county clerk shall, on their own motion, request the board of county commissioners to order the correction of the clerical errors in the appraisal, assessment or tax rolls as described in K.S.A. 79-1701, and amendments thereto. The board of county commissioners of the several counties are hereby authorized to order the correction of clerical errors, specified in K.S.A. 79-1701, and amendments thereto, in the appraisal, assessment or tax rolls for the current year and the immediately preceding two years during the period on and after November 1 of each year. If a county treasurer has collected and distributed the property taxes of a taxpayer and it shall thereafter be determined that the tax computed and paid was based on an erroneous assessment due to a clerical error which resulted in an overpayment of taxes by the taxpayer, and such error is corrected under the provisions hereof then the county commissioners may direct a refund in the amount of the overpayment plus interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto, *plus two percentage points, per annum*, from the date of payment from tax moneys collected during the current year and approve a claim therefor. If all or any portion of the taxes on such property remain unpaid, the board of county commissioners shall cancel that portion of such unpaid taxes which were assessed on the basis of the error which is being corrected. In lieu of taking such a refund the taxpayer may, at the taxpayer's option, be allowed a credit on the current year's taxes in the amount of the overpayment plus interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto, from the date of payment for the previous year. In the event the error results in an understatement of value or taxes as a result of a mathematical

miscomputation on the part of the county, the board of county commissioners of the several counties are hereby authorized to correct such error and order an additional assessment or tax bill, or both, to be issued, except that, in no such case shall the taxpayer be assessed interest or penalties on any tax which may be assessed. If such error applies to property which has been sold or otherwise transferred subsequent to the time the error was made, no such additional assessment or tax bill shall be issued.

Sec. 5. On and after July 1, 2011, K.S.A. 79-2968 is hereby amended to read as follows: 79-2968. Except as otherwise specifically provided by law, whenever interest is charged under any law of this state upon any delinquent or unpaid taxes levied or imposed by the state of Kansas or any taxing subdivision thereof, or whenever interest is allowed under any law of this state upon any overpayment of taxes levied or imposed by the state of Kansas or any taxing subdivision thereof, the rate thereof shall be: ~~(a) One and one-half percent per month for any period prior to January 1, 1995, 1% per month for the period commencing on January 1, 1995, and ending on December 31, 1997, and 1/12 of the annual rate prescribed in subsection (b) thereafter, if computed monthly; and (b) eighteen percent per annum for any period prior to January 1, 1995; 12% per annum for the period commencing on January 1, 1995, and ending on December 31, 1997, and for any period thereafter;~~ the underpayment rate per annum prescribed and determined under paragraph (2) of subsection (a) of section 6621, without regard to subsection (c) thereof, of the federal internal revenue code, as in effect on September 1, 1996, and which rate is in effect thereunder on July 1 of the year immediately preceding the calendar year for which the rate is being annually fixed hereunder, plus one percentage point, if computed annually. *Beginning on January 1, 2012, the rate for property tax delinquencies or underpayments of \$10,000 or more shall be as provided for under this section or 10% per annum, whichever is greater.*

In the event the interest rate prescribed under this section cannot be determined by reference to section 6621 of the federal internal revenue code, as in effect on September 1, 1996, the rate at which interest shall be collected on underpayments shall be the rate prescribed by K.S.A. 16-204, and amendments thereto, for interest on judgments for the applicable period.

Sec. 6. On and after July 1, 2011, K.S.A. 2010 Supp. 79-3609 is hereby amended to read as follows: 79-3609. (a) Every person engaged in the business of selling tangible personal property at retail or furnishing services taxable in this state, shall keep records and books of all such sales, together with invoices, bills of lading, sales records, copies of bills of sale and other pertinent papers and documents. Such books and records and other papers and documents shall, at all times during business hours of the day, be available for and subject to inspection by the director, or the director's duly authorized agents and employees, for a period of three years from the last day of the calendar year or of the fiscal year of the retailer, whichever comes later, to which the records pertain. Such records shall be preserved during the entire period during which they are subject to inspection by the director, unless the director in writing previously authorizes their disposal. Any person selling tangible personal property or furnishing taxable services shall be prohibited from asserting that any sales are exempt from taxation unless the retailer has in the retailer's possession a properly executed exemption certificate provided by the consumer claiming the exemption, except as follows: (1) A retailer is relieved of liability for tax otherwise applicable if the retailer obtains a fully completed exemption certificate or captures the relevant data elements required by the director

within 90 days subsequent to the date of the sale; or (2) if the retailer has not obtained an exemption certificate or all relevant data elements, the retailer, within 120 days subsequent to a request for substantiation by the director, either may obtain a fully completed exemption certificate from the purchaser, taken in good faith which meets the requirements specified in this subsection, or obtain other information establishing that the transaction was not subject to tax. Otherwise, the sales shall be deemed to be taxable sales under this act. The seller shall obtain an exemption certificate that claims an exemption that was authorized pursuant to Kansas law on the date of the transaction in the jurisdiction where the transaction is sourced pursuant to law, could be applicable to the item being purchased and is reasonable for the purchaser's type of business. If the seller obtains an exemption certificate or other information as described in this subsection, the seller is relieved of any liability for the tax on the transaction unless it is discovered through the audit process that the seller had knowledge or had reason to know at the time such information was provided that the information relating to the exemption claimed was materially false or the seller otherwise knowingly participated in activity intended to purposefully evade the tax that is properly due on the transaction, and it must be established that the seller had knowledge or had reason to know at the time the information was provided that the information was materially false.

(b) The amount of tax imposed by this act is to be assessed within three years after the return is filed, and no proceedings in court for the collection of such taxes shall ~~be begun~~ *begin* after the expiration of such period. In the case of a false or fraudulent return with intent to evade tax, the tax may be assessed or a proceeding in court for collection of such tax may ~~be begun~~ *begin* at any time; within two years from the discovery of such fraud. No assessment shall be made for any period preceding the date of registration of the retailer by more than three years except in cases of fraud. For any refund or credit claim filed after ~~June 15, 2009~~ *July 1, 2011*, no refund or credit shall be allowed by the director after ~~one year~~ *three years* from the due date of the return for the reporting period as provided by K.S.A. 79-3607, and amendments thereto, unless before the expiration of such period a claim therefor is filed by the taxpayer, and, except as otherwise provided in K.S.A. 2010 Supp. 79-3694, and amendments thereto, no suit or action to recover on any claim for refund shall be commenced, until after the expiration of six months from the date of filing such claim satisfying the requirements specified by K.S.A. 2010 Supp. 79-3693, and amendments thereto, therefor with the director. A refund claim shall not be deemed filed unless such claim is complete as required by K.S.A. 2010 Supp. 79-3693, and amendments thereto. For all mailed returns, including refund claims, each return or refund claim shall be presumed to have been filed with the department on the postmark date of such return or refund claim or if such date is illegible, the date three days prior to the date such return or refund claim is received.

(c) Before the expiration of time prescribed in this section for the assessment of additional tax or the filing of a claim for refund, the director is hereby authorized to enter into an agreement in writing with the taxpayer consenting to the extension of the periods of limitations for the assessment of tax or for the filing of a claim for refund, at any time prior to the expiration of the period of limitations. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. In consideration of such agreement or agreements, interest due in excess of 48 months on any additional tax shall be waived.

(d) Interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto, shall

be allowed on any overpayment of tax computed from the filing date of the return claiming the refund, except that no interest shall be allowed on any such refund if the same is paid within 120 days after the filing date of the return claiming the refund or the date of payment, whichever is later, provided that such return or refund claim satisfies the requirements specified by K.S.A. 2010 Supp. 79-3693, and amendments thereto, at the time the return or refund claim is received.

(e) Notwithstanding any other provision of this section or the provisions of the Kansas compensating tax act:

(1) (A) Any claim for refund of tax imposed by the Kansas retailers' sales tax act or the Kansas compensating tax act based upon the provisions of subsection (kk) of K.S.A. 79-3606 in existence prior to its amendment by this act which is without dispute shall be allowed, but, with respect to any claim exceeding \$10,000, the refund associated therewith shall not be paid until after 510 days from the date such claim was filed and shall not include interest from such date. As used in this subparagraph, a claim for refund without dispute shall not include any claim the basis for which is a judicial or quasi-judicial interpretation of such subsection occurring after the effective date of this act.

(B) Any refund of tax resulting from a final determination or adjudication with regard to any claim submitted or to be submitted for refund of tax imposed by the Kansas retailers' sales tax act or the Kansas compensating tax act based upon the provisions of subsection (kk) of K.S.A. 79-3606 in existence prior to its amendment by this act not described by subparagraph (A) shall, with respect to any refund exceeding \$50,000, be paid in equal annual installments over 10 years commencing with the year of such final determination or adjudication. Interest shall not accrue during the time period of such payment.

(2) No claim for refund of tax imposed by the Kansas retailers' sales tax act or the Kansas compensating tax act based upon the application of the provisions of subsection (n) of K.S.A. 79-3606, *and amendments thereto*, pursuant to its interpretation by the court of appeals of the state of Kansas in its opinion filed on August 13, 1999, in the case entitled *In re appeal of Water District No. 1 of Johnson County* shall be allowed for tax paid prior to the effective date of this act. The provisions of this subsection shall not be applicable to water district no. 1 of Johnson county.";

And by renumbering the remaining sections accordingly;

Also on page 17, after line 33, by inserting the following:

"Sec. 8. On and after July 1, 2011, K.S.A. 79-2968 and K.S.A. 2010 Supp. 79-1701a and 79-3609 are hereby repealed.";

On page 1, in the title, in line 1, by string all after "ACT"; by striking all in lines 2 and 3 and inserting "concerning taxation; relating to sales taxation, countywide retailers', sales tax, periods of limitation for certain refunds and credits; property taxation, delinquent or underpaid taxes and overpayment of taxes, clerical errors, rate of interest; amending K.S.A. 79-2968 and K.S.A. 2010 Supp. 12-187, 12-189, 12-192, 79-1701a and 79-3609 and repealing the existing sections.";

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

RICHARD CARLSON

MARVIN KLEEB

NILE DILLMORE

Conferees on part of House

PAT APPLE

JEFF KING

G. THOMAS HOLLAND II

Conferees on part of Senate

Senator Apple moved the Senate adopt the Conference Committee Report on **SB 10**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: The committee on conference on House amendments to **SB 50** submits the following report:

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

On page 1, in line 13, by striking "(a)"; by striking all in line 15;

On page 3, in line 24, after "PSAP" by inserting "or have extensive prior 911 experience in Kansas";

On page 4, in line 8, by striking "be an administrator of a PSAP" and inserting "serve at the pleasure of the governor and have extensive prior 911 experience in Kansas"; in line 24, after "council." by inserting "The council shall adopt rules and regulations for the terms of the contract with the LCPA. All contract terms and conditions shall satisfy all contract requirements as established by the secretary of administration. The council may, pursuant to rules and regulations, increase the duration of the contract with the LCPA to a maximum of three years.";

On page 6, following line 43, by inserting "(f) This section shall take effect on and after January 1, 2012.";

On page 7, following line 41, by inserting "(g) This section shall take effect on and after January 1, 2012.";

On page 8, in line 2, by striking "five" and inserting "two";

On page 9, in line 1, before "per" by inserting "\$.53"; by striking all in lines 39 and 40;

And by redesignating subsections accordingly;

On page 10, in line 2, by striking "1.1%" and inserting "1.06%";

On page 13, in line 34, after "fund." by inserting "No such repayment of 911 fees shall be imposed pursuant to this section except upon the written order of the council. Such order shall state the unauthorized purposes for which the funds were used, the amount of funds to be repayed and the right of such PSAP to appeal to a hearing before the council. Any such PSAP may, within 15 days after service of the order, make a written request to the council for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure

act.

(c) Any action of the council pursuant to subsection (b) is subject to review in accordance with the Kansas judicial review act.

(d) As long as the PSAP is working in good faith to use the 911 fees for expenditures authorized by this act, no repayment of 911 fees shall be required prior to January 1, 2013.";

And by redesignating subsections accordingly;

On page 16, by striking all after line 12;

By striking all on pages 17 through 25 and inserting,

"Sec. 23. On and after July 1, 2011, K.S.A. 2010 Supp. 45-221, as amended by section 192 of 2011 House Bill No. 2339, is hereby amended to read as follows: 45-221.

(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2010 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2010 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the

court finds that disclosure:

- (A) Is in the public interest;
- (B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;
- (C) would not reveal the identity of any confidential source or undercover agent;
- (D) would not reveal confidential investigative techniques or procedures not known to the general public;
- (E) would not endanger the life or physical safety of any person; and
- (F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 65 through 77 or 229 through 231 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

- (A) The information which the agency maintains on computer facilities; and
- (B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed

after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the ombudsman of corrections, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under subsection

(a) of K.S.A. 40-2,156, and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers (DD Form 214). Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with subsection (h)(1) of K.S.A. 44-532, and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) *Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.*

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 24. On and after July 1, 2011, K.S.A. 2010 Supp. 75-5133, as amended by section 276 of 2011 House Bill No. 2339, is hereby amended to read as follows: 75-5133. (a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions,

shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary's designee may:

(1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or the attorney general's designee;

(3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106, and amendments thereto;

(4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to insure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;

(6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number;

(7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);

(8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;

(9) release or publish liquor brand registration information provided by suppliers, farm wineries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;

(10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries and microbreweries in accordance with the liquor

control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process agent contact information;

(11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;

(12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;

(13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;

(14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to subsection (cc) of K.S.A. 79-3606, and amendments thereto;

(15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in subsection (c) of K.S.A. 22-4701, and amendments thereto, or to any law enforcement officer, as defined in section 11 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation; ~~and~~

(16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department; *and*

(17) provide information concerning remittance by sellers, as defined in section 2, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in section 2, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees.

(c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).

(d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.";

On page 26, in line 5, after "12-5338" by striking "," and inserting "and"; in line 6, after "12-5361" by striking ", 45-221 and 75-5133"; following line 6, by inserting,

"Sec. 27. From and after July 1, 2011, K.S.A. 2010 Supp. 45-221, as amended by section 192 of 2011 House Bill No. 2339 and 75-5133, as amended by section 276 of 2011 House Bill No. 2339 are hereby repealed.";

And by redesignating the remaining sections accordingly;

On page 1, in the title, in line 3, after "45-221" by inserting ", as amended by section 192 of 2011 House Bill No. 2339,"; also in line 3, after "75-5133" by inserting ", as amended by section 276 of 2011 House Bill No. 2339";

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

CARL D. HOLMES

FORREST J. KNOX

ANNIE KUETHER

Conferees on part of House

PAT APPLE

MIKE PETERSEN

KELLY KULTALA

Conferees on part of Senate

Senator Apple moved the Senate adopt the Conference Committee Report on **Sub SB 50**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 93**, submits the following report:

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

On page 3, in line 30, by striking "and agencies";

On page 4, by striking all in line 1 and inserting "office of the attorney general"; in line 32, by striking "officer" and inserting "officers";

On page 5, in line 9, by striking all after "with"; by striking all in line 10; in line 11, by striking "commission" and inserting "the office of the attorney general. The office of the attorney general"; also in line 11, before the period, by inserting "and may find there is insufficient evidence of racial or other biased-based policing or may forward the complaint for further review and possible action to the Kansas commission on peace officers' standards and training. The commission shall review and, if necessary, further investigate the complaint. The commission may take action on the officer's certification or other corrective action as allowed by its governing statutes and rules and regulations"; in line 12, by striking "commission's designee" and inserting "commission"; in line 13, by striking "making" and inserting "taking"; in line 14, by striking "recommendation" and inserting "action"; following line 18, by inserting the following:

"(b) Within 10 days of receiving a complaint, the office of the attorney general

shall provide notification that such complaint has been filed to the accused officer and to the head of the accused officer's law enforcement agency, including a copy of all complaint documentation submitted by the complainant.";

And by relettering the remaining subsections accordingly;

On page 6, in line 10, after "agency" by inserting "and officer";

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

LANCE KINZER

JOE PATTON

JANICE L. PAULS

Conferees on part of House

PETE BRUNGARDT

ROGER P. REITZ

Conferees on part of Senate

Senator Brungardt moved the Senate adopt the Conference Committee Report on **SB 93**.

On roll call, the vote was: Yeas 33, Nays 6, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Reitz, Steineger.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. President: I vote "NO" on the conference committee report on **SB 93**. I appreciate the good work and progress made by the committee, however I believe that the state's Human Rights Commission should continue to be involved in the process for reviewing complaints. —MARCI FRANCISCO

Mr. President: I vote "NO" on the Conference Committee report on **SB 93**. (If only all of the Conference Committee members voting "No" now, had not signed the report.) Actually empowering those who practice profiling and harassment of motorists based on race, skin color, county of origin should never be the function of any American Legislature. **SB 93** does just that today. And the sad thing is, all of you that vote for this bill know it. With a wink-and-a-nod, this Legislature looks away from those crooked cowards hiding behind tarnished badges to harass and degrade based on their antique prejudices. And by making a part of Kansas, some Kansans less secure in their person; subject to "unreasonable searches and seizures", you inflict all Kansans.—DAVID HALEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 124** submits the following report:

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

Whole amendments, as follows:

- On page 1, in line 5, before "Section" by inserting "New";
- On page 2, in line 7, before "Sec." by inserting "New"; in line 14, before "Sec." by inserting "New"; in line 27, before "Sec." by inserting "New";
- On page 3, in line 23, before "Sec." by inserting "New"; in line 38, before "Sec." by inserting "New"; in line 42, before "Sec." by inserting "New";
- On page 4, in line 6, before "Sec." by inserting "New"; in line 16, before "Sec." by inserting "New"; in line 33, before "Sec." by inserting "New";
- On page 5, in line 38, before "Sec." by inserting "New";
- On page 6, in line 1, before "Sec." by inserting "New"; in line 10, before "Sec." by inserting "New"; in line 19, before "Sec." by inserting "New"; in line 28, before "Sec." by inserting "New"; in line 30, before "Sec." by inserting "New"; in line 34, before "Sec." by inserting "New"; also in line 34, by striking "river";
- On page 7, in line 11, before "Sec." by inserting "New"; in line 24, before "Sec." by inserting "New";
- On page 8, in line 15, before "Sec." by inserting "New";
- On page 9, in line 7, before "Sec." by inserting "New"; in line 31, before "Sec." by inserting "New"; in line 37, before "Sec." by inserting "New"; in line 40, before "Sec." by inserting "New"; following line 41, by inserting the following:
 "New Sec. 25. (a) The chief engineer may administer a water rights conservation program. An eligible water right in good standing may be enrolled in the program, subject to the approval of the chief engineer.
 (b) A water right may be enrolled in the program for a period that shall not exceed 10 years. A water right enrolled in the program may be re-enrolled within two years of the expiration date of the previous enrollment period, subject to the approval of the chief engineer.
 (c) Each application for enrollment in the program and each application for renewal of enrollment shall include a non-refundable fee not to exceed \$300.
 (d) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and amendments thereto.
 (e) The chief engineer shall adopt rules and regulations to effectuate and administer the provisions of this section.

Sec. 26. K.S.A. 2010 Supp. 82a-718 is hereby amended to read as follows: 82a-718. (a) All appropriations of water must be for some beneficial purpose. Every water right of every kind shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful, beneficial use is henceforth made of water under such right for five successive years. Before any water right shall be declared abandoned and terminated the chief engineer shall conduct a hearing thereon. Notice shall be served on the user at least 30 days before the date of the hearing. The determination of the chief engineer pursuant to this section shall be subject to review in accordance with the provisions of K.S.A. 2010 Supp. 82a-1901, and amendments thereto.

The verified report of the chief engineer or such engineer's authorized representative shall be prima facie evidence of the abandonment and termination of any water right.

(b) When no lawful, beneficial use of water under a water right has been reported for three successive years, the chief engineer shall notify the user, by certified mail, return receipt requested, that: (1) No lawful, beneficial use of the water has been reported for three successive years; (2) if no lawful, beneficial use is made of the water

for five successive years, the right may be terminated; and (3) the right will not be terminated if the user shows that for one or more of the five consecutive years the beneficial use of the water was prevented or made unnecessary by circumstances that are due and sufficient cause for nonuse, which circumstances shall be included in the notice.

(c) The provisions of subsection (a) shall not apply to a water right that has not been declared abandoned and terminated before the effective date of this act if the five years of successive nonuse occurred exclusively and entirely before January 1, 1990. However, the provisions of subsection (a) shall apply if the period of five successive years of nonuse began before January 1, 1990, and continued after that date.

(d) Notwithstanding the provisions of subsection (a), an eligible water right enrolled in and continually in compliance with the water rights conservation program, pursuant to section 25, and amendments thereto, shall be deemed to have due and sufficient cause for nonuse and shall not be deemed abandoned.

~~(d)~~(e) Notwithstanding the provisions of subsection (a), a groundwater right, which has as its local supply an aquifer area that has been closed to new appropriations by rule, regulation or order of the chief engineer and where means of diversion are available to put water to a beneficial use within a reasonable time, shall be deemed to have due and sufficient cause for nonuse and shall not be deemed abandoned.

Sec. 27. K.S.A. 2010 Supp. 82a-731 is hereby amended to read as follows: 82a-731. There is hereby created in the state treasury the water appropriation certification fund. The chief engineer of the division of water resources of the Kansas department of agriculture shall remit all moneys received under K.S.A. 82a-708a, 82a-708b and 82a-727, and amendments thereto, *and section 25, and amendments thereto*, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the water appropriation certification fund. All expenditures from the water appropriation certification fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by a person designated by the secretary.

Sec. 28. K.S.A. 2010 Supp. 82a-736 is hereby amended to read as follows: 82a-736. (a) As used in this section:

(1) "Base average usage" means: (A) The average amount of water actually used for a beneficial use under a groundwater water right during calendar years ~~1992~~2000 through ~~2002~~2009, excluding any amount used in any such year in excess of the amount authorized by such water right; or (B) if the holder of a groundwater water right shows to the satisfaction of the chief engineer that the holder has implemented significant water conservation measures during calendar years ~~1992~~ 2000 through ~~2002~~2009, the average amount of water actually used for a beneficial use under such right during the five calendar years immediately before the calendar year when such measures were implemented, excluding any amount used in any such year in excess of the amount authorized by such water right.

(2) "Chief engineer" means the chief engineer of the division of water resources of the department of agriculture.

(b) Any holder of a groundwater water right which has not been deposited or placed in a safe deposit account in a chartered water bank may establish a flex account

where the holder may deposit, in advance, water from such water right for any five consecutive calendar years, subject to the following:

(1) The water right must be vested or shall have been issued a certificate of appropriation;

(2) the withdrawal of water pursuant to the water right shall be properly and adequately metered;

(3) the water right shall not ~~have been~~ *be deemed* abandoned and shall be in good standing, based on past water usage and compliance with the terms of the holder's permit and all applicable provisions of law and orders of the chief engineer; and

(4) the amount of water that shall be deposited in the account shall not exceed 90% of the amount of the holder's base average usage times five.

(c) The chief engineer shall implement a program providing for the issuance of term permits to holders of groundwater water rights who have established flex accounts in accordance with this section. Such term permits shall authorize the use of water in a flex account at any time during the five consecutive calendar years for which the application for the term permit is made, without annual limits on such use. ~~Application for any such term permit shall be filed not later than October 10, of the year preceding the first year for which the application is made.~~

(d) Term permits provided for by this section shall be subject to the following:

(1) A separate term permit shall be required for each point of diversion.

(2) The quantity of water authorized for diversion shall be limited to the amount deposited pursuant to subsection (b)(4).

(3) The authorized place of use for the term permit shall not be greater than that authorized by the existing groundwater right.

(4) The chief engineer may establish, by rules and regulations, criteria for such term permits when the water right authorizes multiple points of diversion or multiple water rights authorize a single point of diversion or overlapping places of use.

(5) Except as explicitly provided for by this section, such term permits shall be subject to all provisions of the Kansas water appropriation act, and rules and regulations adopted under such act, and nothing in this section shall authorize impairment of any vested right or prior appropriation right by the exercise of such term permit.

(e) Unless a term permit is issued pursuant to an application filed before November 1 of the year prior to the first year for which the application is made, the quantity of water used under the water right during the year in which the application for the term permit is filed shall be deducted from the amount of water deposited into the account authorized by the term permit.

~~(f)~~ (f) All costs of administration of this section shall be paid from fees for term permits provided for by this section. Any appropriation or transfer from any fund other than the water appropriation certification fund for the purpose of paying such costs shall be repaid to the fund from which such appropriation or transfer is made. At the time of repayment, the secretary of agriculture shall certify to the director of accounts and reports the amount to be repaid and the fund to be repaid. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified to the specified fund.

~~(g)~~ (g) The chief engineer shall submit a written report on the implementation of this section to the house standing committee on environment and the senate standing committee on natural resources on or before February 1 of each year.

~~(g)~~^(h) This section shall be part of and supplemental to the Kansas water appropriation act.

New Sec. 29. (a) (1) There is hereby established in the state treasury the Arkansas river gaging fund, which shall be administered by the secretary of agriculture. All expenditures from the Arkansas river gaging fund shall be for the operation and maintenance of the gages along the Arkansas river necessary to manage the river under the Arkansas river compact, except that, after all expenditures are made during the fiscal year for the operation and maintenance of the gages along the Arkansas river necessary to manage the river under the Arkansas river compact, then, in accordance with the following priorities and subject to the expenditure limitations prescribed therefor:

(A) First, any remaining moneys authorized to be expended from the fund for the fiscal year shall be expended for the purposes of livestock market reporting in an amount not to exceed \$20,000 in a fiscal year; and

(B) second, if there are any remaining moneys authorized to be expended from the fund for the fiscal year after the expenditures for livestock market reporting, then expenditures shall be made from the fund for the purpose of funding the bluestem pasture report in an amount not to exceed \$5,000.

(2) All expenditures from the Arkansas river gaging fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or the designee of the secretary of agriculture.

(b) All moneys received as royalties from the state's oil and gas leases in Hamilton, Kearny, Finney, Gray and Ford counties, except those moneys arising from leases on lands under the control of the secretary of wildlife and parks as provided by K.S.A. 32-854, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Arkansas river gaging fund. During each fiscal year, when the total amount of moneys credited to the fund is equal to \$75,000, no further moneys shall be credited to the fund. The remainder of the moneys received for such royalties for such fiscal year shall be credited to the state general fund.

Sec. 30. K.S.A. 2010 Supp. 82a-718, 82a-731 and 82a-736 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "and"; in line 2, by striking all before the period and inserting "; water rights conservation program; multi-year flex accounts; Arkansas river gaging fund; amending K.S.A. 2010 Supp. 82a-718, 82a-731 and 82a-736 and repealing existing sections";

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

LARRY POWELL

DAN KERSCHEN

JERRY WILLIAMS

Conferees on part of House

RALPH OSTMEYER

CAROLYN MCGINN

MARCI FRANCISCO

Conferees on part of Senate

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **SB 124**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. President: I vote "NO" on the conference committee report on **SB 124**. I support all the measures in the report except for those that were in **HB 2357**. And although I fully support the expenditures identified in **HB 2357** for streamgages and the livestock market and bluestem reports, I believe that it would be not only more appropriate but also more efficient to continue to fund these expenditures directly from the State Water Plan or the State General Fund rather than by setting up yet another fund to bypass the budgeting process. —MARCI FRANCISCO

ORIGINAL MOTION

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **SB 143**.

The President appointed Senators Schodorf, Vratil and Hensley as second conferees on the part of the Senate.

CONSIDERATION OF APPOINTMENTS

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

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees.

By the Governor:

On the appointment to the:

Kansas Corporation Commission:

Mark P. Sievers, Member, to serve a four year term, expiring March 15, 2015.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

Pooled Money Investment Board:

Robert Chestnut, Member, to serve a four year term, expiring March 15, 2012.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, 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:

Recommended **SB 247** be passed.

HCR 5024 be adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 247; HCR 5024** were advanced to Final Action and roll call.

SB 247, AN ACT reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 19-4804, 20-369, as amended by section 4 of chapter 101 of the 2010 Session Laws of Kansas, 22-2307, as amended by section 8 of chapter 101 of the 2010 Session Laws of Kansas, 22-2908, as amended by section 9 of chapter 101 of the 2010 Session Laws of Kansas, 58-2011, as amended by section 23 of 2011 Senate Bill No. 112, 60-1620, as amended by section 44 of 2011 Senate Bill No. 24, 65-445, as amended by section 2 of 2011 House Bill No. 2035, 65-6703, as amended by section 4 of 2011 House Bill No. 2035 and 65-6721, as amended by section 8 of 2011 House Bill No. 2035 and K.S.A. 2009 Supp. 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-116a, as amended by section 1 of 2011 House Bill No. 2192, 8-259, 8-1020, 8-2118, 9-1703, as amended by section 1 of 2011 House Bill No. 2056, 12-1774, 12-17,149, 12-4117, 22-2410, 22-2802, as amended by section 118 of 2011 House Bill No. 2339, 22-3305, 22-3428, 22-3428a, 22-3437, 38-2258, 38-2373, 40-2,118, as amended by section 6 of 2011 House Bill No. 2030, 60-740, 60-3107, as amended by section 46 of 2011 Senate Bill No. 24, 65-530, 66-2304 and 75-52,127 and sections 52, 189, 194 and 266 of chapter 136 of the 2010 Session Laws of Kansas and section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008 and section 298 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 81 of 2011 House Bill No. 2339 and section 36 of 2011 Senate Bill No. 24 and repealing the existing sections; also repealing K.S.A. 19-4804, as amended by section 108 of 2011

House Bill No. 2339, 20-369, as amended by section 109 of 2011 House Bill No. 2339, 22-2307, as amended by section 120 of 2011 House Bill No. 2339, 22-2908, as amended by section 121 of 2011 House Bill No. 2339, 58-2011, as amended by section 24 of 2011 Senate Bill No. 229, 60-1620, as amended by section 218 of 2011 House Bill No. 2339, 65-445, as amended by section 4 of 2011 House Bill No. 2218, 65-6703, as amended by section 247 of 2011 House Bill No. 2339, 65-6721, as amended by section 248 of 2011 House Bill No. 2339 and K.S.A. 2009 Supp. 22-2909, as amended by section 122 of 2011 House Bill No. 2339 and K.S.A. 2010 Supp. 8-116a, as amended by section 85 of 2011 House Bill No. 2339, 8-259a, 8-1020a, 8-2118b, 9-1703, as amended by section 4 of 2011 Senate Bill No. 229, 12-1774c, 12-17,149a, 12-4117a, 21-4603d, as amended by section 1 of 2011 House Bill No. 2118, 22-2410, as amended by section 114 of 2011 House bill No. 2339, 22-2802, as amended by section 2 of 2011 House Bill No. 2118, 22-3305a, 22-3428c, 22-3428d, 22-3437a, 38-2258a, 38-2373a, 40-2,118, as amended by section 177 of 2011 House Bill No. 2339, 60-740a, 60-1610, as amended by section 8 of 2011 Senate Bill No. 38, 60-1610, as amended by section 217 of 2011 House Bill No. 2339, 60-1629, as amended by section 219 of 2011 House Bill No. 2339, 60-3107, as amended by section 221 of 2011 House Bill No. 2339, 65-504a, 65-530a, 65-1626d, 66-2304, as amended by section 249 of 2011 House Bill No. 2339 and 75-52,127, as amended by section 281 of 2011 House Bill No. 2339 and section 52 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 21 of 2011 House Bill No. 2339, section 189 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 51 of 2011 House Bill No. 2339, section 194 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 54 of 2011 House Bill No. 2339, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 3 of 2011 House Bill No. 2118, section 266 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 72 of 2011 House Bill No. 2339, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 77 of 2011 House Bill No. 2339 and section 298 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 House Bill No. 2038.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HCR 5024, A CONCURRENT RESOLUTION recognizing LeCompton as a Territorial Capital.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The resolution was adopted.

Senator Francisco welcomed and introduced the following guests for their involvement of recognizing Lecompton as a Territorial Capital: Paul Bahnmaier, Jason Dexter, Opal Goodrick, Elsie Middleton, Keith Noe, Deb Powell, Tim Rues, Iona Spencer, Georgia Trammel, Johnny Trammel, and Charlene Winter. All were acknowledged with a standing ovation from the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** 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:

State Gaming Agency, Executive Director: K.S.A. 74-9804

Mark Dodd, serves at the pleasure of the Governor

State Librarian: K.S.A. 75-2535

Joanne Budler, serves at the pleasure of the Governor

State Civil Service Board: K.S.A. 75-2929a

Phillis Setchell, term expires March 15, 2015

Kansas Racing and Gaming Commission, Executive Director: K.S.A. 74-8805

Rick Petersen-Klein, serves at the pleasure of the Governor

Also, **SB 241** be amended on page 4, in line 32, by striking "2%" and inserting "1%"; following line 34 by inserting:

"(14) include a provision for 1% of lottery gaming facility revenue to be paid to the development and promotions fund of the Kansas department of wildlife and parks for the purposes of promoting tourism;";

And by renumbering the remaining paragraphs accordingly;

On page 10, in line 41, by striking "2%" and inserting "1%"; following line 43 by inserting:

"(7) 1% of net electronic gaming machine income shall be credited to the development and promotions fund of the Kansas department of wildlife and parks for the purposes of promoting tourism;";

And by renumbering the remaining paragraphs accordingly;

And the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2241**, as amended by adoption of the committee report as recommended by Committee on Public Health and Welfare as reported in the Journal of the Senate on March 18, 2011, and the bill as printed with amendments by Senate Committee, be further amended:

On page 1, in line 20, by striking "independent" and inserting "professional"; in line 21, by striking "in the performance of such dentist's professional"; in line 23, by striking "duties";

On page 2, in line 6, by striking "independent" and inserting "professional"; in line 7, by striking "in the performance of such dentist's professional"; in line 8, by striking "duties"; in line 39, by striking "Kansas"; in line 42, by striking "Kansas";

On page 4, in line 3, by striking "Kansas"; in line 19, by striking "Kansas";

On page 7, in line 13, by striking "Kansas"; in line 38, by striking "Kansas";

On page 8, in line 14, after "representation;," by inserting "and"; following line 30,

by inserting the following: "New Sec. 7. (a) The Kansas dental board may seek declaratory judgment pursuant to K.S.A. 60-1701 et seq., and amendments thereto, against any dentist or franchisor or other entity that contracts with a dentist, if any contract between the dentist and franchisor or any other entity appears to the board to be in violation of the dental practices act. Upon a finding that a dentist, franchisor or other entity is a party to an agreement that is in violation of state law, or the dental practices act, or both, the court may enjoin the enforcement of the contract provisions determined to be in violation of state law, or the dental practices act, or both. The court may award reasonable attorney fees to the prevailing party in any action for declaratory judgment brought pursuant to this section.

(b) This section shall be part of and supplemental to the dental practices act.";

And by renumbering remaining sections accordingly;

On page 8, in line 34, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "Kansas";

And the bill be passed as amended.

Committee on **Ways and Means** 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:

Kansas Public Employees' Retirement System Board of Trustees: K.S.A. 74-4905

Terry Matlack, term expires January 15, 2015

Also, HB 2357 be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2357," as follows:

"SENATE Substitute for HOUSE BILL No. 2357

By Committee on Ways and Means

"AN ACT concerning to Kansas bioscience authority; relating to membership thereof; amending K.S.A. 2010 Supp. 74-99b04 and repealing the existing section.";

and the substitute bill be passed.

SB 240 be amended on page 6, in line 21, after "oversight" by inserting "and the legislative coordinating council"; and the bill be passed as amended.

HB 2336, as amended by House Committee of the Whole, be amended on page 1, in line 6, after the period by inserting "As used in this act:

(1) "Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(2) "Integrated setting" means with respect to an employment outcome, a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.";

On page 2, by striking all in lines 32 through 43;

On page 3, by striking all in lines 1 through 8; following line 8, by inserting "(a) There is hereby established a Kansas employment first oversight commission consisting of five members. The commission shall consist of the following members who shall serve for a three-year term:

(1) Four members who are persons with a disability or who are knowledgeable of disability issues and who are not state employees, of whom:

- (A) One shall be appointed by the speaker of the house of representatives;
- (B) one shall be appointed by the minority leader of the house of representatives;
- (C) one shall be appointed by the president of the senate; and
- (D) one shall be appointed by the minority leader of the senate;

(2) one member who is experienced with employment service programs and who is not a state employee shall be appointed by the governor.

(b) The governor shall designate one member to convene and organize the first meeting of the commission at which the commission shall elect a chairperson and a vice-person from among its members. The commission shall meet at least four times a year and, additionally, whenever called by the chairperson. A quorum shall consist of three members. All actions of the commission shall be taken by a majority of the members of the commission.

(c) Each member of the commission shall be paid mileage and other expenses as provided by K.S.A. 75-3212, and amendments thereto.

(d) The commission shall establish measurable goals and objectives for the state of Kansas to ensure implementation of this act. The commission shall track the measurable progress of public agencies in implementing this act. All state agencies shall fully cooperate with and provide data and information to assist the commission in carrying out its duties.

(e) The commission shall issue an annual report on or before January 1 each year which shall be presented to the governor and members of the state legislature. The report shall detail progress toward the goals and objectives and full implementation of this act. All state agencies shall cooperate with the commission on the creation and dissemination of the annual report. The report also shall identify barriers to achieving the outcomes along with the effective strategies and policies that can help realize the employment first initiative.

(f) The governor shall select from the cabinet agencies the lead agency responsible for compiling data and coordinating the preparation of the annual report at the direction of the commission. The activities of the commission and lead agency pursuant to this section shall be done within existing grants and resources.";

On page 1, in the title, in line 2, before the period by inserting "and creating the Kansas employment first oversight commission";

And the bill be passed as amended.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Thursday, May 5, 2011.

Journal of the Senate

SIXTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 5, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight Senators present.
Senators Donovan and Masterson were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

When my days are getting longer
And my nights are getting short;
When my patience's wearing thin,
And I'm feeling out of sorts.

When I think I've been mistreated,
And I find it hard to pray;
When my body's gaining weight,
And my hair is turning gray.

When I thought I'd done my best,
But just made people mad;
When things start out so good,
But wind up really bad.

When I stop to smell the roses
And the thorns all prick my nose;
When I go to church for comfort
And get stepped upon my toes.

That's when I turn to You, O God,
Who's there each time I call;
Who is my closest friend,
Who loves me—warts and all.

And that's when You remind me,
Though life seems so unfair;
You promised I would never have
More than I can bear!

I thank You in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **HB 2314.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1856—

A RESOLUTION congratulating and commending Erie High Charter School for being the first LEED Gold certified high school in the State of Kansas.

WHEREAS, Erie High Charter School is the first LEED Gold certified high school in the state of Kansas, the first LEED Gold certified K-12 educational facility in the state of Kansas, the first LEED certified high school in the state of Kansas, the first LEED certified K-12 educational facility outside of the Kansas City metro area, the fourth LEED certified K-12 educational facility in the state of Kansas, the 47th LEED certified project in the state of Kansas and the 441st LEED certified school in the world; and

WHEREAS, On May 11, 2011, Erie High Charter School will celebrate its designation as the first LEED Gold certified high school in the state of Kansas. Erie High Charter School officials, students, community members and those involved in the construction of the school will gather for a ceremony; and the school's Green Dream Team, a group of students instrumental in helping the school achieve the designation, will also host its first annual Green Day Celebration; and

WHEREAS, The Leadership in Energy and Environmental Design (LEED) is an internationally-recognized green building certification system. Developed by the U.S. Green Building Council in March 2000, LEED provides building owners and operators with a framework for identifying and implementing practical and measurable green building design, construction, operations and maintenance solutions; and

WHEREAS, LEED certification provides independent, third-party verification that a building or community was designed and built using strategies aimed at achieving high performance in five key areas of human and environmental health: Sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality; and

WHEREAS, There are four levels of LEED designation for schools, based upon points the facility earns for issues such as classroom acoustics, master planning, mold prevention and environmental site assessment. The top rating is Platinum, followed by Gold, Silver and LEED certified ratings; and

WHEREAS, While schools seeking LEED certification often hire consultants to assist with the application process, the Green Dream Team students did much of the work themselves. The Green Dream Team students earned about 25% of the total LEED credits. They were involved in the implementation of onsite recycling, developed a tobacco-free campus policy that the school board adopted, researched native grasses that are being planted on the site, created signage to educate occupants and visitors

about the building's green features, advocated for a green cleaning policy and are planning a survey of thermal comfort in the building; and

WHEREAS, The Green Dream Team students are Heather Dillinger, Matthew Frech, Ashley Gray, MaKayla LaRue, Jamie Lovett, Shane Secrest, Kyle Spielbusch and Isaac Stark. The Green Dream Team advisors are Rose Fry, Dr. Kathleen Davis, Virginia Wolken and Stephanie Stark; and

WHEREAS, The design of the single level Erie High Charter School is arranged for daylighting and solar access in the core learning spaces and reflects the collaborative nature of Project Based Learning. The school incorporates numerous integrated green building strategies including extensive use of daylight, energy efficient equipment, water saving fixtures and sustainable material uses: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the students, teachers and administration of Erie High Charter School for being the first LEED Gold certified high school in the State of Kansas. We extend our best wishes for their continued success; and

Be it further resolved: That the Secretary of the Senate shall send 14 enrolled copies of this resolution to Senator Umbarger.

On emergency motion of Senator Umbarger **SR 1856** was adopted unanimously.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1857—

A RESOLUTION congratulating Derek Ziegler and Beth Mendenhall for winning the 2011 Cross-Examination Debate Association's national tournament.

WHEREAS, Kansas State University students Derek Ziegler and Beth Mendenhall have been crowned national collegiate debate champions; and

WHEREAS, The Kansas State University team won the national debate championship at the 2011 Cross-Examination Debate Association's national tournament in Binghamton, New York; and

WHEREAS, The victorious pair defeated a team from Towson University in the finals to claim Kansas State University's third national debate championship since 1991. Kansas State University also claimed the championship at the 1993 tournament; and

WHEREAS, Each year, the Cross Examination Debate Association holds a national tournament in which teams of two debate a resolution related to public policy. This year's resolution concerned employment-based immigration visas and other potential immigration reforms. Such a topic requires extensive research and preparation; and

WHEREAS, Debate team members conduct research even between rounds during a tournament. One such research session actually played a big role in the final championship round. The team won the final decision on a piece of evidence that was found 45 minutes before the debate; and

WHEREAS, Derek Ziegler and Beth Mendenhall were able to secure a victory on a 6-3 decision; and

WHEREAS, Derek Ziegler is a proud graduate of Highland Park High School in Topeka; and

WHEREAS, Beth Mendenhall is a proud graduate of Saint Thomas Aquinas High School in Overland Park and was named Debater of the Year; and

WHEREAS, Justin Green, director of the debate team and instructor of communication studies at Kansas State University, coached this championship pair to

victory: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Derek Ziegler and Beth Mendenhall for their exceptional performance as part of the Kansas State University debate team and for winning the 2011 Cross-Examination Debate Association's national tournament; 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 1857** was adopted unanimously.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1858—

A RESOLUTION congratulating and commending Donnie Lockhart for winning the 2011 Class 5A 189-pound state wrestling championship and for completing a perfect 38-0 record.

WHEREAS, Shawnee Heights High School senior Donnie Lockhart completed a perfect 38-0 season with a victory in the Kansas State High School Activities Association Class 5A 189-pound state wrestling championship match; and

WHEREAS, Donnie defeated Kansas City Turner senior Armando Alcantara with a pin, with one minute and 18 seconds left in the second period after building a 7-0 lead; and

WHEREAS, Donnie's dominating victory helped clinch a best-ever second place finish at the state wrestling tournament for the Shawnee Heights Thunderbirds. Shawnee Heights narrowly edged out Wichita-Kapaun Mt. Carmel for the runner-up spot, 116.5 points to 114 points; and

WHEREAS, Donnie's championship was the culmination of a year-long quest which began when he lost in the 2010 state final. He was confident that he would make the finals again and told his coach, Chad Parks, that he would not be defeated and he was not: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Donnie Lockhart for his outstanding athletic accomplishment. We admire his hard work and determination to become an undefeated state champion and extend our best wishes for his continued success; 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 1858** was adopted unanimously.

REPORT ON ENROLLED BILLS

SR 1853, **SR 1854**, **SR 1855** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 5, 2011.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

Announcing passage of **SB 21**, as amended; **Substitute SB 111**, as amended by **House Substitute for Substitute SB 111**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Schodorf, the Senate nonconcurred in the House amendments to **SB 21**, and requested a conference committee be appointed.

The President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **H Sub for Sub SB 111** and requested a conference committee be appointed.

The President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

ORIGINAL MOTION

Senator Emler 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 2010**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2010** submits the following report:

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

On page 1, by striking all in lines 8 through 35;

On page 2, by striking all in lines 1 through 14;

And by renumbering the sections accordingly;

On page 3, in line 43, following the semicolon, by inserting "and

(y) electronic solicitation, section 73 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.";

On page 4, by striking all in lines 1 through 19; in line 20, by striking "59-29a04a and"; in line 21, before "are" by inserting "and 60-4104, as amended by section 223 of 2011 House Bill No. 2339";

On page 1, in the title, in line 1, by striking all following "procedure"; by striking all in lines 2 through 5 and inserting "; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section; also repealing K.S.A. 2010 Supp. 60-4104, as amended by section 223 of 2011 House Bill No. 2339."

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

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

LANCE KINZER
 JOE PATTON
 JANICE L. PAULS

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2010**.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The Conference Committee Report was adopted.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Kansas Public Employees' Retirement Board of Trustees:

Terry Matlack, Member, to serve a four year term, expiring January 15, 2015.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The appointment was confirmed.

On the appointment to the:

Racing and Gaming Commission:

Rick Petersen-Klein, Executive Director, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The appointment was confirmed.

On the appointment to the:

State Civil Service Board:

Phillis Setchell, Member, to serve a four year term, expiring March 15, 2015.

On roll call, the vote was: Yeas 34, Nays 0, Present and Passing 3, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Holland, Huntington, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Present and Passing: Francisco, Hensley, Kelly.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The appointment was confirmed.

On the appointment to the:

State Gaming Agency:

Mark Dodd, Executive Director, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The appointment was confirmed.

On the appointment to the:

State Library:

Joanne Budler, Librarian, serves at the pleasure of the Governor.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Kelsey, Masterson.

The appointment was confirmed.

On motion of Senator Emler the Senate adjourned until 10:00 a.m., Friday, May 6, 2011.

Journal of the Senate

SIXTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 6, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with twenty-nine Senators present.

Senators Abrams, Brungardt, Donovan, Kelsey, Lynn, Masterson, Ostmeyer, Owens, Schodorf, Steineger and Taddiken were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As we try to bring this session to a successful close, fatigue starts playing a major part.

The President's tired of presiding,
And the Houses of legislating.
The Doormen are tired of watching the doors,
And the Aides are tired of aiding.

The Chairmen are tired of chairing,
And the Clerks are tired of clerking.
The Leaders are tired of leading,
And everyone's tired of working.

The Speaker's tired of speaking,
And the Reader's tired of reading.
The Secretaries are tired of being tired,
And the Committees are tired of meeting.

The Researchers are tired of researching
And the Lobbyists of counting votes.
The Revisors are tired of revising,
And the Reporters of taking notes.

Lord, could it be the Chaplains who are
Responsible for keeping us staying?
Could it be we could all go home,
If the Chaplains grew tired of praying?
(Probably not)

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

SP 1, by Senator Terrie Huntington at the request of her constituents: The Supreme Court ruling in January of 2010 on Citizens United v. the Federal Elections Commission, a 5-4 decision that overturned prior campaign law, has extended First Amendment Rights to corporations. We, the undersigned, feel this decision corrupts our democratic process, and we ask the Kansas State Legislature to support an amendment to the U.S. Constitution that reverses the ruling and returns elections to the will of the voting public, signed by 55 constituents from Senate District #7.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub for SB 37**.

The House adopts the Conference Committee report on **SB 193**.

The House accedes to the request of the Senate for a conference on **SB 21** and appoints Representatives Gordon, Aurand and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for Substitute SB 111** and appoints Representatives Rhoades, Kelley and Feuerborn as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Apple and Marshall introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1859—

A RESOLUTION congratulating and commending Rita Nienstedt on her retirement.

WHEREAS, Rita Nienstedt is retiring on May 31, 2011 from her position as a family and consumer science teacher at Fort Scott High School. She dedicated 33 years of her life to teaching Kansas students; and

WHEREAS, Ms. Nienstedt graduated from Emporia State University in 1978 with a bachelor of science in education. She earned a masters degree from Fort Hays State University in 1987; and

WHEREAS, Ms. Nienstedt began her teaching career in 1978 as a home economics teacher at Maize Jr.-Sr. High School. She then taught at Stockton High School and Concordia Jr.-Sr. High School before moving to Fort Scott High School, where she has been teaching for the past 18 years; and

WHEREAS, While at Fort Scott High School, Ms. Nienstedt served as FCCLA sponsor, oversaw a student-planned, school-wide assembly on domestic violence and coordinated a grant sponsored by TASK for anti-smoking activities in the Fort Scott middle and high schools; and

WHEREAS, Ms. Nienstedt has also been actively involved in her community through the Buck Run Community Center, Trinity Lutheran Church, Crisis Resource Center, The Beacon, Mother-to-Mother Ministries, Ronald McDonald House, Relay for Life, Habitat for Humanity and Big Brothers/Big Sisters; and

WHEREAS, Ms. Nienstedt and her husband, Richard, have been married since 1977 and have three children, Marshall, Kim and Robyn and three grandchildren, Jack, Grant and Lucas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Rita Nienstedt for her many years of teaching and extend our best wishes for her continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall send two enrolled copies of this resolution to Senator Marshall.

On emergency motion of Senator Marshall **SR 1859** was adopted unanimously.

Senator Marshall introduced and congratulated Rita Nienstedt upon her retirement as a consumer science teacher at Fort Scott High School after 33 years of dedicated service. Her husband, Richard, was also introduced. The Senate acknowledged Rita with a standing ovation.

Senator Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1860—

A RESOLUTION celebrating the 25th anniversary of the Shepherd's Center.

WHEREAS, The Senate of the State of Kansas commemorates the 25th anniversary of the Shepherd's Center, and thanks the more than 225 volunteers at the Shepherd's Center for their enthusiasm, dedication and effort; and

WHEREAS, The Shepherd's Center of Kansas City, Kansas is an interfaith, multicultural, nonprofit organization that promotes and supports successful aging. The center's vision is to build a community that connects, values, engages and celebrates older adults; and

WHEREAS, Four central city pastors, of different denominations, spearheaded the shepherd's center initiative in the spring of 1985. The pastors were aware of the changing nature of their neighborhood. They also knew their congregations and community included a large population of older adults; and

WHEREAS, A task force composed of area clergy, older adults and agency representatives brought the Shepherd's Center into being in 1986. A considerable number of meetings and careful planning by the task force resulted in the establishment of a Board of Directors in June, 1986; and

WHEREAS, The Shepherd's Center has 15 programs and services for over 1200 older adults in Wyandotte County, Kansas. Some of the programs and services provided by TSC include Adventures in Learning, Creative Classes, Friends for Seniors, Minor Home Repair and Referral and Vials of Life. These programs are large in scope and offer services that range from serving the homebound to organized learning: Now, Therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize 25 remarkable years of service in Wyandotte County, KS, and we applaud the Shepherd's Center's success; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Shepherd's Center of Kansas City, 757 Armstrong Ave., Kansas City, Kansas 66101.

On emergency motion of Senator Haley **SR 1860** was adopted unanimously.

REPORT ON ENROLLED BILLS

H Sub for SB 23, H Sub for SB 36; SB 67, SB 123, SB 136, SB 170, SB 213; H Sub for SB 214 reported correctly enrolled, properly signed and presented to the Governor on May 6, 2011.

SR 1856, SR 1857, SR 1858 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 6, 2011.

On motion of Senator Emler the Senate recessed until the sound of the gavel.

AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 248, AN ACT concerning compensation and expenses of legislators for a period of time during the 2011 regular session of the legislature, 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 248**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2010**.

On motion of Senator Emler, the Senate adjourned until 2:00 p.m, Monday, May 9, 2011.

Journal of the Senate

SIXTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 9, 2011, 2:00 p.m.

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

Heavenly Father,

Yesterday some worshiped
And prayed for new insight
To loosen up the logjam,
And shed some needed light.

Many think that we've examined
Every combination
Of pro and con solutions
Which ended in frustration.

But we have seen it happen
When we thought there was no way,
One of us had a brainstorm
Which brightened up our day.

And most of the Republicans
And most of the Democrats
Would say, "It isn't perfect
But we can live with that."

So please bestow a brainstorm
On one of us today,
And hopefully it won't be long
Until we're on our way!

I request this in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 247**.

The House appoints Representatives Aurand, Huebert and Ward to replace Representatives Rhoades, Kelley and Feuerborn as conferees on **House Substitute for Substitute SB 111**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Vratil and Owens introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1861—

A RESOLUTION congratulating and commending Randy Hearrell.

WHEREAS, Randy Hearrell retired from the Kansas judicial council in December 2010 from his position as executive director. He has also served as director of the judicial performance commission since its inception in 2006; and

WHEREAS, During Mr. Hearrell's tenure, the council was instrumental in redrafting the civil code, criminal code, sentencing statutes and probate code, as well as numerous other statutes every year. He was also actively involved in the creation of the Kansas judicial report card; and

WHEREAS, Mr. Hearrell was born on August 12, 1945 in Joplin, Missouri. His parents lived in Baxter Springs, Kansas, but at that time, the nearest hospital was in Joplin. His family moved to Topeka in 1957; and

WHEREAS, Mr. Hearrell graduated from Washburn University in 1966 and Washburn law school in 1970. While in law school he received a fellowship that exposed him to the legislative process and ultimately led him down the path of working for the judicial council; and

WHEREAS, Mr. Hearrell has been married to his wife, Carla Nordstrom, for 46 years. They have two sons, York and Zack; and

WHEREAS, Mr. Hearrell is widely respected for his years of service and dedication to the judicial council: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Randy Hearrell for his many years of service to the Kansas judicial council and extend our best wishes for his continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall send three enrolled copies of this resolution to Senator Vratil.

On emergency motion of Senator Vratil **SR 1861** was adopted unanimously.

Senator Vratil introduced and congratulated Randy Hearrell upon his retirement from the Kansas judicial council as executive director. He also served as director of the judicial performance commission since its inception. His wife Carla was also introduced. The Senate acknowledged Randy with a standing ovation.

Senator Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1862—

A RESOLUTION congratulating and commending Victor Ortiz for becoming the World Boxing Council (WBC) welterweight champion of the world.

WHEREAS, On April 16th, 2011 Victor “Vicious” Ortiz defeated Andre Berto by unanimous decision to become the WBC welterweight champion of the world at Foxwoods, Connecticut; and

WHEREAS, Shortly after his birth in Liberal, Kansas, Victor Ortiz moved to and grew up in Garden City, Kansas where he attended the Garden City Unified School District No. 457 from kindergarten through the ninth grade; and

WHEREAS, Victor Ortiz has developed his "Vicious" nickname and fighting style by attacking challenges head-on. He has overcome trying circumstances and difficult obstacles to achieve his goal of becoming a world champion. He was forced to grow up without his mother from age 7 and without his father from age 12. He would later become the guardian for his younger brother, Temo, juggling a demanding training schedule with his newly assumed responsibilities as a father figure; and

WHEREAS, Victor Ortiz started his boxing training and career in Garden City, Kansas under the tutelage of Ignacio "Bucky" Avila at the Garden City Boxing Club, who not only trained Victor how to box, but also how to be a man; and

WHEREAS, Victor Ortiz found a support system inside the Garden City Boxing Club and also with tutor and mentor Sharon Ford, who took Victor into her home when his family life disintegrated; and

WHEREAS, Victor Ortiz won a Silver Glove Championship and was a two-time Golden Glove Champion; and

WHEREAS, Victor Ortiz eventually became a seven-time national amateur boxing champion; and

WHEREAS, Regardless of Victor's travels, his heart has remained in Kansas. A KU Jayhawk fan since age 5, he enjoys frequent trips to Lawrence to visit friends on the KU campus. During his title fight against Berto, Victor sported a pair of boxing trunks with the official Jayhawk logo on the back; and

WHEREAS, Victor Ortiz has always called Garden City, Kansas "home"; and

WHEREAS, Victor Ortiz is proud to serve as a role model exemplifying hard work and commitment, especially for the Hispanic and Latino communities: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Victor Ortiz for becoming the WBC welterweight boxing champion of the world. His determination and perseverance in the face of numerous hardships and challenges serve as inspiration to all Kansans. We wish him continued success in and out of the ring and all happiness in the future; and

Be it further resolved: That the Secretary of the Senate shall send two enrolled copies of this resolution to Senator Morris.

On emergency motion of Senator Morris **SR 1862** was adopted unanimously.

Senator Morris introduced and congratulated Victor Ortiz for becoming the World Boxing Council welterweight champion of the world. Also introduced were guests: Elias Garcia and Eloy Gallegos. The Senate acknowledged Victor with a standing ovation for his achievements.

On motion of Senator Emler, the Senate recessed until 2:55 p.m.

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

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 248** be passed.

REPORT ON ENGROSSED BILLS

SB 10, SB 93, SB 97 reported correctly engrossed May 9, 2011.

Also **SB 124** correctly re-engrossed May 9, 2011.

ORIGINAL MOTION

Senator Emler 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 for HB 37; SB 193; S Sub for HB 2071; Sub HB 2191; S Sub for HB 2194.**

On motion of Senator Emler the Senate stood at ease for 30 minutes.

The Senate met at the sound of the gavel with President Morris in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **House Substitute for SB 63.**

The House adopts the Conference Committee report on **SB 143.**

The House appoints Representative Johnson to replace Representative Grange on the Conference Committee on **Senate Substitute HB 2194.**

ORIGINAL MOTION

Senator Emler moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 77.**

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Holland moved the Senate concur in House amendments to **SB 77.**

SB 77, AN ACT concerning the employment security act; creating an assessment for the payment of interest on advances received from the federal government; removing the waiting week extension; pertaining to benefits; allowing withholding of taxes from unemployment compensation; amending K.S.A. 2010 Supp. 44-703, 44-704a, 44-705, 44-706, 44-710, 44-710a, 44-712, 44-717 and 44-718 and repealing the existing sections.

On roll call, the vote was: Yeas 22, Nays 17, Present and Passing 0, Absent or Not Voting 1.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Kelsey, King, Love, Lynn, Masterson, Merrick, Olson, Ostmeier, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

Absent or Not Voting: Donovan.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 37** submits the following report:

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

On page 9, following line 28, by inserting the following:

"(A) Upon a first conviction, a severity level 6, person felony;"

And by redesignating subparagraphs accordingly;

Also on page 9, in line 30, by striking "first or";

On page 19, in line 1, following "offender," by inserting "including a violent offender or drug offender who is also a sex offender,"; in line 5, following "offender," by inserting "report in person four times each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending a school, except that,"; by striking all in lines 6 through 11; in line 12, by striking "incapacitated" and inserting "one of the four required reports may be conducted by certified letter"; also in line 12, following "sent" by inserting "by the registering law enforcement agency"; in line 14, following "respond" by inserting "by returning the letter"; also in line 14, by striking "with" and inserting "within 10 days, by certified mail, indicating"; in line 15, by striking "within 10 days";

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

PAT COLLOTON

MELODY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **H Sub for SB 37**.

On roll call, the vote was: Yeas 6, Nays 33, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Faust-Goudeau, Francisco, Haley, King, Wagle.

Nays: Abrams, Bruce, Brungardt, Emler, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan.

The Conference Committee report was not adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 193 submits the following report:

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

On page 1, in line 8, by striking "deduction or";

On page 5, after line 20, by inserting the following:

"Sec. 6. K.S.A. 2010 Supp. 19-1207 is hereby amended to read as follows: 19-1207. (a) The register of deeds also shall keep a well-bound book, in which shall be kept all maps and plats of cities, subdivisions or additions to the same within the county, together with the description, acknowledgment or other writing thereon. The register shall keep an index to such book of plats. Such index shall contain the name or names of the proprietor or proprietors of such cities, subdivisions or addition and the name of the cities, subdivisions or addition. No register of deeds shall be bound to perform any of the duties required to be performed by this act, for which a fee is allowed, unless such fee has been paid or tendered.

(b) The register of deeds shall not record any plat, replat, plat of survey pursuant to the apartment ownership act, K.S.A. 58-3101 et seq., and amendments thereto, or plat of survey pursuant to the townhouse ownership act, K.S.A. 58-3701 et seq., and amendments thereto, unless such document is accompanied by a receipt from the county treasurer for all real estate taxes *and assessments* on the land legally described in such document for any year past due and unpaid ~~and: (1) Payment of at least the first half of all real estate taxes on such land if such document is presented for recording between December 20 and May 10 of the next year; or (2) payment of all such real estate taxes if such document is presented for recording on and after May 10 but before December 20 of the same year up to and including the tax year prior to the first tax year affected by the plat recording. If the amount of ad valorem tax to be levied by a taxing subdivision has not been certified to the county treasurer; the county treasurer shall calculate and collect an aggregate amount which shall be deposited with the county treasurer in the manner described in subsection (d).~~

(c) The record of plats and indexes required by this section may be kept in the manner provided by K.S.A. 19-1204, and amendments thereto or as otherwise authorized by statute.

(d) For the purposes of subsection (b), the aggregate amount collected shall include the amount of the assessment to be certified by the clerk and a sum equal to the product of the assessed value directly related to the county appraiser's latest certified valuation conducted pursuant to K.S.A. 79-1466, and amendments thereto, on the property multiplied by the current year's tax levy rate. After the tax roll has been certified to the county treasurer, the treasurer shall then allocate so much of the sum collected as will pay the taxes and assessments on the property. In the case in which the sum collected is in excess of the amount necessary for the payment of the taxes and assessments, the treasurer shall return the amount of excess to the depositing party. In the case in which the sum collected is insufficient to pay the taxes and assessments, the treasurer shall credit the sum so collected ratably to the funds for which such taxes and assessments were levied and notify the owner of record of the balance due and unpaid. The unpaid portion shall become due in full on or before December 20 and any amount still remaining due and unpaid after that date shall accrue interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto.

Sec. 7. K.S.A. 2010 Supp. 58-3115 is hereby amended to read as follows: 58-3115. (a) The declaration, any amendment or amendments thereof, any instrument by which the provisions of this act may be waived, and every instrument affecting the property or any apartment or condominium unit shall be entitled to be recorded. Neither the declaration nor any amendment thereof shall be valid unless duly recorded.

(b) In addition to records and indexes required to be maintained by the recording

officer, the recording officer shall maintain an index or indexes whereby the record of each declaration contains a reference to the record of each conveyance of an apartment or condominium unit affected by such declaration, and the record of each conveyance of an apartment or condominium unit contains a reference to the declaration of the property of which it is a part.

(c) There shall be recorded simultaneously with the declaration one or more plats of survey showing the legal description, the location and dimensions of the submitted land, any convertible lands within the submitted land and any additional land if the condominium is an expandable condominium. The plat of survey shall further show the location and dimensions of all existing condominium units and common areas and facility improvements of the submitted land. When converting all or any portion of any convertible land or adding additional land to an expandable condominium, the declarant shall record amended plats of survey which shall show the location and dimensions of all existing condominium units and common area and facility improvements upon the convertible or additional land.

(d) The register of deeds shall not record any plat of survey pursuant to this act unless such plat of survey is accompanied by a receipt from the county treasurer for real estate taxes *and assessments* on the submitted land in accordance with K.S.A. 19-1207(b), and amendments thereto.

Sec. 8. K.S.A. 2010 Supp. 58-3707 is hereby amended to read as follows: 58-3707.

(a) There shall be recorded simultaneously with the declaration, at the office of the register of deeds, one or more plats of survey showing the legal description, the location and dimensions of the submitted land, the location and description of any land which may be added to the townhouse project if such right is set forth in the declaration, and the location and dimensions of each townhouse unit and all common area improvements.

(b) The register of deeds shall not record any plat of survey pursuant to this act unless such plat of survey is accompanied by a receipt from the county treasurer for real estate taxes *and assessments* on the submitted land in accordance with K.S.A. 19-1207(b), and amendments thereto.

Sec. 9. K.S.A. 2010 Supp. 74-50,210 is hereby amended to read as follows: 74-50,210. (a) The provisions of K.S.A. 2010 Supp. 74-50,210 through ~~74-50,216~~ 74-50,219, and amendments thereto, shall be known and may be cited as the promoting employment across Kansas act.

(b) It shall be the intent of this act to foster economic development and the creation of new jobs and opportunities for the citizens of Kansas and to incentivize the location of business facilities, other operations and jobs in Kansas. The primary objective of this legislation is economic development for Kansas.

Sec. 10. K.S.A. 2010 Supp. 74-50,211 is hereby amended to read as follows: 74-50,211. As used in this act, unless the context otherwise requires:

(a) "Act" means the provisions of K.S.A. 2010 Supp. 74-50,210 through ~~74-50,216~~ 74-50,219, and amendments thereto.

(b) "County median wage" means the median wage paid to employees located in the county where the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.

(c) "Department" means the department of commerce.

(d) "Expanding business" means the expansion of an existing business facility,

office, department or other operation located in the state of Kansas and locating in Kansas the jobs directly related to such business facility, office, department or other operation.

(e) "High-impact project" means a business development project for which the qualified company shall meet the requirements of subsection (c) of K.S.A. 2010 Supp. 74-50,212, and amendments thereto.

(f) "Metropolitan county" means the county of Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte.

(g) "NAICS" means the North American industry classification system.

(h) "NAICS code industry average wage" means the average wage paid to employees of companies classified in the same NAICS code as the qualified company for the region in which the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.

(i) "New business" means a facility, plant, division, office, department, production line, production shift or other business operations of a company that was not doing business in Kansas prior to the submission of an application for benefits under this act and that provides documentation of such to the satisfaction of the secretary.

(j) "New employee" means a person newly employed by the qualified company in the qualified company's business operating in Kansas during the taxable year for which benefits are sought under K.S.A. 2010 Supp. 74-50,212, and amendments thereto. A person shall be deemed to be so engaged if such person performs duties in Kansas in connection with the operation of the Kansas business on: (1) A regular, full-time basis; or (2) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year. Employees performing functions directly related to a relocating, expanding, or new business facility, office, department or other operation shall be considered new employees.

(k) "Non-metropolitan county" means any county that is not a metropolitan county.

(l) (1) (A) "Qualified company" means any for-profit corporation, partnership or other entity making available to its full-time employees adequate health insurance coverage and paying at least 50% of the premium for such health insurance, which meets the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, and submits an application for benefits meeting requirements established by the secretary.

(B) *"Qualified company" also includes any not-for-profit corporation which locates within the state of Kansas a regional, national or international headquarters and which meets the requirements of subparagraph (A).*

(2) "Qualified company" shall not include any corporation, partnership or other entity: (A) Which is identified by any of the following NAICS code groups, sectors or subsectors:

(i) Industry group 7132 or 8131;

(ii) sectors 44, 45, 61, 92 or 221 (including water and sewer services); or

(iii) subsector 722;

(B) which is a bioscience company, as defined in K.S.A. 2010 Supp. 74-99b33, and amendments thereto;

(C) which is delinquent in the payment of any nonprotested taxes or any other amounts due to the federal government, the state of Kansas or any other political taxing subdivision; or

(D) which has filed for or has publicly announced its intention to file for

bankruptcy protection.

(3) Notwithstanding any provision of this subsection, except for paragraphs (2)(B), (C) and (D), a company may be deemed a qualified company if such company's headquarters or administrative offices located in this state serve an international or multi-state territory and such company meets the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto.

(m) *"Retained job" means an existing job which will be lost without participation by the employer under the provisions of the promoting employment across Kansas act.*

(n) "Secretary" means the secretary of the department of commerce.

Sec. 11. K.S.A. 2010 Supp. 74-50,212 is hereby amended to read as follows: 74-50,212. (a) In order to qualify for benefits under this act a qualified company shall:

(1) Relocate to Kansas an existing business facility, office, department or other operation doing business outside the state of Kansas and locate the jobs directly related to such relocated business facility, office, department or other operation in Kansas; ~~or~~

(2) locate a new business facility, office, department or other operation in Kansas and locate the jobs directly related to such business facility, office, department or other operation in Kansas; or

(3) expand ~~a~~ *an existing* business facility, office, department or other operation located in the state of Kansas and locate the jobs directly related to such business facility, office, department or other operation in Kansas, except that no payroll withholding taxes shall be retained prior to January 1, 2012.

A qualified company may *utilize or contract with an unrelated* a third-party employer to perform services whereby the third-party employer serves as the legal employer of the new employees providing services to the qualified company and such services are performed in Kansas and the third-party employer and the new employees are subject to ~~the~~ *Kansas state withholding and declaration of estimated tax act.*

(b) Any qualified company, approved by the secretary for benefits pursuant to paragraph (a), that locates its business operation in a metropolitan county and will hire at least 10 new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, or any qualified company, approved by the secretary for benefits pursuant to paragraph (a), that locates its business operation in a non-metropolitan county and will hire at least five new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, shall: (1) Be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to:

(A) Five years if the median wage paid to the new employees is equal to at least 100% of the county median wage;

(B) six years if the median wage paid to the new employees is equal to at least 110% of the county median wage;

(C) seven years if the median wage paid to the new employees is equal to at least 120% of the county median wage; or

(2) be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to five years if the median wage paid to the new employees is equal to at least 100% of the NAICS code industry average wage.

(c) Any qualified company, approved by the secretary for benefits pursuant to paragraph (a), that engages in a high-impact project whereby the qualified company will hire at least 100 new employees within two years from the date the qualified company enters into an agreement with the secretary pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, shall be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such new employees being paid the county median wage or higher for a period of up to:

- (1) Seven years if the median wage paid to the new employees is equal to at least 100% of the county median wage;
- (2) eight years if the median wage paid to the new employees is equal to at least 110% of the county median wage;
- (3) nine years if the median wage paid to the new employees is equal to at least 120% of the county median wage; or
- (4) ten years if the median wage paid to the new employees is equal to at least 140% of the county median wage.

(d) In the event that a qualified company contracts with a third party as described in subsection (a), the third party shall remit payments equal to the amount of Kansas payroll withholding taxes the qualified company is eligible to retain under this section to the qualified company, and report such amount to the department of revenue as required pursuant to subsection (a) of K.S.A. 2010 Supp. 74-50,214, and amendments thereto.

(e) Commencing January 1, 2013, and ending December 31, 2014, any company, which meets the criteria provided pursuant to the provisions of K.S.A. 2010 Supp. 74-50,211, and amendments thereto, that retains the employees of an existing business unit located in Kansas and enters into an agreement with the secretary pursuant to K.S.A. 2010 Supp. 74-50,213, and amendments thereto, shall be eligible to retain 95% of the qualified company's Kansas payroll withholding taxes for such employees for a period of up to five years.

(f) (1) Commencing January 1, 2013, and ending December 31, 2014, pursuant to the provisions of subsection (e), the secretary of commerce, in the secretary's sole determination, may provide the benefits of the promoting employment across Kansas act for situations where it is deemed necessary by the secretary that the state of Kansas provide incentives for a company or its operations currently located in Kansas to remain in Kansas so as to keep its retained jobs. The secretary shall establish and verify that a prospective company has competitive alternatives that it is seriously considering and that a company's relocation may be imminent. Furthermore, the secretary shall assess:

(A) Whether the retention of the company or its operations is important to the economic vitality of the state;

(B) the area where such company or operations is located; or

(C) whether the retention of the company or its operations is important to a particular industry in the state due to any number of factors including, but not limited to, the quantity, quality or wages of the retained jobs involved.

(2) Effective January 1, 2013, and ending December 31, 2014, the secretary may use the promoting employment across Kansas act in conjunction with other economic development programs to develop a retention package.

(g) The provisions of this act as in effect prior to the effective date of this act shall

apply to employers who have entered into agreements with the secretary prior to July 1, 2011. The provisions of this act shall apply to employers who enter into agreements with the secretary on and after July 1, 2011.

Sec. 12. K.S.A. 2010 Supp. 74-50,213 is hereby amended to read as follows: 74-50,213. (a) Any qualified company meeting the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, may apply to the secretary for benefits under this act. The application shall be submitted on a form and in a manner prescribed by the secretary, and shall include: (1) Evidence that the applicant is a qualified company; and (2) evidence that the applicant meets the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto.

(b) The secretary may either approve or disapprove the application. Any qualified company whose application is approved shall be eligible to receive benefits under this act as of the date such qualified company enters into an agreement with the secretary in accordance with this section.

(c) Upon approval of an application for benefits under this act, the secretary may enter into an agreement with the qualified company for benefits under this act. If necessary, the secretary may also enter into an agreement with any third party described in subsection (a) of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, or such third party may be a party to the agreement between the qualified company and the secretary. The agreement shall commit the secretary to certify to the secretary of revenue: (1) That the qualified company is eligible to receive benefits under this act; (2) the number of new employees hired by the qualified company; and (3) the amount of gross wages being paid to each new employee.

(d) The agreement between the qualified company and the secretary shall be entered into before any benefits may be provided under this act, and shall specify that should the qualified company fail to comply with the terms and conditions set forth in the agreement, or fails to comply with the provisions set forth in this act, the secretary may terminate the agreement, and the qualified company shall not be entitled to any further benefits provided under this act and shall be required to remit to the state an amount equal to the aggregate Kansas payroll withholding taxes retained by the qualified company, or remitted to the qualified company by a third party, pursuant to this act as of the date the agreement is terminated.

(e) A qualified company that is already receiving benefits pursuant to this act may apply to the secretary for additional benefits if the qualified company meets the requirements of K.S.A. 2010 Supp. 74-50,212, and amendments thereto.

(f) A qualified company seeking benefits shall be allowed to participate in the IMPACT program pursuant to K.S.A. 74-50,102 et seq., and amendments thereto, but shall not be allowed to participate in any other program in which any portion of such qualified company's Kansas payroll withholding taxes have been pledged to finance indebtedness or transferred to or for the benefit of such company. A qualified company shall not be allowed to claim any credits under K.S.A. 79-32,153, 79-32,160a or 79-32,182b, and amendments thereto, if such credits would otherwise be earned for the hiring of new employees and the qualified company has retained any Kansas payroll withholding taxes from wages of such employees. A qualified company shall not be eligible to receive benefits under K.S.A. 2010 Supp. 74-50,212, and amendments thereto, and under K.S.A. 74-50,102 et seq., and amendments thereto, for the same new employees.

(g) (1) Under no circumstances shall the total amount of benefits authorized or granted to the aggregate of all expanding businesses, as such term is defined in K.S.A. 2010 Supp. 74-50,211, and amendments thereto, under this act exceed \$4,800,000 in ~~any~~ the fiscal year commencing on ~~or after~~ July 1, 2011, and \$6,000,000 in any fiscal year commencing on or after July 1, 2012.

(2) Under no circumstances shall the total amount of benefits authorized or granted to the aggregate of businesses under subsections (e) or (f) of K.S.A. 2010 Supp. 74-50,212, and amendments thereto, exceed \$1,200,000 in the fiscal year commencing on July 1, 2012, \$2,400,000 in the fiscal year commencing on July 1, 2013, and \$1,200,000 in the fiscal year commencing on July 1, 2014.

(h) The secretary shall adopt rules and regulations necessary to implement and administer the provisions of this act.

New Sec. 13. (a) For taxable years commencing after December 31, 2010, there shall be allowed as a credit against the tax liability of a resident individual taxpayer an amount equal to 95% of the resident individual's income tax liability under the provisions of the Kansas income tax act for Kansas source income received from a qualified company that is business income attributable to business activities conducted at the business facility, office, department or other operation relocated to Kansas when the taxpayer owns such qualified company and materially participates in such business activities conducted at such relocated business facility, office, department or other operation of such qualified company which qualified for benefits under the provisions of subsection (a)(1) of K.S.A. 74-50,212, and amendments thereto. A taxpayer shall be treated as materially participating in such qualified company's business activities conducted at such business facility, office, department or other operation relocated to Kansas only if the taxpayer is involved in such business activities of such qualified company on a basis which is regular, continuous and substantial. A taxpayer may claim the credit authorized by this section during any tax year in which the qualified company owned by the taxpayer qualifies for benefits under provisions of K.S.A. 74-50,212, and amendments thereto.

(b) Business income attributable to the business activities conducted at the business facility, office, department or other operation relocated to Kansas of a qualified company which qualified for benefits under the provisions of subsection (a)(1) of K.S.A. 74-50,212, and amendments thereto, shall be determined by multiplying the business income of the company apportioned to this state by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three. For purposes of this subsection, the property factor is a fraction, the numerator of which is the average value of the company's real and tangible personal property owned or rented and used during the tax period at such relocated facility, office, department or other relocated operation in Kansas, and the denominator of which is the average value of the company's real and tangible personal property owned or rented and used within this state during the tax period. The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the company for compensation at such relocated facility, office, department or other relocated operation in Kansas, and the denominator of which is the total compensation paid by the company in this state during the tax period. The sales factor is a fraction, the numerator of which is the total sales of the relocated facility, office, department or other relocated operation in this state during the tax period, and the denominator of which is

the total sales of the company in this state during the tax period.

(c) The secretary of revenue shall adopt rules and regulations regarding the filing of documents that support the qualifications of the taxpayer for the credit claimed pursuant to this section.

Sec. 14. K.S.A. 2010 Supp. 79-32,160a is hereby amended to read as follows: 70-32,160a. (a) For taxable years commencing after December 31, 1999, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2010 Supp. 74-50,114 or 74-50,211, and amendments thereto, and also meets the definition of a business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, shall be allowed a credit for such investment, in an amount determined under subsection (b) or (c), as the case requires, against the tax imposed by the Kansas income tax act or where the qualified business facility is the principal place from which the trade or business of the taxpayer is directed or managed and the facility has facilitated the creation of at least 20 new full-time positions, against the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or as measured by the net income of financial institutions imposed pursuant to *article 11* of chapter 79, ~~article 11~~ of the Kansas Statutes Annotated, for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility. In the case of a taxpayer who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. In the case of a taxpayer who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds five. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if (1) the employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility; or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility which is located in a designated nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to *article 11* of chapter 79, ~~article 11~~ of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed,

but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) Two thousand five hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment, as determined under K.S.A. 79-32,154, and amendments thereto.

(c) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility, which is not located in a nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, and effective for tax years commencing after December 31, 2010, located in an area other than a metropolitan county as defined in either K.S.A. 2010 Supp. 74-50,114 or 74-50,211, and amendments thereto, and which also meets the definition of business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to *article 11 of chapter 79, article 11* of the Kansas Statutes Annotated, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) One thousand five hundred dollars for each qualified business facility employee as determined under K.S.A. 79-32,154, and amendments thereto; and

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.

(d) The credit allowed by subsection (a) for each qualified business facility employee and for qualified business facility investment shall be a one-time credit. If the amount of the credit allowed under subsection (a) exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to *article 11 of chapter 79, article 11* of the Kansas Statutes Annotated for the taxable year, or in the case where the qualified business facility investment was made prior to January 1, 1996, 50% of such tax imposed upon the amount which exceeds such tax liability or such portion thereof may be carried over for credit in the same manner in the succeeding taxable years until the total amount of such credit is used. Except that, before the credit is allowed, a taxpayer, who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of two qualified business facility employees has continued to be maintained and a taxpayer, who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of five qualified business employees has continued to be maintained.

(e) Notwithstanding the foregoing provisions of this section, any taxpayer qualified

and certified under the provisions of K.S.A. 74-50,131, and amendments thereto; which, prior to making a commitment to invest in a qualified Kansas business, has filed a certificate of intent to invest in a qualified business facility in a form satisfactory to the secretary of commerce; and that has received written approval from the secretary of commerce for participation and has participated, during the tax year for which the exemption is claimed, in the Kansas industrial training, Kansas industrial retraining or the state of Kansas investments in lifelong learning program or is eligible for the tax credit established in K.S.A. 74-50,132, and amendments thereto, shall be entitled to a credit in an amount equal to 10% of that portion of the qualified business facility investment which exceeds \$50,000 in lieu of the credit provided in subsection (b)(2) or (c)(2) without regard to the number of qualified business facility employees engaged or maintained in employment at the qualified business facility. The credit allowed by this subsection shall be a one-time credit. If the amount thereof exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to *article 11 of chapter 79, article 11* of the Kansas Statutes Annotated for the taxable year, the amount thereof which exceeds such tax liability may be carried forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used, except that no such tax credit shall be carried forward for deduction after the ~~10th~~ *16th* taxable year succeeding the taxable year in which such credit initially was claimed ~~and no carry forward shall be allowed for deduction in any succeeding taxable year unless the taxpayer continued to be qualified and was recertified for such succeeding taxable year pursuant to K.S.A. 74-50,131, and amendments thereto~~ , and no carryforward shall be allowed for deduction in any succeeding taxable year unless the taxpayer certifies under oath that the taxpayer continues to meet the requirements of K.S.A. 74-50,131, and amendments thereto, and this act. In no event shall any credit allowed under this section that expired during any taxable year prior to the taxable year commencing January 1, 2011, be revived under the provisions of this act.

(f) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2010 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2010 Supp. 79-32,243, and amendments thereto.

(g) This section and K.S.A. 79-32,160b, and amendments thereto, shall be part of and supplemental to the job expansion and investment credit act of 1976 and ~~acts amendatory thereof and supplemental amendments~~ thereto.

Sec. 15. K.S.A. 2010 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act: (a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as defined by K.S.A. 79-3301, and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 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;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by subsection (c) of K.S.A. 74-5807, and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2010 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq. and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of

such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b Second through Sixth. As used in this paragraph, "severing" shall have the meaning ascribed thereto by subsection (k) of K.S.A. 79-4216, and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a

misdeemeanor 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;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based mental retardation facility or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based mental retardation facility or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or

processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of

limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from offsite, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the

production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; and (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E).

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purpose at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)

(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American Heart Association, Kansas Affiliate, Inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas Alliance for the Mentally 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 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. Nothing in this subsection shall be deemed to exempt

the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax which would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and

equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and which do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas Academy of Science which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations which distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of

taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(III) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac Center, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing 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; and

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or mental retardation, or both, and all sales of any such property by or on behalf of sheltered living, inc. for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc. for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc. contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon

completion of the project the contractor shall furnish to sheltered living, inc. a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc. shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto; *and*

(gggg) all sales of game birds for which the primary purpose is use in hunting.";

By renumbering the remaining sections accordingly;

Also on page 5, in line 21, after "Supp." by inserting "19-1207, 58-3115, 58-3707, 74-50,210, 74-50,211, 74-50,212, 74-50,213, 79-32,160a,"; in line 22, after "79-3221" by inserting "and 79-3606";

On page 1, in the title, in line 2, after "returns" by inserting "and credits"; in line 3, before "amending" by inserting: "recording of plats, payment of taxes and assessments; promoting employment across Kansas act, qualifications for benefits; high performance incentive program; sales tax exemptions;"; in line 4, after "Supp." by inserting "19-1207, 58-3115, 58-3707, 74-50,210, 74-50,211, 74-50,212, 74-50,213,"; also in line 4, after "79-3221" by inserting "and 79-3606";

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

RICHARD CARLSON

MARVIN G. KLEEB

NILE DILLMORE

Conferees on part of House

PAT APPLE

JEFF KING

G. THOMAS HOLLAND II

Conferees on part of Senate

Senator Apple moved the Senate adopt the Conference Committee Report on **SB 193**.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-

Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco.

Present and Passing: Love.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: When I first arrived in Topeka, I found there were a few things that just didn't make sense. One of these things involved certain welfare-type programs where individuals receive money depending on the number of children they have. The problem is there is nothing stopping them from stating they have 7, 8 or 9 children....even if they don't. There is no way to verify that they are telling the truth. That's why I introduced a bill along with Rep. Terry Calloway that will fix that by requiring verification in these programs and will end several million dollars of wasteful spending. This bill unanimously passed our body a couple months ago. It will verify that the right amount of money goes to the people who really need it. This is a bill that will increase government accountability and is one of the many creative solutions that will help get our state going in the right direction.

Once the bill arrived in conference committee, many other bills became a part of this bill, **SB 193**. I support these added provisions which will help grow our state and create a more business friendly environment in Kansas, including the HPIP and PEAK provisions. Due to a conflict of interest in regards to a hunting business I will soon be opening in Western Kansas and the game bird exemption added in conference committee, I will be abstaining from voting on **SB 193**. — GARRETT LOVE

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2071** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2071, as follows:

On page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 29 and inserting "New Section 1. (a) Whenever a person civilly committed pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, files a petition pursuant to K.S.A. 60-1501 et seq., and amendments thereto, relating to such commitment, the costs incurred, including, but not limited to, costs of appointed counsel fees and expenses, witness fees and expenses, expert fees and expenses, and other expenses related to the prosecution and defense of such petition shall be taxed to the county responsible for the costs. Any district court receiving a statement of costs from another district court shall forthwith approve the same for payment out of the general fund of its county except that it may refuse to approve the same for payment only on the ground that it is not the county responsible for the costs. If the claim for costs is not paid within 120 days, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county.

(b) The county responsible for the costs incurred pursuant to subsection (a) shall be reimbursed for such costs by the office of the attorney general from the sexually violent predator expense fund. The attorney general shall develop and implement a procedure to provide such reimbursements. If there are no moneys available in such fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46, of the Kansas Statutes Annotated, and amendments thereto.

(c) As used in this section, "county responsible for the costs" means the county where the person was determined to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 59-29a04a is hereby amended to read as follows: 59-29a04a. (a) There is hereby created in the state treasury the sexually violent predator expense fund which shall be administered by the attorney general. All moneys credited to such fund shall be used to reimburse counties under:

(1) K.S.A. 59-29a04, *anson filing a petition pursuant to K.S.A. 60-1501 et seq., and amendments thereto*, responsible for the costs related to determining whether a person may be a sexually violent predator; *and*

(2) *section 1, and amendments thereto, for the costs related to a per amendments thereto, relating to the civil commitment pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.*

(b) All expenditures from the sexually violent predator expense fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee.

Sec. 3. K.S.A. 59-29a06 is hereby amended to read as follows: 59-29a06. (a) Within 60 days after the completion of any hearing held pursuant to K.S.A. 59-29a05, and amendments thereto, the court shall conduct a trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced.

(b) At all stages of the proceedings under K.S.A. 59-29a01 et seq., and amendments thereto, any person subject to K.S.A. 59-29a01 et seq., and amendments thereto, shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist such person. Whenever any person is subjected to an examination under K.S.A. 59-29a01 et seq., and amendments thereto, such person may retain experts or professional persons to perform an examination of such person's behalf. When the person wishes to be examined by a qualified expert or professional person of such person's own choice, such examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court, upon the person's request, shall determine whether the services are necessary and reasonable compensation for such services. If the court determines that the services are necessary and the expert or professional person's requested compensation for such services is reasonable, the court shall assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. The court shall approve payment for such services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the

person and compensation received in the same case or for the same services from any other source.

(c) *Notwithstanding K.S.A. 60-456, and amendments thereto, at any trial conducted under K.S.A. 59-29a01 et seq., and amendments thereto, the parties shall be permitted to call expert witnesses. The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If the facts or data are of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, such facts and data need not be admissible in evidence in order for the opinion or inference to be admitted.*

(d) The person, the attorney general, or the judge shall have the right to demand that the trial be before a jury. Such demand for the trial to be before a jury shall be filed, in writing, at least four days prior to trial. Number and selection of jurors shall be determined as provided in K.S.A. 22-3403, and amendments thereto. If no demand is made, the trial shall be before the court.

(e) A jury shall consist of 12 jurors unless the parties agree in writing with the approval of the court that the jury shall consist of any number of jurors less than 12 jurors. The person and the attorney general shall each have eight peremptory challenges, or in the case of a jury of less than 12 jurors, a proportionally equal number of peremptory challenges.

(f) The provisions of this section are not jurisdictional, and failure to comply with such provisions in no way prevents the attorney general from proceeding against a person otherwise subject to the provision of K.S.A. 59-29a01 et seq., and amendments thereto.

Sec. 4 K.S.A. 59-29a06 and K.S.A. 2010 Supp. 59-29a04a are hereby repealed.";

On page 1, in the title, by striking lines 1 through 3 and inserting: "AN ACT concerning sexually violent predators; relating to habeas corpus; relating to expert testimony; amending K.S.A. 59-29a06 and K.S.A. 2010 Supp. 59-29a04a and repealing the existing sections.";

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

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

JOE PATTON

JANICE L. PAULS

Conferees on part of House

Senator Owens moved the Senate adopt the Conference Committee Report on **S Sub for HB 2071**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen,

Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute HB 2191** submits the following report:

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

On page 2, by striking all in lines 34 through 43;

On page 3, by striking all in line 1 and inserting the following:

"(2) A school district offering a contract pursuant to this subsection shall prepare a written plan of assistance for the teacher being offered such contract and shall submit such plan of assistance to the teacher at the time such contract is offered. Prior to signing or rejecting a contract, the teacher shall have not less than 48 hours from the time the contract is offered to review and consider the contract and the plan of assistance. The plan of assistance shall be written to address those areas of teacher performance where the school district believes the teacher's performance is less than satisfactory.";

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

JEAN KURTIS SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

CLAY AURAND

STEVE HUEBERT

JIM WARD

Conferees on part of House

Senator Schodorf moved the Senate adopt the Conference Committee Report on **Sub HB 2191**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2194** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2194, as follows:

On page 1, in line 29, by striking "and"; in line 30, after the first comma, by inserting "an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (c) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (d) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (e) for the fiscal year commencing in calendar year 2016,"; in line 31, by striking "1.1%" and inserting "1.2%";

On page 2, in line 25, after "and" by inserting ", subject to any election made pursuant to the provisions of section 8, and amendments thereto, 1.4% or"; by inserting in line 27, after the period, "If the federal internal revenue service refuses to grant an approval or issues an adverse decision as described in section 8, and amendments thereto, the amount for participating service earned on and after January 1, 2014, shall be 1.85% of the members final average salary multiplied by the number of years of participating service earned on and after January 1, 2014.";

On page 4, in line 25, before "Each" by inserting "Subject to any election made pursuant to the provisions of section 8, and amendments thereto,"; in line 28, after "(a)" by inserting "Commencing January 1, 2014, for members who elected to receive an amount for participating service equal to the total of 1.4% of such member's final average salary, 4% of such member's compensation as employee contributions, and (b)"; in line 29, after "2014," by inserting "for members who elected to receive an amount for participating service equal to the total of 1.85% of such member's final average salary, who did not make an election pursuant to section 8, and amendments thereto, or if the federal internal revenue service refuses to grant an approval or issues an adverse decision as described in section 8, and amendments thereto,"; also in line 29, by striking "; and"; in line 30, by striking "(b)" and inserting ", and ";

On page 7 in line 29, by striking "and" the first time it appears; also in line 29, after "2013," by inserting "an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2016,"; in line 31, by striking "1.1%" and inserting "1.2%";

On page 8, in line 9, by striking "and"; in line 10, after "2014," by inserting "an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017,"; in line 11, by striking "1.1%" and inserting "1.2%";

On page 10, in line 20, after the comma by inserting "subject to any election made pursuant to the provisions of section 8, and amendments thereto,"; in line 24, after "to"

by inserting "any election made pursuant to "; in line 25, by striking "1.85%" and inserting "1.4%"; in line 28, after "benefit" by inserting ", except that if the federal internal revenue services refuses to grant an approval or issues an adverse decision as described in section 8, and amendments thereto, the amount for participating service earned on and after January 1, 2014, shall be 1.75% of the member's final average salary multiplied by the number of years of participating service earned on and after January 1, 2014" also in line 28, by striking "Notwithstanding"; by striking all in lines 29 through 43;

On page 11, by striking all in lines 1 through 13;

And renumbering section 7 as section 6;

Also on page 11, after line 36, by inserting the following:

"Sec. 7 K.S.A. 2010 Supp. 75-6609 is hereby amended to read as follows: 75-6609.

(a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.

(b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.

(2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: (A) Public auction; (B) by listing the surplus property with a licensed real estate broker or salesperson; or (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.

(c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction

under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.

(e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.

(f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after ~~the effective date of this act~~ July 1, 2012, 20% of the proceeds from each such sale deposited in the state treasury shall be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for: (A) Rehabilitation and repair or other capital improvements for such institution; ; or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to the ~~state general fund~~ *Kansas public employees retirement fund to be applied to the payment, in full or in part, of the unfunded actuarial pension liability as directed by the Kansas public employees retirement system. As used in this section, "unfunded actuarial pension liability" means the unfunded actuarially accrued liability of the state for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, portion of such liability of the Kansas public employees retirement system, determined as of the later of December 31, 2011, or the end of the most recent calendar year for which an actuarial valuation report is available.*

(2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.

(3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.

(g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section. The provisions of this section shall not be applicable to real estate given as an endowment,

bequest, or gift to a state educational institution as defined in subsection (g) of K.S.A. 72-4412, and amendments thereto, or to the university of Kansas medical center.

(h) Sale of the Olathe travel information center shall not be subject to the provisions of this section.";

On page 12, by striking all in lines 3 through 34, and by inserting the following:

"(b) Except as otherwise provided in this act, a member of the system under the provisions of K.S.A. 74-4901 et seq., and amendments thereto, on July 1, 2013, may elect to: (1) Contribute, commencing January 1, 2014, 5% of such member's compensation as employee contributions, and commencing January 1, 2015, and in each subsequent calendar year, 6% of such member's compensation as employee contributions, and to receive an amount for participating service equal to the total of 1.85% of such member's final average salary; or (2) continue to contribute 4% of such member's compensation as employee contributions, and to receive an amount for participating service equal to the total of 1.4% of such member's final average salary. Members shall make such election within a 90-day period established by the board.

(c) Except as otherwise provided in this act, a member of the system under the provisions of the Kansas public employees retirement act of 2009, on July 1, 2013, may elect to: (1) Continue to contribute, commencing January 1, 2014, 6% of such member's compensation as employee contributions pursuant to K.S.A. 74-49,210, and amendments thereto, receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto, and receive an amount for participating service equal to the total of 1.4% of the member's final average salary; or (2) continue to contribute 6% of such member's compensation as employee contributions and not be eligible to receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto. Members who make this election to contribute at the 6% amount pursuant to this subsection and not be eligible to receive an annual cost-of-living adjustment shall receive an amount for participating service equal to the total of 1.75% of the member's final average salary. Members shall make such election within a 90-day period established by the board.

(d) (1) Elections made pursuant to this section shall be made on a form and in a manner prescribed by the board.

(2) A member failing to make an election pursuant to subsection (b) shall contribute 6% of such member's compensation as employee contributions, and shall receive an amount for participating service equal to the total of 1.85% of the member's final average salary.

(3) A member failing to make an election pursuant to subsection (c) shall contribute 6% of such member's compensation as employee contribution, shall not receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto, and shall receive an amount for participating service equal to the total of 1.75% of the member's final average salary.

(4) An election under this section, including the default election pursuant to subsection (d)(2) or (d)(3), is a one-time irrevocable election.

(e) The provisions of this section shall take effect July 1, 2012, and upon the date of publication in the Kansas register of the notice prescribed in section 10.";

Also on page 12, in line 42, by striking "11" and inserting "13"; in line 43, by striking "11" and inserting "13";

On page 13, in line 11, by striking "three" and inserting "five"; in line 32, by striking "December 15,"; in line 33, by striking "2011" and inserting "January 6, 2012"; in line 35, by striking "necessary" and inserting a period; also in line 35, after "commission" by inserting ", one bill shall be introduced in the senate and one bill shall be introduced in the house of representatives, which such bills shall contain the exact same provisions, during the 2012 legislative session"; in line 43, by striking all after "shall";

On page 14, by striking all in lines 1 and 2; in line 3, by striking "commission" and inserting "mean at least one house of the legislature holding one or more public hearings in one or more committees and voting on final action by any such committee on a bill prescribed by subsection (g) of section 9, and amendments thereto, or a bill containing the exact same provisions of any such bill prescribed by subsection (g) of section 9, and amendments thereto, and the other house of the legislature voting on final action in committee of the whole on a bill prescribed by subsection (g) of section 9, and amendments thereto, or a bill containing the exact same provisions of any such bill prescribed by subsection (g) of section 9, and amendments thereto"; after line 4, by inserting the following:

"New Sec. 11.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On and after July 1, 2011, during the fiscal year ending June 30, 2012, in addition to other purposes for which expenditures may be made by the above agency from the agency operations account of the Kansas public employees retirement fund for fiscal year 2012 as authorized by any appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the above agency to provide actuarial services for the KPERS study commission. All such expenditures shall be in addition to any other expenditure limitation imposed on expenditures from the agency operations account of the Kansas public employees retirement fund for fiscal year 2012, except that such expenditures shall not exceed \$60,000.";

And by renumbering sections accordingly;

Also on page 14, in line 7, by striking "74-49,210"; in line 8, by striking "and"; also in line 8, after "74-49,213" by inserting "and 75-6609";

On page 1, in the title, in line 3, before "KPERS" by inserting "sale of real estate of state agencies, disposition of certain proceeds to Kansas public employees retirement fund,"; in line 4, before "amending" by inserting "making certain appropriations for fiscal year 2012,"; in line 5, by striking "74-49,210 and"; also in line 5, after "74-49,213" by inserting "and 75-6609";

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

JEFF KING

JEFF LONGBINE

ANTHONY HENSLEY

Conferees on part of Senate

MITCH HOLMES

JOHN C. GRANGE

LOUIS E. RUIZ

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **S Sub for HB 2194**.

On roll call, the vote was: Yeas 31, Nays 7, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Kelsey, Lynn, Merrick, Olson, Pilcher-Cook, Pyle, Steineger.

Present and Passing: Faust-Goudeau.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: As I considered my vote on **S Sub for HB 2194**, I considered four primary groups and the impact of **S Sub for HB 2194** on each. I asked the committee for clarification of how **S Sub for HB 2194** affected each group. The answers that I received convinced me that voting for **S Sub for HB 2194** to shore up KPERS with projected solvency by 2019 was a responsible way to protect all four groups and provide a way to share in the solution among employers, employees and the Legislature. I also would like to acknowledge that employees have always kept their part of the contract and will continue to do so. The Legislature and State of Kansas should do no less once this crisis of underfunding is mitigated through the effort of all involved.—ALLEN C. SCHMIDT

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2383** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2383," as follows:

"SENATE Substitute for HOUSE BILL No. 2383

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, reducing compensation for state officers, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 55-193, 72-8814, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas.";

and the substitute bill be passed.

On motion of Senator Emler the Senate adjourned until 10:00 a.m., Tuesday, May 10, 2011.

Journal of the Senate

SIXTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 10, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine Senators present.

Senator Donovan was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Reports are coming in
From the districts in the West:
Rain is badly needed;
We have an urgent request.

Dear Lord, we are aware
That prayer changes things,
So we are praying that our prayers
A lot of rain will bring.

The dry soil is discouraging,
So if it be your will,
Send us steady downpours
So our prayers will be fulfilled.

Along with the rain we need a solution
To all the barriers that we face.
And hopefully we can wrap it up,
And depart this place.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators McGinn, Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1863—

A RESOLUTION congratulating and commending the Wichita State University Shocker Men's Basketball Team for winning the 2011 National Invitation Tournament.

WHEREAS, The Wichita State University (WSU) Shockers won the 2011 Men's National Invitation Tournament (NIT) Championship on March 31, 2011, in New York City; and

WHEREAS, Wichita State advanced to the NIT Championship with five straight wins in the tournament, beating the University of Nebraska, Virginia Tech University, College of Charleston, Washington State University and finally the University of Alabama in the championship game; and

WHEREAS, Graham Hatch was named the NIT Most Outstanding Player and a member of the All-Tournament Team while Garrett Stutz also was named to the All-Tournament Team; and

WHEREAS, Wichita State and Head Coach Gregg Marshall were not only successful on the court but in the classroom as well, with Graham Hatch and Garrett Stutz both named to the 2011 Missouri Valley Conference (MVC) Scholar-Athlete first-team and honorable mention-team, respectively; and

WHEREAS, Wichita State tied the 1982-1983 WSU team for Missouri Valley Conference road wins as that team was also 8-1 on the road in the MVC; and

WHEREAS, Wichita State set a school record with 29 victories in a season; and

WHEREAS, J.T. Durley became WSU's 42nd First Team All-Missouri Valley Conference selection and was third in Player of the Year voting; junior guard Toure' Murry was named to the second-team and Ben Smith was named recipient of the "Sixth Man Award"; Smith and junior center Garrett Stutz both received Missouri Valley Conference All-Bench Team recognition; while junior guard David Kyles was named to the Missouri Valley Conference Most-Improved Team; and

WHEREAS, Wichita State was chosen the Missouri Valley Conference Army National Guard Defensive Team of the Year; and

WHEREAS, J.T. Durley and Toure' Murry became the 39th and 40th Shockers to reach 1,000 points for their careers in 2011; and

WHEREAS, Nine Wichita State men's basketball players were named to the Fall 2010 WSU Athletic Director's honor roll: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Wichita State University Shockers, Head Coach Gregg Marshall, Athletic Director Eric Sexton and WSU President Don Beggs on a successful Shocker men's basketball program, and do hereby congratulate each member of the team on behalf of the citizens of Kansas for an exemplary season: Gabe Blair, Derek Brown, J.T. Durley, Aaron Ellis, Jerome Hamilton, Graham Hatch, Trey Jones, David Kyles, Toure' Murry, Ehimen Orukpe, Joe Ragland, Tyler Richardson, Ben Smith, Garrett Stutz, Randall Vautravers, Josh Walker and Demetric Williams; and

Be it further resolved: That the Secretary of the Senate shall send 25 enrolled copies of this resolution to Senator Carolyn McGinn.

On emergency motion of Senator McGinn **SR 1863** was adopted unanimously.

Senator McGinn congratulated and commended the Wichita State University Men's Basketball Team for winning the 2011 National Invitation Tournament. The Wichita State University men's basketball team were introduced as follows: Gabe Blair, Derek

Brown, J.T. Durley, Aaron Ellis, Jerome Hamilton, Graham Hatch, Trey Jones, David Kyles, Toure Murry, Ehimen Orukpe, Joe Ragland, Tyler Richardson, Ben Smith, Garrett Stutz, Randall Vautravers, Josh Walker, Demetric William. Also in attendance were Head Coach Gregg Marshall, Athletic Director Eric Sexton and Assistant Coach Devon Smith. The Senate acknowledged their achievement with a standing ovation.

Senator Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1864—

A RESOLUTION congratulating Team Kansas from the Olathe Culinary Arts Program.

WHEREAS, Team Kansas from the Olathe Culinary Arts Program competed Sunday, May 1, 2011, in the Tenth Annual National ProStart Invitational culinary competition in Overland Park, Kansas; and

WHEREAS, The invitational is sponsored by the National Restaurant Association Educational Foundation and drew teams from 40 states and territories for a weekend of culinary and restaurant management competition. The invitational is designed to encourage and inspire the next generation of restaurant industry leaders; and

WHEREAS, About 90,000 United States high school students at 1,700 schools participate in the two-year ProStart program. Culinary schools around the country offered \$180,000 in scholarships to Olathe Culinary Arts Program students who won the national culinary award at last year's invitational; and

WHEREAS, Team Kansas placed second in this year's competition, behind a team from California. In each of the last three years, Team Kansas from the Olathe Culinary Arts Program has placed either first or second in the nation and has the only high school program in the nation that has had so much success placing in the top two for three consecutive years. Prior to this year's national competition, Team Kansas placed first in the state competition on March 1 and 2, 2011 in Wichita, Kansas; and

WHEREAS, Every day since January 8, 2011, excluding weekends, spring break and snow days, Team Kansas from the Olathe Culinary Arts Program has practiced preparing the same meal it showcased the weekend of the invitational; and

WHEREAS, Team Kansas, in only the one hour allowed during the invitational competition, prepared a three-course meal with only butane burners for heat sources; and

WHEREAS, The three-course meal was carefully and meticulously prepared by Team Kansas. The first course included a butter poached lobster tail atop a citrus macerated slaw in citrus vinaigrette, garnished with a Parmesan crescent and a nest of micro greens. The second course included pan-roasted, sunflower-seed encrusted pork tenderloin with a parsnip purée, Tourne potatoes, Bouquetiere of Chateau zucchini and baby carrots served with a tomato, spinach relish and a classic demi-glace. The third course concluded with a white chocolate coconut Bavarian atop a dark chocolate raspberry Bavarian garnished with a cocoa nib brittle, chocolate crescent, raspberry coulis and coconut coulis; and

WHEREAS, Team Kansas consists of Erica Tatham, Team Lead, Olathe South High School; Elizabeth Huston, Olathe Northwest High School; Matt McIntyre, Olathe Northwest High School; Kylie Michaels, Olathe North High School; Brandon Ramirez, Olathe East High School; and Chef Mike Chrostowski, Coach and Faculty Advisor; and

WHEREAS, According to Chef Mike Chrostowski, Team Kansas' Coach, it has

"been a pleasure to watch these young men and women display their creativity and passion for the [culinary] competition. They all have risen to the occasion and as their instructor could not be more pleased with all that they have accomplished.": Now, Therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Team Kansas from the Olathe Culinary Arts Program for their great successes and achievements; and

Be it further resolved: That the Secretary of the Senate shall send 10 enrolled copies of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1864** was adopted unanimously.

Senators Haley and Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1865—

A RESOLUTION recognizing the observance of an annual Juneteenth Day.

WHEREAS, The Kansas Senate acknowledged its support for Juneteenth Day in 2007; and

WHEREAS, June 19th, the oldest known celebration of the ending of slavery, is known in many places as "Juneteenth Day"; and

WHEREAS, News of the end of slavery did not reach frontier areas of the United States for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War; and

WHEREAS, On June 19th, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free; and

WHEREAS, News of the end of slavery did not have the same impact on Kansas because Kansas was established as and remained a "free" state; and

WHEREAS, Many African-Americans continue the tradition of celebrating Juneteenth as inspiration and encouragement for future generations, and for more than 140 years, Juneteenth Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures; and

WHEREAS, Although Juneteenth Day is beginning to be recognized as a national, and even global event, the history behind the celebration should not be forgotten; and

WHEREAS, The faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion or race: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the historical significance of Juneteenth; support the continued celebration of Juneteenth to provide an opportunity for the people of the State of Kansas to learn more about the past to better understand the experiences that have shaped the nation and encourage the people of the State of Kansas to observe Juneteenth Day with appropriate ceremonies, activities and programs; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Senators Haley and Faust-Goudeau.

On emergency motion of Senator Haley **SR 1865** was adopted unanimously.

REPORT ON ENGROSSED BILLS

SB 50 reported correctly engrossed May 10, 2011.

REPORT ON ENROLLED BILLS

SR 1859, SR 1860, SR 1861, SR 1862 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 10, 2011.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President John Vratil in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **Senate Substitute for HB 2194**.

The House adopts the Conference Committee report on **SB 61**.

The House adopts the Conference Committee report on **House Substitute for SB 196**.

The House adopts the Conference Committee report on **HB 2071**.

The House adopts the Conference Committee report on **HB 2191**.

ORIGINAL MOTION

Senator Emler 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 61; H Sub for SB 63; SB 143; H Sub for SB 196; SB 248; HB 2336**.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Owens moved the Senate reconsider its action on **H Sub for SB 37**. The motion carried and the Senate returned to consideration of the Conference Committee Report.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 37** submits the following report:

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

On page 9, following line 28, by inserting the following:

"(A) Upon a first conviction, a severity level 6, person felony;"

And by redesignating subparagraphs accordingly;

Also on page 9, in line 30, by striking "first or";

On page 19, in line 1, following "offender," by inserting "including a violent offender or drug offender who is also a sex offender,;" in line 5, following "offender," by inserting "report in person four times each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending a school, except that,;" by striking all in lines 6 through 11;

in line 12, by striking "incapacitated" and inserting "one of the four required reports may be conducted by certified letter"; also in line 12, following "sent" by inserting "by the registering law enforcement agency"; in line 14, following "respond" by inserting "by returning the letter"; also in line 14, by striking "with" and inserting "within 10 days, by certified mail, indicating"; in line 15, by striking "within 10 days";

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

PAT COLLOTON

MELODY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

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

Yeas: Abrams, Apple, Bruce, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umberger, Vratil, Wagle.

Nays: Brungardt.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 61** submits the following report:

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

On page 1, by striking all in lines 28 through 36;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 10, and inserting the following:

"Sec. 2. K.S.A. 2010 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment,

with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2010 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2010 Supp. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2010 Supp. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the department of wildlife and parks to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department of social and rehabilitation services for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.), and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act at K.S.A. 74-4901 et seq., and amendments thereto; ~~and~~

(13) provide taxpayer information of persons suspected of violating K.S.A. 2010 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of K.S.A. 2010 Supp. 44-766, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., ~~as amended and amendments thereto~~, and the results or status of such audit or investigation; *and*

(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, "associated persons" includes spouses or dependents listed on income tax returns.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or

federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 3. K.S.A. 2010 Supp. 74-50,208 and 79-3234 are hereby repealed.";

And by renumbering section 5 as section 4;

Also on page 6, in line 12, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "income"; also in line 1, by striking "credits; "and inserting "income tax credits,"; in line 2, by striking all after the semicolon; in line 3, by striking all before "amending" and inserting "tax information, disclosure to state treasurer in certain circumstances, unclaimed property,"; by striking all in line 4, and inserting "K.S.A. 2010 Supp. 74-50,208 and 79-3234";

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

RICHARD CARLSON

MARVIN G. KLEEB

NILE DILLMORE

Conferees on part of House

PAT APPLE

JEFF KING

G. THOMAS HOLLAND II

Conferees on part of Senate

Senator Apple moved the Senate adopt the Conference Committee Report on **SB 61**.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco, King.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 63** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 63, as follows:

On page 1, by striking all in lines 8 through 35;

By striking all on page 2;

On page 3, by striking all in lines 1 through 12; following line 12 by inserting:

"New Section 1. The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

(a) *Disclosure made in a court or agency proceeding; scope of waiver.* When the disclosure is made in a court or agency proceeding and waives the attorney-client

privilege or work-product protection, the waiver extends to an undisclosed communication or information in any proceeding only if:

- (1) The waiver is intentional;
- (2) the disclosed and undisclosed communications or information concern the same subject matter; and
- (3) they ought in fairness be considered together.

(b) *Inadvertent disclosure.* When made in a court or agency proceeding, the disclosure does not operate as a waiver in any proceeding if:

- (1) The disclosure is inadvertent;
- (2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and
- (3) the holder promptly took reasonable steps to rectify the error, including, if applicable, following subsection (b)(7)(B) of K.S.A. 60-226, and amendments thereto.

(c) *Disclosure made in a non-Kansas proceeding.* When the disclosure is made in a non-Kansas proceeding and is not the subject of a court order concerning waiver, the disclosure does not operate as a waiver in a Kansas proceeding if the disclosure:

- (1) Would not be a waiver under this section if it had been made in a Kansas proceeding; or
- (2) is not a waiver under the law of the jurisdiction where the disclosure occurred.

(d) *Controlling effect of a court order.* A court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court, in which event the disclosure is also not a waiver in any other proceeding.

(e) *Controlling effect of a party agreement.* An agreement on the effect of disclosure in a proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.

(f) *Definitions.* As used in this section:

(1) "Attorney-client privilege" means the protection that applicable law provides for confidential attorney-client communications.

(2) "Work-product protection" means the protection that applicable law provides for tangible material, or its intangible equivalent, prepared in anticipation of litigation or for trial.

Sec. 2. K.S.A. 60-426 is hereby amended to read as follows: 60-426. (a) *General rule.* Subject to K.S.A. 60-437, and amendments thereto, and except as otherwise provided by subsection (b), of this section ~~communications found by the judge to have been between lawyer an attorney and his or her such attorney's client in the course of that relationship and in professional confidence, are privileged, and a client has a privilege:~~ (1) If ~~he or she~~ *the such client* is the witness, to refuse to disclose any such communication; ~~and;~~ (2) to prevent ~~his or her lawyer~~ *such client's attorney* from disclosing it; and (3) to prevent any other witness from disclosing such communication if it came to the knowledge of such witness (i) in the course of its transmittal between the client and the ~~lawyer attorney, or~~ (ii) in a manner not reasonably to be anticipated by the client; or (iii) as a result of a breach of the ~~lawyer-client~~ *attorney-client* relationship. The privilege may be claimed by the client in person or by ~~his or her lawyer~~ *such client's attorney*, or if an incapacitated person, by either ~~his or her~~ *such person's* guardian or conservator, or if deceased, by ~~his or her~~ *such person's* personal representative.

(b) *Exceptions.* Such privileges shall not extend to a communication: (1) ~~to a~~

~~communication~~ If the judge finds that sufficient evidence, aside from the communication, has been introduced to warrant a finding that the legal service was sought or obtained in order to enable or aid the commission or planning of a crime or a tort; ~~or;~~ (2) ~~to a communication~~ relevant to an issue between parties all of whom claim through the client, regardless of whether the respective claims are by testate or intestate succession or by *inter vivos* transaction; ~~or;~~ (3) ~~to a communication~~ relevant to an issue of breach of duty by the ~~lawyer attorney~~ to ~~his or her~~ *such attorney's* client, or by the client to ~~his or her lawyer, or such client's attorney;~~ (4) ~~to a communication~~ relevant to an issue concerning an attested document of which the ~~lawyer attorney~~ is an attesting witness; ~~;~~ or (5) ~~to a communication~~ relevant to a matter of common interest between two or more clients if made by any of them to ~~a lawyer an attorney~~ whom they have retained in common when offered in an action between any of such clients.

(c) *Definitions.* As used in this section:

(1) "Client" means a person or corporation or other association that, directly or through an authorized representative, consults ~~a lawyer an attorney~~ or ~~lawyer's attorney's~~ representative for the purpose of retaining the ~~lawyer attorney~~ or securing legal service or advice from the ~~lawyer attorney~~ in ~~his or her~~ a professional capacity; and includes an incapacitated person who, or whose guardian on behalf of the incapacitated person, so consults the ~~lawyer attorney~~ or the ~~lawyer's attorney's~~ representative in behalf of the incapacitated person;

(2) "Communication" includes advice given by the ~~lawyer attorney~~ in the course of representing the client and includes disclosures of the client to a representative, associate or employee of the ~~lawyer attorney~~ incidental to the professional relationship;

(3) "~~lawyer~~Attorney" means a person authorized, or reasonably believed by the client to be authorized, to practice law in any state or nation the law of which recognizes a privilege against disclosure of confidential communications between client and ~~lawyer attorney~~.

Section 3. K.S.A. 60-2601 is hereby amended to read as follows: 60-2601. (a) *General powers and duties.* In the performance of their duties all clerks of record shall be under the direction of the court.

(b) *Dockets.* Subject to the provisions of K.S.A. 60-2601a, and amendments thereto, the clerk of the court shall keep the following dockets or other records which may be ordered by the court in the following manner:

(1) *Appearance docket.* The clerk shall keep one or more appearance dockets and enter each civil action in the docket. Actions within each appearance docket shall be assigned consecutive file numbers. The file number of each action shall be noted on the docket on which the first entry of the action is made. All papers filed with the clerk, all process issued and returns made and, all appearances, orders, verdicts and judgments shall be noted chronologically on the appearance docket. These notations shall be brief but shall show the nature of each paper filed or writ issued and the substance of each order or judgment of the court and of the returns showing execution of process.

(2) *General index.* The general index shall be kept in a form in which names are arranged in alphabetical order. Plaintiffs, petitioners, defendants and respondents shall be listed as well as the case file number.

(c) *Issuance of writs and orders.* All writs and orders for provisional remedies shall be issued by the clerks of the several courts, upon praecipes filed with the clerk,

demanding the writs and orders.

(d) *Filing and preservation of papers.* Except as otherwise provided by law, it is the duty of the clerk of each of the courts to file together and carefully preserve in the office of the clerk all papers delivered to the clerk for that purpose, in every action or special proceeding. The clerk shall keep the papers separate in each case, carefully enveloped in a wrapper or folder labeled with the title of the cause. Orders and journal entries requiring the signature of the judge shall have the date and time of day stamped on them by the clerk immediately upon receipt of the signed order or journal entry and the clerk or deputy shall initial the stamp. The clerk shall stamp on all other filed papers, the date and time of day of receiving them and initial the stamp. *The date and time of receipt of filings received by the clerk shall be recorded.*

Sec. 4. K.S.A. 60-2601a is hereby amended to read as follows: 60-2601a. In any county which has a computer information storage and retrieval system for the use of the clerk of the district court of such county, the records and information required to be maintained in the dockets and journals under the provisions of ~~subsections~~ *subsection* (b)(1), (2), (3), and (4) of K.S.A. 60-2601, and amendments thereto, may, upon order of the ~~chief judge of such~~ *supreme court*, be maintained in such computer information storage and retrieval system. The clerk of the district court of such county shall be charged with the responsibility of making such records and information maintained in such computer information storage and retrieval system accessible to the public during normal working hours.

Sec. 5. K.S.A. 2010 Supp. 60-3003 is hereby amended to read as follows: 60-3003. (a) At the time of the filing of the foreign judgment, the judgment creditor or the judgment creditor's ~~lawyer~~ *attorney* shall make and file with the clerk of the district court an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor.

(b) Promptly upon the filing of the foreign judgment and the affidavit, the judgment creditor or the judgment creditor's ~~lawyer~~ *attorney* shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's ~~lawyer~~ *attorney*, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the clerk of the district court and may file proof of mailing with the clerk of the district court.

Sec. 6. K.S.A. 2010 Supp. 60-4107 is hereby amended to read as follows: 60-4107. (a) Property may be seized for forfeiture by a law enforcement officer upon process issued by the district court. The court may issue a seizure warrant on an affidavit under oath demonstrating that probable cause exists for the property's forfeiture or that the property has been the subject of a previous final judgment of forfeiture in the courts of any state or of the United States. The court may order that the property be seized on such terms and conditions as are reasonable in the discretion of the court. The order may be made on or in connection with a search warrant. All real property is to be seized constructively or pursuant to a preseizure adversarial judicial determination of probable cause, except that this determination may be done *ex parte* when the attorney for the state has demonstrated exigent circumstances to the court.

(b) Property may be seized for forfeiture by a law enforcement officer without process on probable cause to believe the property is subject to forfeiture under this act.

(c) Property may be seized constructively by:

(1) Posting notice of seizure for forfeiture or notice of pending forfeiture on the property.

(2) Giving notice pursuant to K.S.A. 60-4109, and amendments thereto.

(3) Filing or recording in the public records relating to that type of property notice of seizure for forfeiture, notice of pending forfeiture, a forfeiture lien or a *lis pendens*. Filings or recordings made pursuant to this act are not subject to a filing fee or other charge, *except that court costs may be assessed and, if assessed, shall include the amount of the docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and any additional court costs accrued in the action.*

(d) The seizing agency shall make reasonable effort to provide notice of the seizure to the person from whose possession or control the property was seized and any interest holder of record within 30 days of seizing the property. If no person is in possession or control, the seizing agency may attach the notice to the property or to the place of the property's seizure or may make a reasonable effort to deliver the notice to the owner of the property. The notice shall contain a general description of the property seized, the date and place of seizure, the name of the seizing agency and the address and telephone number of the seizing officer or other person or agency from whom information about the seizure may be obtained.

(e) A person who acts in good faith and in a reasonable manner to comply with an order of the court or a request of a law enforcement officer is not liable to any person on account of acts done in reasonable compliance with the order or request. No liability may attach from the fact that a person declines a law enforcement officer's request to deliver property.

(f) A possessory lien of a person from whose possession property is seized is not affected by the seizure.

(g) When property is seized for forfeiture under this act, the seizing agency shall, within 45 days of such seizure, forward to the county or district attorney in whose jurisdiction the seizure occurred, a written request for forfeiture which shall include a statement of facts and circumstances of the seizure, the estimated value of the property, the owner and lienholder of the property, the amount of any lien, and a summary of the facts relied on for forfeiture.

(h) Upon receipt of a written request for forfeiture from a local law enforcement agency, the county or district attorney shall have 14 days to accept the request. Should such county or district attorney decline such request, or fail to answer, the seizing agency may:

(1) Request a state law enforcement agency which enforces this act to adopt the forfeiture; or

(2) engage an attorney, approved by the county or district attorney, to represent the agency in the forfeiture proceeding.

(i) Upon receipt of a written request for forfeiture from a state law enforcement agency, the county or district attorney shall have 14 days to accept the request. Should such county or district attorney decline such request, or fail to answer, the seizing agency may engage an assistant attorney general or other attorney approved by the attorney general's office to represent the agency in the forfeiture proceeding.

(j) Nothing in this act shall prevent the attorney general, an employee of the attorney general or an authorized representative of the attorney general from conducting forfeiture proceedings under this act.

(k) Nothing in this act shall prevent a seizing agency from requesting federal adoption of a seizure. It shall not be necessary to obtain any order pursuant to K.S.A. 22-2512, and amendments thereto, to release any seized property to a federal agency should the county or district attorney approve of such transfer.

(l) Nothing in this act shall prevent a seizing agency, or the plaintiff's attorney on behalf of the seizing agency, from settling any alleged forfeiture claim against property before or during forfeiture proceedings. Such settlement shall be in writing and shall be approved, if a local agency, by the county or district attorney or, if a state agency, by the attorney general's office and a district court judge. No hearing or other proceeding shall be necessary. The records of settlements occurring prior to commencement of judicial forfeiture proceedings in the district court shall be retained by the county or district attorney for not less than five years.

(m) Settlements under this act shall not be conditioned upon any disposition of criminal charges.

Sec. 7. K.S.A. 2010 Supp. 60-4109 is hereby amended to read as follows: 60-4109. (a) Forfeiture proceedings shall be commenced by filing a notice of pending forfeiture or a judicial forfeiture action:

(1) If the plaintiff's attorney fails to initiate forfeiture proceedings by notice of pending forfeiture within 90 days against property seized for forfeiture or if the seizing agency fails to pursue forfeiture of the property upon which a proper claim has been timely filed by filing a judicial forfeiture proceeding within 90 days after notice of pending forfeiture, the property shall be released on the request of an owner or interest holder to such owner's or interest holder's custody, as custodian for the court, pending further proceedings pursuant to this act. Such custodianship shall not exceed 90 days following the release to the owner or interest holder unless an extension is authorized by the court for good cause shown.

(2) If, after notice of pending forfeiture, a claimant files a petition for recognition of exemption pursuant to K.S.A. 60-4110, and amendments thereto, the plaintiff's attorney may delay filing the judicial forfeiture proceeding for a total of 180 days after the notice of pending forfeiture except that if an interest holder timely files a proper petition documenting the complete nature and extent of such holder's interest, including all of the contractual terms and current status, the plaintiff's attorney may delay filing a judicial forfeiture proceeding only if such attorney provides each such petitioner with a written recognition of exemption within 60 days after the effective date of the notice of pending forfeiture, recognizing the interest of such petitioner to the extent of documented outstanding principal plus interest at the contract rate until paid and any attorney fees ordered by a court pursuant to such contract.

(3) Whenever notice of pending forfeiture or service of an in rem complaint or notice of a recognition of exemption and statement of nonexempt interests is required under this act, notice or service shall be given in accordance with one of the following:

(A) If the owner's or interest holder's name and current address are known, by either personal service by any person qualified to serve process or by any law enforcement officer or by mailing a copy of the notice by certified mail, return receipt requested, to the known address;

(B) if the owner's or interest holder's name and address are required by law to be on record with a municipal, county, state or federal agency to perfect an interest in the property, and the owner's or interest holder's current address is not known, by mailing a

copy of the notice by certified mail, return receipt requested, to any address of record with any of the described agencies; or

(C) if the owner's or interest holder's address is not known and is not on record as provided in paragraph (B), or the owner's or interest holder's interest is not known, by publication in one issue of the official county newspaper, as defined by K.S.A. 64-101, and amendments thereto, in the county in which the seizure occurred.

(4) Notice is effective upon personal service, publication or the mailing of a written notice, whichever is earlier, except that notice of pending forfeiture of real property is not effective until it is recorded. Notice of pending forfeiture shall include a description of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged and a summary of procedures and procedural rights applicable to the forfeiture action.

(b) The plaintiff's attorney, without a filing fee, may file a lien for the forfeiture of property upon the initiation of any civil or criminal proceeding relating to conduct giving rise to forfeiture under this act or upon seizure for forfeiture. *Court costs may be assessed and, if assessed, shall include the amount of the docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and any additional court costs accrued in the action.* A plaintiff's attorney may also file a forfeiture lien in this state in connection with a proceeding or seizure for forfeiture in any other state under a state or federal statute substantially similar to the relevant provisions of this act. The filing constitutes notice to any person claiming an interest in the seized property or in property owned by the named person.

(1) The lien notice shall set forth the following:

(A) The name of the person and, in the discretion of the lienor, any alias, or the name of any corporation, partnership, trust or other entity, including nominees, that are owned entirely or in part or controlled by the person; and

(B) the description of the seized property, the criminal or civil proceeding that has been brought relating to conduct giving rise to forfeiture under this act, the amount claimed by the lienor, the name of the district court where the proceeding or action has been brought, and the case number of the proceeding or action if known at the time of filing.

(2) A lien filed pursuant to this subsection applies to the described seized property or to one named person, any aliases, fictitious names, or other names, including the names of any corporation, partnership, trust, or other entity, owned entirely or in part, or controlled by the named person, and any interest in real property owned or controlled by the named person. A separate forfeiture lien shall be filed for each named person.

(3) The notice of lien creates, upon filing, a lien in favor of the lienor as it relates to the seized property or the named person or related entities. The lien secures the amount of potential liability for civil judgment, and if applicable, the fair market value of seized property relating to all proceedings under this act enforcing the lien. The notice of forfeiture lien referred to in this subsection shall be filed in accordance with the provisions of the laws of this state relating to the type of property that is subject to the lien. The validity and priority of the forfeiture lien shall be determined in accordance with applicable law pertaining to liens. The lienor may amend or release, in whole or in part, a lien filed under this subsection at any time by filing, without a filing fee, an amended lien in accordance with this subsection which identifies the lien amended. The lienor, as soon as practical after filing the lien, shall furnish to any person named in the

lien a notice of the filing of the lien. Failure to furnish notice under this subsection shall not invalidate or otherwise affect the lien.

(4) Upon entry of judgment in the seizing agency's favor, the seizing agency may proceed to execute on the lien as provided by law.

(5) A trustee, constructive or otherwise, who has notice that a notice of forfeiture lien, or a notice of pending forfeiture, or a civil forfeiture proceeding has been filed against the property or against any person or entity for whom the person holds title or appears as record owner, shall furnish within 14 days, to the seizing agency or the plaintiff's attorney all of the following information, unless all of the information is of record in the public records giving notice of liens on that type of property:

- (A) The name and address of each person or entity for whom the property is held;
- (B) the description of all other property whose legal title is held for the benefit of the named person; and
- (C) a copy of the applicable trust agreement or other instrument, if any, under which the trustee or other person holds legal title or appears as record owner of the property.

(6) A trustee with notice who knowingly fails to comply with the provisions of this subsection shall be guilty of a class B nonperson misdemeanor.

(7) A trustee with notice who fails to comply with paragraph (5) is subject to a civil penalty of \$100 for each day of noncompliance. The court shall enter judgment ordering payment of \$100 for each day of noncompliance from the effective date of the notice until the required information is furnished or the seizing agency executes the seizing agency's judgment lien under this section.

(8) To the extent permitted by the constitutions of the United States and the state of Kansas, the duty to comply with paragraph (5) shall not be excused by any privilege or provision of law of this state or any other state or country which authorizes or directs that testimony or records required to be furnished pursuant to paragraph (5) are privileged, confidential and otherwise may not be disclosed.

(9) A trustee who furnishes information pursuant to paragraph (5) is immune from civil liability for the release of the information.

(10) An employee of the seizing agency or the plaintiff's attorney who releases the information obtained pursuant to paragraph (5), except in the proper discharge of official duties, is guilty of a class B nonperson misdemeanor.

(11) If any information furnished pursuant to paragraph (5) is offered in evidence, the court may seal that portion of the record or may order that the information be disclosed in a designated way.

(12) A judgment or an order of payment entered pursuant to this section becomes a judgment lien against the property alleged to be subject to forfeiture.

Sec. 8. K.S.A. 60-426, 60-2601 and 60-2601a and K.S.A. 2010 Supp. 60-3003, 60-4107 and 60-4109 are hereby repealed.";

By renumbering the remaining section;

On page 1, in the title, by striking all in lines 1 through 5 and inserting: "AN ACT concerning civil procedure; relating to electronic filing; relating to forfeiture; amending K.S.A. 60-426, 60-2601 and 60-2601a and K.S.A. 2010 Supp. 60-3003, 60-4107 and 60-4109 and repealing the existing sections.";

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

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **H Sub for SB 63**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 143** submits the following report:

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

On page 6, following line 26, by inserting:

"Sec. 13. K.S.A. 2010 Supp. 71-201 is hereby amended to read as follows: 71-201.

(a) The board of trustees, in accordance with the provisions of law and the rules and regulations of the state board of regents, shall have custody of and be responsible for the property of the community college and shall be responsible for the operation, management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an annual report in the manner prescribed by the state board of regents. Members of the board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.

(b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to the rules and regulations of the state board of regents is hereby granted the following powers:

(1) To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.

(2) To sue and be sued.

(3) To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or

curriculum.

(4) To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.

(5) To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state adopted standards their specifications, define their duties; and to fix their compensation and terms of employment. No community college teacher shall be required to meet licensure requirements greater than those required in the state educational institutions.

(6) Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.

(7) To enter into contracts.

(8) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.

(9) To acquire by gift, purchase, lease-purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. Any lease-purchase agreement entered into under authority of this subsection shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the community college to payment of maintenance or other expenses. Any lease or lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease or lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease or lease-purchase agreement and assignment thereof are subject to change or termination by the legislature. To the extent that the provisions of the cash-basis and budget laws conflict with this subsection in such a manner as to prevent the intention of this subsection from being made effective, the provisions of this subsection shall control. This provision is subject to the provisions of subsection (d).

(10) To enter into lease agreements as lessor of any property, whether real, personal, or mixed, which is owned or controlled by the community college. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the board of trustees determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.

(11) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and

conditions as provided by law.

(12) To exercise the right of eminent domain, pursuant to chapter 26 of Kansas Statutes Annotated.

(13) To make and promulgate such rules and regulations, not inconsistent with the provisions of law or with rules and regulations of the state board of regents, that are necessary and proper for the administration and operation of the community college, and for the conduct of the business of the board of trustees.

(14) To exercise all other powers not inconsistent with the provisions of law or with the rules and regulations of the state board of regents which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community college.

(15) To appoint a member to fill any vacancy on the board of trustees for the balance of the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the community college district stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than 15 days after such publication.

(16) To contract with one or more agencies, either public or private, whether located within or outside the community college district or whether located within or outside the state of Kansas for the conduct by any such agencies of ~~academic or vocational~~ education for students of the community college, and to provide for the payment to any such agencies for their contracted educational services from any funds or moneys of the community college, including funds or moneys received from student tuition and fees, funds received from the state of Kansas or the United States for ~~academic or vocational~~ education, or taxes collected under K.S.A. 71-204, and amendments thereto. Any contract made under this subsection with an institution of another state shall be subject to the provisions of K.S.A. 71-202, and amendments thereto.

(17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed \$1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund is maintained. No petty cash fund may be replenished more than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and

itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.

(c) Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct, reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than \$90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than \$90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community college district results in an outstanding bonded indebtedness in excess of that provided in this subsection, such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the community college district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in such community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

(d) The board of trustees of a community college may purchase or otherwise acquire land or land and improvements within: (1) The community college district; or (2) the service area of the community college. Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district or the service area of the community college and owned or being acquired by the community college on the effective date of this act.

For the purposes of this subsection, "service area" means *a designated geographic area of the state established pursuant to agreement of the presidents of the community colleges and adopted in policy by the state board of regents.*";

And by renumbering sections accordingly;

On page 7, following line 11, by inserting:

"Sec. 15. K.S.A. 71-604 is hereby amended to read as follows: 71-604. (a) If the amount of any appropriation for state ~~entitlements~~ *aid* is insufficient to pay in full the amount each community college is ~~entitled~~ *otherwise eligible* to receive, the amount appropriated shall be prorated among all community colleges in proportion to the amount each is ~~entitled~~ *eligible* to receive.

(b) If any community college is paid more than the amount it is ~~entitled~~ *eligible* to receive, the state board shall notify the community college of the amount of the overpayment and the community college shall remit the same to the state board and the state board shall deposit the same in the state treasury to the credit of the general fund,

and if any such community college fails ~~so~~ to remit, the state board shall deduct the excess amount so paid from future payments becoming due to such community college.

(c) If any community college is paid less than the amount it is ~~entitled~~ *eligible* to receive, the state board shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.

Sec. 16. K.S.A. 71-609 is hereby amended to read as follows: 71-609. (a) No amount of a state ~~entitlement~~ *funding* shall be based upon enrollment in any subject or course the principal part of which is taught at a location outside the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of regents.

(b) (1) No amount of a state ~~entitlement~~ *funding* shall be based upon enrollment in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection.

(2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.

Sec. 17. K.S.A. 71-609a is hereby amended to read as follows: 71-609a. No amount of the state ~~entitlement~~ *operating grant* of a community college shall be based upon any ~~course or program if such course or program is taught in an area vocational school, an area vocational-technical school, or a technical college under an agreement with such community college and for which payments of state or federal moneys are made to the area vocational school, the area vocational-technical school, or the technical college under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated.~~ *credit hour for which the community college is receiving or is eligible to receive postsecondary tiered technical education state aid.*

Sec. 18. K.S.A. 71-614 is hereby amended to read as follows: 71-614. Any lawful transfer of money from the general fund of a community college to the ~~vocational-career technical~~ *education fund*, adult education fund, adult supplementary education fund or motorcycle driver safety fund shall be an operating expense in the year the transfer is made. The board of trustees of any community college may transfer moneys from its general fund to its ~~vocational-career technical~~ *education fund*, adult education fund, adult supplementary education fund or motorcycle driver safety fund. Expenditures for ~~vocational-career technical~~ *education*, adult basic education, adult supplementary education and motorcycle driver safety shall not be made from the general fund of a community college.";

And by renumbering sections accordingly;

On page 9, following line 19, by inserting:

"Sec. 20. K.S.A. 71-701 is hereby amended to read as follows: 71-701. As used in this act:

(a) *"Board of trustees" means the governing body of a community college.*

(b) *"Campus" means the location of all or part of the buildings and facilities of a community college.*

(c) *"Chief administrative officer" means the president or one so appointed by the board of trustees.*

~~(d)~~ (d) *"Community college" means a public community college established under the provisions of this act. The official name of a community college shall be "the _____ community college" and the blank shall be filled with the name of the city or county.*

~~(b)~~ *"State board" means the state board of regents.*

~~(e)~~ (e) *"Community college district" means the taxing district of a community college.*

~~(d)~~ *"Board of trustees" means the governing body of a community college.*

~~(e)~~ *"State plan" means the plan adopted for community colleges as provided by law, and such plan as it is from time to time amended by the state board upon recommendation of the advisory council; such plan may include other matters listed in the community college act and acts amendatory thereof, or supplemental thereto.*

~~(f)~~ *"Campus" means the location of all or part of the buildings and facilities of a community college.*

~~(g)~~ *"Advisory council" means the advisory council provided for by K.S.A. 71-901, and amendments thereto.*

~~(f)~~ *"State board" means the state board of regents.*

~~(h)~~ (g) *"Student tuition" means the charge made to and paid by students for the privilege of attending a community college and participating in the institutional program.*

~~(i)~~ *"Chief administrative officer" means the president or one so appointed by the board of trustees.*

Sec. 21. K.S.A. 71-802 is hereby amended to read as follows: 71-802. At any time, if the state board of regents finds that a community college previously approved or deemed approved has failed to comply with the provisions of this act or with any provision of a rule or regulation adopted pursuant to this act, or fails to meet the standards contained in this act, the state board of regents shall so advise the board of trustees. If after 12 calendar months after any such notification such board of trustees has failed to correct the deficiency noted, the state board of regents shall withdraw approval of the community college and it shall not be ~~entitled to~~ *eligible for* state aid during the continuance of any such period of withdrawal. Any action of the state board of regents in granting, denying or withdrawing approval of a community college shall be subject to review by the legislature.

Sec. 22. K.S.A. 71-1201 is hereby amended to read as follows: 71-1201. Territory may be added to any community college district which has been established under this act either by deemed approval or by election approval by one of the following methods:

(a) The board of education of any unified district a part of which is in the community college district or which touches and adjoins a community college district may petition the state board for attachment of the territory of such unified district to the community college district for community college purposes. Upon receiving any petition under this subsection, the same shall be submitted ~~to the advisory council for its advice and recommendations which, together with the petition, shall be presented~~ to the state board. After considering the petition, the state board may approve such

attachment, ~~if the advisory council has so recommended. If the advisory council has not so recommended.~~ The state board ~~shall so inform~~ *may seek the recommendation of* the board of trustees of the community college involved ~~and may request its recommendation~~ as to such attachment. If such request is made and if such board of trustees recommends such attachment, the same may be approved by the state board. Upon granting any approval for attachment of territory the state board shall so inform the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval for such attachment in the area petitioned for attachment. Such election shall be conducted in accordance with the procedure for approval for establishment of a community college as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the _____ community college district be approved?", and the blank shall be filled with the name of the community college. The expenses of the election shall be paid by the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The provisions of subsection (b) of K.S.A. 71-1102, and amendments thereto, shall also apply to this subsection.

(b) Any board of trustees may petition the state board for the attachment of any adjoining territory to the community college district. Such petition shall be processed as *set forth* in subsection (a) ~~of this section, except that in the event of disapproval by the advisory council the state board shall so inform the board of trustees and in such case such attachment shall not be made.~~ If the ~~advisory council~~ *state board* approves such petition, the state board shall notify the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval of such attachment in the area petitioned for attachment. No attachment of territory shall be made under this subsection unless such attachment has been approved by a majority of those voting in the territory to be attached. Such election shall be conducted in accordance with the procedure for approval of the establishment of community colleges as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the _____ community college district be approved?", and the blank shall be filled with the name of the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The expenses of the election shall be paid by the community college.

(c) No territory shall be attached to any community college district within 120 days prior to the general election of members of the board of trustees.

(d) If the community college attaching territory under subsection (a) or (b) has member district method of election, no approval thereof shall be given by the state board and no proposition for approval thereof shall be submitted to any election until new proposed member districts for the community college territory as the same will exist after the addition of territory have been established by the state board.

Sec. 23. K.S.A. 2010 Supp. 71-1507 is hereby amended to read as follows: 71-1507. (a) The board of trustees of any community college and the board of any ~~area vocational school or area vocational-technical school~~ *technical college or the institute of technology at Washburn university*, may make and enter into agreements providing for the transfer from the ~~area vocational school or area vocational-technical school~~ *technical college or the institute of technology* to the community college of any

approved career technical education program being offered and taught at the postsecondary level in the ~~area vocational school or area vocational technical school~~ technical college or the institute of technology.

(b) In the event the board of trustees of a community college and the board of ~~an area vocational school or area vocational technical school~~ any technical college or the institute of technology at Washburn university enter into an agreement authorized under subsection (a), the following conditions shall apply:

(1) The state board of regents shall be notified of the agreement at the time the agreement is executed.

(2) The agreement shall be effective only after approval by the state board of regents.

(3) Any career technical education program transferred in accordance with the agreement shall be offered and taught in the community college only after approval of the program by the state board of regents.

(4) The agreement shall be subject to change or termination by the legislature.

(5) (A) The duration of the agreement shall be perpetual unless terminated in accordance with provision (B).

(B) Termination of the agreement may be accomplished only upon approval by the state board of regents of a joint petition to it for termination by the contracting boards after adoption of a resolution to that effect by each such board. The state board of regents shall consider the petition and approve or disapprove termination of the agreement. Upon termination of the agreement, any program transferred thereunder shall be discontinued.

Sec. 24. K.S.A. 2010 Supp. 72-4412 is hereby amended to read as follows: 72-4412. As used in this act:

(a) *"Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.*

~~(a)~~ (b) "Board" means the board of education of any school district, the board of trustees of any community college, the board of regents of any municipal university, ~~the board of control of any area vocational technical school~~, the governing body of any technical college, or the chief executive officer of any state educational institution.

~~(b) "Area vocational school" means any vocational education school established under authority of the laws of this state, approved and officially designated as an area vocational school by the state board, and operated under any board. Any area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words "area vocational technical school."~~

~~(e) "Area vocational-technical school" means any vocational education school which was classified as a type II area vocational-technical school under authority of former laws or which is established and classified as a type II area vocational-technical school under authority of this act. The school to which this definition applies is the Southeast Kansas area vocational-technical school.~~

~~The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection.~~

(c) "Career technical education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term "career technical education" also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.

~~(d) "School district" means any school district organized under the laws of this state.~~

~~(e)~~ *(d) "Community college" means any community college organized and operating under the laws of this state.*

(e) "Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.

(f) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated, and amendments thereto.

~~(g)~~ *(g) "School district" means any school district organized under the laws of this state.*

(h) "School year" means the 12-month period ending on June 30.

(i) "State board" means the state board of regents.

~~(g)~~ *(j) "State educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.*

(k) "State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.

~~(h)~~ *(l) "Technical college" means an educational institution that formerly was an area vocational school or an area vocational-technical school and that has been converted to, established as, and officially designated a technical college under authority of this act.*

(i) "State board" means the state board of regents.

~~(j)~~ *"School year" means the twelve-month period ending on June 30.*

~~(k) "Career technical education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid~~

or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term "career technical education" also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.

(h) ~~(m)~~ "Technology education" means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.

~~(m)~~ "State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.

~~(n)~~ "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.

Sec. 25. K.S.A. 2010 Supp. 72-4415 is hereby amended to read as follows: 72-4415. The state board shall be responsible for the allocation and distribution of the state and federal funds for career and technical education *provided for pursuant to the Carl D. Perkins career and technical education act of 2006* in accordance with the state plan. Moneys allocated and distributed under the provisions of this section shall be expended only in accordance with and for the purposes specified in federal or state law or the state plan. Payments under this act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. Federal funds for career and technical education shall be deposited in the state treasury.

Sec. 26. K.S.A. 72-4440 is hereby amended to read as follows: 72-4440. As used in this act:

~~(a)~~ "Area vocational school," ~~"area vocational technical school,"~~ "Board," "state board," ~~and~~ "school year" ~~and~~ "technical college" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

~~(b)~~ "Operating budget" shall have the meaning ascribed thereto in K.S.A. 72-4430, and amendments thereto.

~~(c)~~ "School" means any area vocational school and any area vocational technical school.

~~(d)~~ ~~Vocational~~ (b) "Career technical education capital outlay aid" means state

financial aid distributed under this act by the state board to ~~a school~~ *an eligible institution* for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of ~~school~~ buildings, architectural expenses incidental thereto, the acquisition of buildings ~~for school purposes~~ and ~~school~~ building sites and the acquisition of equipment.

(c) "*Eligible institution*" or "*institution*" means any technical college, Coffeyville community college, Cowley county community college, Dodge City community college, Highland community college, Hutchinson community college, Johnson county community college, Kansas City, Kansas community college, Pratt community college, Seward county community college and the institute of technology at Washburn university.

Sec. 27. K.S.A. 72-4441 is hereby amended to read as follows: 72-4441. (a) There is hereby established in every ~~area vocational technical school~~ *eligible institution* a fund which shall be called the "~~vocational~~ *career technical* education capital outlay fund," which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by an ~~area vocational technical school~~ *eligible institution* from distributions made under this act shall be credited to the ~~vocational~~ *career technical* education capital outlay fund.

(b) Any moneys received, prior to or after the effective date of this act, by an ~~area vocational technical school~~ *eligible institution* from donations, gifts, grants or bequests, subject to any terms or conditions to the contrary imposed by the donor thereof, may be transferred to or deposited in the ~~vocational~~ *career technical* education capital outlay fund and may be expended by the ~~area vocational technical school~~ *institution* for any purpose for which ~~vocational~~ *career technical* education capital outlay aid may lawfully be expended.

Sec. 28. K.S.A. 72-4442 is hereby amended to read as follows: 72-4442. The amount of ~~vocational~~ *career technical* education capital outlay aid for each ~~school~~ *eligible institution* shall be determined by the state board on the basis of need and the condition of existing facilities and equipment and payments thereof shall be distributed on payment dates to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due as ~~vocational~~ *career technical* education capital outlay aid to each ~~school~~ *eligible institution* five days before each payment date. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each ~~school~~ *entitled to institution eligible for* payment of ~~vocational~~ *career technical* education capital outlay aid, pursuant to vouchers approved by the state board or by a person or persons designated by the state board. Upon receipt of such warrant, the treasurer of each ~~area vocational school~~ shall deposit the amount thereof to the credit of the ~~area vocational school~~ fund. The treasurer of each ~~area vocational technical school~~ *eligible institution* shall deposit the amount of such warrant to the credit of the ~~vocational~~ *career technical* education capital outlay fund established by this act.

In the event any ~~school~~ *eligible institution* is paid more than it is entitled to receive under any distribution made under this act, the state board shall notify the ~~school~~ *institution* of the amount of such overpayment, and such ~~school~~ *institution* shall remit the same to the state board. The state board shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire

amount in the state treasury to the credit of the state general fund. If any such ~~school~~ *institution* fails to remit, the state board shall deduct the excess amounts so paid from future payments becoming due to such ~~school~~ *institution*. In the event any ~~school~~ *institution* is paid less than the amount to which it is entitled under any distribution made under this act, the state board shall pay the additional amount due at any time within the ~~school~~ *academic* year in which the underpayment was made or within 60 days after the end of such ~~school~~ *academic* year.

Sec. 29. K.S.A. 2010 Supp. 72-4450 is hereby amended to read as follows: 72-4450. As used in this act:

(a) "Career technical education program" means a program of vocational or technical training or retraining which is operated at the postsecondary level and is designed to prepare persons for gainful employment.

(b) "Career technical education institution" means any ~~area vocational school, area vocational-technical school,~~ technical college, community college, municipal university, or any state educational institution which operates one or more career technical education programs.

(c) "~~Area vocational school,~~" "~~area vocational-technical school,~~" "Community college," "*institute of technology,*" "municipal university," "state educational institution," "technical college," and "state board" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(d) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.

(e) "Program" means the Kansas training information program established by this act.

Sec. 30. K.S.A. 72-4453 is hereby amended to read as follows: 72-4453. (a) The board of trustees of every community college and the governing board of every ~~area vocational school or area vocational-technical school~~ *technical college and the institute of technology* shall make and enter into agreements providing the transferability of substantially equivalent courses of study and programs which are offered at such educational institutions in order to facilitate the articulation of students to and among such educational institutions.

(b) The following conditions shall apply to the agreements required under subsection (a):

(1) The state board of regents shall be notified of the agreement at the time the agreement is executed; and

(2) the agreement shall be effective only after approval by the state board of regents.

(c) The state board of regents shall prescribe criteria or guidelines for the purpose of determining which courses of study and programs offered in the ~~area vocational schools and area vocational-technical schools~~ *technical colleges and the institute of technology* are: (1) Substantially equivalent to courses of study and programs offered in the community colleges; and (2) transferable to the community colleges. ~~A current, complete list of such courses of study and programs shall be maintained on file in the office of the state board of regents and shall be open for public inspection at any reasonable time.~~

Sec. 31. K.S.A. 72-4454 is hereby amended to read as follows: 72-4454. The state

board of regents shall adopt a policy requiring articulation agreements among ~~area vocational schools, area vocational-technical schools,~~ community colleges, technical colleges, *the institute of technology* and state educational institutions providing for the transferability of substantially equivalent courses of study and programs which are offered at ~~area vocational schools, area vocational-technical schools,~~ community colleges, technical colleges, *the institute of technology* and state educational institutions in order to facilitate articulation of students in technical programs to and among ~~area vocational schools, area vocational-technical schools,~~ community colleges, technical colleges, *the institute of technology* and state educational institutions.

Sec. 32. K.S.A. 2010 Supp. 72-4466 is hereby amended to read as follows: 72-4466. As used in this act:

(a) ~~"Area vocational school", "area vocational-technical school", and "Community college,"~~ *"technical college" and "institute of technology"* have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(b) ~~"Career technical education institution" means any area vocational school, area vocational-technical school or community college,~~ *technical college or the institute of technology.*

(c) "Board" means the state board of regents.

(d) "Program" means Kansas technology innovation and internship program.

Sec. 33. K.S.A. 2010 Supp. 72-4470a is hereby amended to read as follows: 72-4470a. ~~On or before July 1, 2005, All technical college boards shall develop and present to the state board of regents a plan to replace the governing body described in K.S.A. 72-4470, and amendments thereto, with a new establish and maintain a plan for~~ a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:

- (1) The composition of the independent governing board;
- (2) the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall designate a home county;
- (3) the method of election or appointment and the terms of service of the members of the independent governing board;
- (4) the date upon which the independent governing board shall assume management and control of the technical college;
- (5) the manner, terms upon which and extent to which the facilities; will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and
- (6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 2010 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.

~~(b) (1) Upon approval of the plan by the state board of regents and the governing body of the technical college which submitted the plan, and~~ On the date determined in the approved plan, the independent governing board established under subsection (a) of this section shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, ~~technical schools and area vocational-technical schools.~~ *Any amendments to the plan shall be submitted to the state board of regents for approval.*

~~(2) After June 30, 2007, if the governing body of the technical college and the state board of regents have not approved a plan submitted pursuant to subsection (a), the state board of regents shall have the power to approve the plan and upon such approval and on the date determined in the approved plan, the independent governing board established pursuant to subsection (a) shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.~~

(c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:

(1) Determine the career technical and general education courses of instruction that will comprise the associate of applied science degree programs of the college;

(2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;

(3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a career technical education program of the college;

(4) appoint teaching staff and fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet licensure requirements greater than those required in the state educational institutions;

(5) have custody of, and be responsible for, the property of the college and be responsible for the operation, management and control of the college;

(6) select a chairperson and such other officers as it deems desirable, from its membership;

(7) sue and be sued;

(8) appoint and fix the compensation and term of office of a president or chief administrative officer of the college;

(9) fix and determine, within state adopted standards, all other employees' qualifications, duties, compensation and all other items and conditions of employment;

(10) enter into contracts;

(11) accept any gifts, grants or donations;

(12) acquire and dispose of real or personal property;

(13) enter into lease agreements as lessor of any property owned or controlled by the college;

(14) adopt any rules and regulations, not inconsistent with any law or any rules and regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;

(15) contract with one or more agencies, either public or private, whether located within or outside the territory of the college or whether located within or outside the state of Kansas, for the conduct by any such agency of academic or career technical education for students of the college and to provide for the payment to any such agency for the contracted educational services from any funds or moneys of the college, including funds or moneys received from student tuition and fees;

(16) appoint as its resident agent for the purpose of service of process, either the president of the technical college or the chairperson of the governing board, or both;

(17) take any other action, not inconsistent with any law or any rules and

regulations of the state board of regents, which is necessary or incidental to the establishment, operation and maintenance of the college;

(18) issue bonds for capital improvement projects, enter into bond covenants and take such ancillary action as the governing board approves, relating thereto, except that such bonds shall not be secured by a pledge of any property tax revenues of the technical college; ~~and~~

(19) enter into agreements with counties relating to funding for capital improvement projects at technical colleges; *and*

(20) *fix different rates per hour of tuition, fees and charges for the different postsecondary programs administered by such board.*";

And by renumbering sections accordingly;

On page 10, following line 29, by inserting:

"Sec. 35. K.S.A. 2010 Supp. 72-4481 is hereby amended to read as follows: 72-4481. (a) There is hereby established the postsecondary technical education authority. The authority shall be composed of 12 members appointed as follows:

(1) Four members shall be appointed by the state board of regents. Of the members appointed by the state board of regents: Two shall be members of the state board of regents, or the designee thereof; one shall be a representative of the community colleges which provides technical education, or the designee thereof; and one shall be a representative of the technical colleges in the state, or the designee thereof;

(2) three members shall be appointed by the governor. Of the members appointed by the governor: One shall represent Kansas business and industry; and two shall represent the general public;

(3) one member shall be appointed by the president of the senate and shall be a representative of business and industry;

(4) one member shall be appointed by the speaker of the house of representatives and shall be a representative of business and industry; and

(5) the commissioner of education, the secretary of commerce and the secretary of labor, *or the designee thereof*, who shall serve as ex officio members of the authority.

(b) When making appointments of the representatives of Kansas business and industry and the general public, consideration shall be given to persons who are recognized for their knowledge or expertise and are representative of current and emerging technical career clusters of the state. No more than two members of the authority shall be representative of any one specific technical career cluster. Of the members appointed to represent Kansas business and industry and the general public, there shall be appointed at least one member from each congressional district. Redistricting of congressional districts occurring subsequent to a member's appointment shall not disqualify any member of the authority from service. The state board of regents shall determine the technical career clusters of the state.

(c) No more than five voting members of the authority shall be members of the same political party.

(d) Any vacancy in the membership of the authority shall be filled by appointment in the same manner as provided for original appointment of the member.

(e) The members of the authority shall meet and organize annually by electing one member as chairperson, except that the governor shall designate the first chairperson of the authority from among the first members appointed.

(f) The authority may meet at any time and at any place within the state on the call

of the chairperson. A quorum of the authority shall be five voting members. All actions of the authority shall be by motion adopted by a majority of those voting members present when there is a quorum.

(g) Members of the authority attending meetings of the authority, or attending a subcommittee meeting thereof authorized by the authority, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

Sec. 36. K.S.A. 72-6214 is hereby amended to read as follows: 72-6214. (a) As used in this section, the following terms shall have the meanings respectively ascribed to them unless the context requires otherwise:

(1) "Board" means the state board of regents, the state board of education, the board of trustees of any public community ~~junior~~ college, the board of regents of any municipal university, ~~the board of control of any area vocational-technical school~~ *the governing board of any technical college* and the board of education of any school district.

(2) "Student" means a person who has attained ~~eighteen (18)~~ 18 years of age, or is attending an institution of postsecondary education.

(3) "Pupil" means a person who has not attained ~~eighteen (18)~~ 18 years of age and is attending an educational institution below the postsecondary level.

(b) Every board shall adopt a policy in accordance with applicable federal laws and regulations to protect the right of privacy of any student, or pupil and ~~his or her~~ *such pupil's* family regarding personally identifiable records, files and data directly related to such student or pupil. The board shall adopt and implement procedures to effectuate such policy by January 1, 1977. Such procedures shall provide for: (1) Means by which any student or parent of a pupil, as the case may be, may inspect and review any records or files directly related to the student or pupil; and (2) restricting the accessibility and availability of any personally identifiable records or files of any student or pupil and preventing disclosure thereof unless made upon written consent of such student or parent of such pupil, as the case may be. To the extent that any other provision of law conflicts with this section, this section shall control.";

And by renumbering sections accordingly;

On page 11, following line 38, by inserting:

"Sec. 38. K.S.A. 2010 Supp. 73-1217 is hereby amended to read as follows: 73-1217. The board of trustees of every community college, the board of regents of Washburn university of Topeka, ~~the board of control of every area vocational school~~ *governing board of every technical college* and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a prisoner of war or a person missing in action, so long as such dependent is eligible, but not to exceed 12 semesters of instruction or the equivalent thereof at all such institutions for any person if the person started such instruction prior to July 1, 2005, or 10 semesters if the person started such instruction on or after July 1, 2005. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's ~~father~~ *parent* or ~~his~~ *such parent's* reported death, shall disqualify the dependent from the provisions or benefits of this act. The state board of regents, the board of trustees of any community college, or the governing body of any other institution which grants tuition for fees without charge to a dependent under this act

may file a claim with the ~~Kansas veterans' commission~~ *Kansas commission on veterans affairs* for reimbursement of the amount of such tuition or fees. The ~~Kansas veterans' commission~~ *Kansas commission on veterans affairs* shall administer this act and qualifications of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definitions herein contained and for the administration of this act.

Sec. 39. K.S.A. 73-1218 is hereby amended to read as follows: 73-1218. The state board of regents, the board of trustees of every community ~~junior~~ college, the board of regents of Washburn university of Topeka, the ~~board of every area vocational school,~~ *the board of control of every area vocational technical school governing board of every technical college* and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict, so long as such dependent is eligible, but not to exceed ~~twelve (12)~~ *12* semesters of instruction or the equivalent thereof at all such institutions for any person. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father or mother, shall disqualify the dependent from the provisions or benefits of this act. The governing body of every institution of post-high school education which is supported by any state moneys and which grants tuition or fees without charge to a dependent under this act may file a claim with the ~~Kansas veterans' commission~~ *commission on veterans affairs* for reimbursement of the amount of such tuition or fees. The ~~Kansas veterans' commission~~ *commission on veterans affairs* shall administer this act and the qualification of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definition herein contained and for the administration of this act.

"Dependent" as used in this act shall mean any child born to, legally adopted by, or in the legal custody of a person who was a resident of the state of Kansas at the time such person entered service of the United States armed forces and who, while serving in said U. S. armed forces in the geographical area of the Vietnam conflict, has been declared to be a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict.

Sec. 40. K.S.A. 2010 Supp. 74-3201b is hereby amended to read as follows: 74-3201b. As used in the Kansas higher education coordination act:

(a) *"Adult basic education program" and "adult supplementary education program" have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.*

(b) *"Community college" means any community college established under the laws of this state.*

(c) *"Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.*

(d) *"Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.*

(e) *"Postsecondary educational institution" means any public university, municipal university, community college and technical college, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary*

educational institutions.

(f) "*Private postsecondary educational institution*" and "*out-of-state postsecondary educational institution*" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.

(g) "*Public university*" means any state educational institution.

(h) "*Representative of a postsecondary educational institution*" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.

(~~h~~) (i) "State board of regents" or "state board" means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto, except as otherwise specifically provided in this act.

(~~h~~) (j) "State educational institution" means any state educational institution, as defined in K.S.A. 76-711, and amendments thereto.

(~~e~~) "~~Municipal university~~" means ~~Washburn university of Topeka or any other municipal university established under the laws of this state.~~

(d) "~~Community college~~" means any community college established under the laws of this state.

(~~e~~) (k) "Technical college" means any technical college established under the laws of this state.

(~~f~~) "~~Career technical education school~~" means any area vocational school or area vocational technical school established under the laws of this state.

(g) "~~Public university~~" means any state educational institution.

(h) "~~Postsecondary educational institution~~" means any public university, municipal university, community college, technical college and career technical education school, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

(i) "*Private postsecondary educational institution*" and "*out-of-state postsecondary educational institution*" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.

(j) "~~Adult basic education program~~" and "~~adult supplementary education program~~" have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.

(k) "~~Representative of a postsecondary educational institution~~" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.

Sec. 41. K.S.A. 2010 Supp. 74-32,146 is hereby amended to read as follows: 74-32,146. As used in the Kansas national guard educational assistance act:

(a) "~~Kansas educational institution~~" means and includes ~~area vocational schools, area vocational technical schools,~~ community colleges, the municipal university, state educational institutions, technical colleges, *the institute of technology at Washburn university* and accredited independent institutions.

(b) "Eligible guard member" means a newly enlisted or reenlisted member of the Kansas national guard with not more than 20 years of service and who is enrolled at a Kansas educational institution. The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, who does not hold a high school diploma or general educational development (GED) credentials, or who is entitled to federal

educational benefits earned by membership in the Kansas national guard, except financial assistance under the federal education assistance program (FEAP) for members of the selected reserve.

(c) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.

(d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.

Sec. 42. K.S.A. 2010 Supp. 74-32,151 is hereby amended to read as follows: 74-32,151. (a) This section and K.S.A. 74-32,152 through 74-32,159, and amendments thereto, shall be known and may be cited as the workforce development loan program act.

(b) As used in the workforce development loan act, "postsecondary educational institution" shall have the meaning ascribed thereto by K.S.A. 74-3201b, and amendments thereto.

(c) Within the limits of appropriations and private contributions therefor, and in accordance with the provisions of this act, the state board of regents may award such loans to Kansas residents who are enrolled in or admitted to ~~an area vocational technical school; a technical college, community college, vocational school coordinated under the state board of regents~~ *the institute of technology at Washburn university* or associate degree programs at postsecondary educational institutions and who enter into a written agreement with the state board of regents as provided in K.S.A. 74-32,152, and amendments thereto.

(d) The board of regents may accept any private contributions to the program. The chief executive officer of the board of regents shall turn such contributions over to the state treasurer who shall deposit such moneys into the workforce development loan fund.

(e) After consultation with the secretaries of the departments of social and rehabilitation services and commerce, the board may establish a list of education programs in which an applicant must enroll to be eligible for a loan under this program.

(f) The loans shall be awarded on a priority basis to qualified applicants who have the greatest financial need with the highest priority given to those applicants with the greatest financial need who were in foster care on their 18th birthday or were released from foster care prior to their 18th birthday after having graduated from high school or completing the requirements for a general educational development (GED) certificate while in foster care. All loans shall be awarded to resident students attending ~~area vocational technical schools; technical colleges, community colleges, area vocational schools~~ *the institute of technology at Washburn university* or associate degree programs at postsecondary educational institutions. Special preference shall also be established for residents drawing unemployment compensation or such residents who were laid off from employment within the prior six months. The board may also establish preferences for workers deemed to be eligible for North American free trade agreement transition assistance under United States department of labor standards or the Kansas department of labor standards.

(g) Loans awarded under this program shall be awarded on an annual basis and shall be in effect for one year unless otherwise terminated before the expiration of such

period of time. Such loans shall be awarded for the payment of tuition, fees, books, room and board and any other necessary school related expenses.

Sec. 43. K.S.A. 2010 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:

(1) *"Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.*

(2) *"Emergency medical services attendant" means an attendant as defined by K.S.A. 65-6112, and amendments thereto.*

(3) *"Firefighter" means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.*

~~(4) "Kansas educational institution" means and includes area vocational schools, area vocational technical schools, community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.~~

(5) *"Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.*

(6) *"Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.*

(7) *"Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.*

~~(2) (8) "Public safety officer" means a law enforcement officer or a firefighter or an emergency medical services attendant.~~

~~(3) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.~~

~~(4) "Firefighter" means a person who is: (1) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (2) a volunteer member of a fire district, fire department or fire company.~~

~~(5) "Emergency medical services attendant" means an attendant as defined by K.S.A. 65-6112, and amendments thereto.~~

~~(6) "Dependent" means (A) a birth child, adopted child or stepchild or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.~~

~~(9) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.~~

~~(10) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.~~

~~(7)-(11) "State board" means the state board of regents.~~

~~(8) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.~~

~~(9) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.~~

~~(10) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.~~

~~(11) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.~~

(b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for: (1) Any dependent or spouse of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent or spouse is eligible; (2) any dependent or spouse of any resident of Kansas who died on or after September 11, 2001, while, and as a result of, serving in military service; and (3) any prisoner of war. Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the

state the entire amount which such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.

Sec. 44. K.S.A. 2010 Supp. 75-53,112 is hereby amended to read as follows: 75-53,112. As used in the Kansas foster child educational assistance act:

(a) "Kansas educational institution" means and includes any ~~area vocational school, area vocational-technical school,~~ community college, the municipal university, state educational institution, *the institute of technology at Washburn university* or technical college.

(b) "Eligible foster child" means anyone: (1) Who (A) is in the custody of the secretary and in a foster care placement on the date such child attained 18 years of age, (B) has been released from the custody of the secretary prior to attaining 18 years of age, after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and the custody of the secretary, (C) is adopted from a foster care placement on or after such child's 16th birthday, or (D) left a foster care placement subject to a guardianship under chapter 38 or 59 of the Kansas Statutes Annotated on or after such child's 16th birthday; and

(2) who enrolls in a Kansas educational institution on or after July 1, 2006.

(c) "Kansas foster child educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas foster child educational assistance act which shall provide for undergraduate enrollment of eligible foster children through the semester the eligible foster child attains 23 years of age.

(d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.

(e) "Secretary" means the secretary of social and rehabilitation services.

Sec. 45. K.S.A. 2010 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.

(b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration

shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.

(2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: (A) Public auction; (B) by listing the surplus property with a licensed real estate broker or salesperson; or (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.

(c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.

(e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.

(f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this act, 20% of the proceeds from each such sale deposited in the state treasury shall be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental

retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund.

(2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.

(3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.

(g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section. The provisions of this section shall not be applicable to real estate given as an endowment, bequest, or gift to a state educational institution as defined in ~~subsection (g) of~~ K.S.A. 72-4412, and amendments thereto, or to the university of Kansas medical center.

(h) Sale of the Olathe travel information center shall not be subject to the provisions of this section.

Sec. 46. K.S.A. 2010 Supp. 75-7222 is hereby amended to read as follows: 75-7222. As used in this act, unless the context requires otherwise:

(a) "Board" means the state board of regents.

(b) "Hospital" means a licensed hospital, as defined in K.S.A. 65-425, and amendments thereto.

(c) "Library" means: (1) The state library; (2) any public library established and operating under the laws of this state; or (3) any regional system of cooperating libraries, as defined in K.S.A. 75-2548, and amendments thereto.

(d) "Network" means the KAN-ED network created pursuant to this act.

(e) "School" means: (1) Any unified school district, school district interlocal cooperative, school district cooperative or nonpublic school accredited by the state board of education; or (2) any community college, technical college, ~~area vocational school, area vocational-technical school~~ *the institute of technology at Washburn university* or Kansas educational institution, as defined in K.S.A. 74-32,120, and amendments thereto.

Sec. 47. K.S.A. 76-6a13 is hereby amended to read as follows: 76-6a13. As used in this act, unless the context otherwise requires:

(a) "Board" means the state board of regents or the board of regents of a municipal university or the ~~board of control of the Northwest Kansas area vocational-technical school governing board of the northwest Kansas technical college~~ or the ~~board of control of the North Central Kansas area vocational-technical school governing board of the north central Kansas technical college~~ or the board of trustees of any community college.

(b) "Institution" means and includes any state educational institution operated and managed under the control and supervision of the state board of regents, any municipal university organized under the laws of Kansas, any community college, the ~~Northwest Kansas area vocational-technical school, and the North Central Kansas area vocational-technical school.~~ *northwest Kansas technical college and the north central Kansas technical college.*

(c) "Building," when heretofore or hereafter acquired or constructed by the state board of regents for any state educational institution under the control and supervision of the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking, hospital buildings or facilities for the university of Kansas medical center, including outpatient treatment or support facilities and acquisition of any real estate therefor, additions heretofore or hereafter erected in connection therewith, or rehabilitation or renovation of an existing building, or any combination thereof, or any stadium, structure or facility when the same is deemed necessary by the state board of regents to carry out the purposes of the institution, or additions heretofore or hereafter erected in connection with such stadium, structure or facility. The state board of regents shall not issue any revenue bonds for acquisition or construction of any building, structure or facility or additions erected in connection therewith, or for rehabilitation or renovation of an existing building, as authorized by this section, unless such acquisition, construction or rehabilitation or renovation has been authorized by appropriation or other act of the legislature and the state board of regents has first advised and consulted on such acquisition, construction or rehabilitation or renovation with the joint committee on state building construction.

(d) "Revenue bonds" means bonds issued by a board under authority of K.S.A. 76-6a13 et seq., and amendments thereto, and payable as to both principal and interest solely and only out of (1) the income and revenues arising from the operation of the building for which such bonds are issued, or (2) in the case of a building to be constructed for an institution under the control and supervision of the state board of regents and upon a determination by the state board of regents that the best interests of the state and the institution will be served thereby, the revenues derived from student fees levied for this purpose or for other bonds after such other bonds are retired, or both, (3) any combination of the revenues described in clause (1) or (2), and (4) in addition to the revenues described in clauses (1), (2) or (3), in the discretion of the board, out of one or both of the following additional sources: (A) The proceeds of any grant in aid of such project which may be received from any source, and (B) the net income and revenues arising from the operation of another building already owned and operated by the board and located on the same campus of the institution where the building for which bonds are to be issued will be located.

(e) "Net income and revenue" means the income arising from the operation of a building remaining after providing for the costs of operation of such building and the costs of maintenance thereof.

(f) "Building," when heretofore or hereafter acquired or constructed by a board other than the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking or additions heretofore or hereafter erected in connection therewith, or any combination thereof.

Sec. 48. K.S.A. 2010 Supp. 76-768 is hereby amended to read as follows: 76-768.
(a) On and after July 1, 2006:

(1) No postsecondary educational institution shall print or encode a person's social security number on or into the person's identification card.

(2) Any distinguishing identifier assigned to the person's identification card shall be a combination of numbers or letters or both, which is unique to such person.

(3) A person's distinguishing identifier shall not, in any way, be based on or depend on the person's social security number.

(b) As used in this section:

(1) "Person" means an employee of or a student enrolled at a postsecondary educational institution.

(2) "Postsecondary educational institution" means and includes ~~area vocational schools, area vocational technical schools,~~ community colleges, the municipal university, state educational institutions, technical colleges, *the institute of technology at Washburn university* and private institutions of postsecondary education.

Sec. 49. K.S.A. 2010 Supp. 76-769 is hereby amended to read as follows: 76-769.

(a) As used in this section:

(1) "State educational institution" means any state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(2) "Professional services" means professional services as defined in K.S.A. 75-37,131, and amendments thereto.

(3) "State board" means the state board of regents.

(4) (A) "Services" means any professional services or other contractual services.

(B) "Services" does not mean architectural services, engineering services, *construction*, construction management or ancillary technical services.

(5) "Municipality" means any political or taxing subdivision of the state and any agency or instrumentality of a political or taxing subdivision of the state.

(6) "Lease of real property" means:

(A) Any agreement to lease real property: (1) Between a state educational institution and one or more of its affiliated corporations; (2) between a state educational institution and a municipality; (3) between a state educational institution and any other party for vacant space that is less than 10,000 square feet; or (4) between a state educational institution and any other party for a term not to exceed 24 months.

(B) "Lease of real property" includes any agreement to lease real property from a state educational institution and any agreement to lease real property to a state educational institution.

~~(C)~~ (b) Any supplies, materials, equipment, goods, property, printing or services may be acquired by a state educational institution, and any lease of real property may be entered into by a state educational institution. Any such acquisition or lease shall be in accordance with policies adopted by the state board and shall not be subject to K.S.A. 75-1005, 75-3737a through 75-3741b, 75-3742 through 75-3744 and 75-37,130 through 75-37,134, and amendments thereto, or any rules and regulations or policies adopted thereunder. Nothing in this subsection shall be construed as prohibiting a state educational institution from using contracts established or services offered by the director of purchases.

~~(b)~~ (c) The acquisition of any articles or products produced by inmates in the custody of the secretary of corrections that may be required by a state educational institution may be acquired in accordance with policies adopted by the state board. Any such acquisition shall not be subject to the provisions of the prison-made goods act of Kansas requiring any such acquisition to be made from the secretary of corrections as provided in K.S.A. 75-5273 through 75-5282, and amendments thereto, or any rules and regulations or policies adopted thereunder.";

And by renumbering sections accordingly;

Also on page 11, by striking all in line 39;

On page 12, by striking all in lines 1 and 2, and inserting:

"Sec. 50. K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-613, 71-613a, 71-614, 71-620, 71-701, 71-802, 71-1201, 71-1706, 72-4428, 72-4435, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4468, 72-4480, 72-6214, 72-6503, 72-6803, 73-1218, 74-3229a and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4430, 72-4431, 72-4432, 72-4433, 72-4450, 72-4466, 72-4470a, 72-4481, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222, 76-768, 76-769 and 76-781 are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 1, by striking "technical"; also in line 1, after "education;" by inserting "relating to technical education;"; by striking all in lines 3 through 5 and inserting "K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-614, 71-620, 71-701, 71-802, 71-1201, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4480, 72-6214, 72-6503, 73-1218 and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4450, 72-4466, 72-4470a, 72-4481, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222, 76-768 and 76-769 and repealing the existing sections; also repealing K.S.A. 71-613, 71-613a, 71-1706, 72-4428, 72-4435, 72-4468, 72-6803 and 74-3229a and K.S.A. 2010 Supp. 72-4430, 72-4431, 72-4432, 72-4433 and 76-781.";

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

CLAY AURAND

STEVE HUBERT

JIM WARD

Conferees on part of House

JEAN KURTIS SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 143**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 196** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, printed as House Substitute for SB 196, as

amended by House Committee of the Whole (Corrected), as follows:

On page 1, after line 31, by inserting the following:

"(c) The secretary shall annually make a report on activities of the department related to administration of the job creation program fund and the funding of projects therefor. Such report shall contain specific and aggregate information regarding all expenditures from the fund, projects receiving funds, the amount of funds expended for each project, the reason and purpose described in subsections (a)(1) through (a)(8) for which funding was approved for each project, the number and characteristics of jobs created or retained in Kansas, the number of such jobs created or retained which do not continue to exist and the circumstances and effect of such discontinuance, and any other accomplishments related thereto. The secretary shall present such report to the president of the senate, the speaker of the house, the senate minority leader, the house minority leader, the house committee on taxation, the senate committee on assessment and taxation, the senate committee on commerce and the house committee on commerce and economic development during January of each year.";

On page 7, by striking all in line 20, and inserting the following:

"(a) (1) The secretary shall determine and from time to time shall redetermine the rate at which moneys shall be credited to the IMPACT program repayment fund in order to satisfy all bond repayment obligations which have been incurred to finance program costs for IMPACT programs, which shall be referred to as the debt service rate, and the rate at which moneys shall be credited to the IMPACT program services fund in order to finance program costs that are not financed by bonds, which shall be referred to as the direct funding rate. The total of the debt service rate and the direct funding rate shall be the combined rate. Each rate so determined shall be certified to the secretary of revenue. The combined rate determined under this subsection shall not exceed 2%.

(2) Upon receipt of the rates determined and certified under subsection (a)(1), the secretary of revenue shall apply daily the combined rate to that portion of the moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited as follows: (A) The portion attributable to the debt service rate shall be credited to the IMPACT program repayment fund; and (B) the remaining portion shall be credited to the IMPACT program services fund.

(3) The aggregate of all amounts credited to the IMPACT program repayment fund under this section during any fiscal year to pay bond repayment obligations on bonds to finance major project investments shall not exceed the amount which results when the rate of 2% is applied to all moneys withheld from the wages of individuals and received under the Kansas withholding and declaration of estimated tax act.

(4) The provisions of this subsection shall remain in effect prior to July 1, 2012.

(b) Commencing July 1, 2012, the secretary of";

Also on page 7, in line 29, by striking "(b)" and inserting "(c)";

On page 8, by striking all in lines 40 through 43;

By striking all on pages 9 through 14;

On page 15, by striking all in lines 1 through 34;

And by renumbering sections accordingly;

On page 27, in line 41, by striking "74-50,115(c)" and inserting "74-50,115(e)";

On page 51, in line 23, by striking all after "74-50,110,";

One page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by

striking all before "income"; in line 6, by striking all after "74-50,110,"; in line 7, by striking "74-50,213,";

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

RICHARD CARLSON

MARVIN G. KLEEB

NILE DILLMORE

Conferees on part of House

PAT APPLE

JEFF KING

G. THOMAS HOLLAND II

Conferees on part of Senate

Senator Apple moved the Senate adopt the Conference Committee Report on **H Sub for SB 196**.

On roll call, the vote was: Yeas 35, Nays 3, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco, Hensley, Holland.

Present and Passing: Haley.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Schodorf in the chair.

On motion of Senator Schodorf the following report was adopted:

HB 2336 be amended by adoption of the committee amendments, and the bill be passed as amended.

SB 248 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **HB 2336** was advanced to Final Action and roll call.

HB 2336, AN ACT establishing the Kansas employment first initiative act and creating the Kansas employment first oversight commission.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.
The bill passed, as amended.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m. Wednesday, May 11, 2011.

Journal of the Senate

SIXTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 11, 2011, 10:00 a.m.

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

Heavenly Father,

Nine years ago on May 9, I prayed this prayer when we were dealing with a quarter billion dollar shortfall. I mentioned that we spent some time wondering who to blame. After bringing the prayer up to date, I thought it was appropriate to pray it again.

We could try to blame the Governor
Or the Democrats.
We could try to blame Republicans
Or some bureaucrats.

We might try to blame the weather
Or the president of Iran,
Or perhaps global warming
Or tornadoes throughout the land

We could try to blame Obama
Or one of the dictators,
Maybe global warming
Or the rash of tornadoes.

There are many people
Who place the blame on God,
While for many others
The devil gets the nod.

What about the majority
And the minority leaders?
Or maybe it's the Chaplain,
Or could it be the Reader!

It's a fruitless effort
 To try to place the blame,
 To find a good solution
 Is really why we came.

I have deliberately omitted
 President Morris' name.
 I may not be too smart
 But I'm certainly not insane!

I pray in the name of Christ, AMEN

The Pledge of Alliance was led by President Stephen Morris.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2054**, as amended by House Committee, be amended on page 6, following line 8, by inserting the following:

"New Sec. 9. New Sections 1 through 8, inclusive, shall become effective on July 1, 2011.";

And by renumbering remaining sections accordingly;

Also on page 6, in line 9, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 7, in line 24, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 8, in line 12, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 11, in line 26, by striking "74-8101" and inserting "74-8102"; also on page 11, in line 28, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 12, in line 9, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 14, in line 17, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 17, by striking all in lines 34 and 35;

By striking all on pages 18 through 20;

On page 21, by striking all in lines 1 through 28; in line 29, before "K.S.A." by inserting "From and after July 1, 2011,"; in line 31, by striking "74-8101" and inserting "74-8102";

On page 22, in line 28, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 23, in line 38, before "K.S.A." by inserting "From and after July 1, 2011,";

On page 24, in line 5, by striking "74-8101" and inserting "74-8102"; in line 10, by striking "74-8101" and inserting "74-8102";

On page 25, in line 10, by striking "74-8101" and inserting "74-8102"; in line 20 by striking "74-"; in line 21, by striking "8101" and inserting "74-8102";

On page 26, in line 19, by striking "74-8101" and inserting "74-8102"; in line 39, by striking "74-8101" and inserting "74-8102";

On page 27, in line 16, following "state" by inserting "; and

(25) dispose of any direct or indirect stock or other equity or investment asset transferred to the department pursuant to this act except that such disposition shall be made in the best interests of the state of Kansas and solely at the discretion of the secretary and shall not be required otherwise";

Also on page 27, in line 31, before "K.S.A." by inserting "From and after July 1, 2011,";

- On page 31, in line 30, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 33, in line 17, before "K.S.A." by inserting "From and after July 1, 2011,"; in line 30, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 34, in line 6, before "K.S.A." by inserting "From and after July 1, 2011,"; in line 14, by striking "74-8101" and inserting "74-8102"; in line 17, by striking "74-8101" and inserting "74-8102";
- On page 36, in line 35, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 37, in line 18, before "K.S.A." by inserting "From and after July 1, 2011,"; in line 24, by striking "74-8101" and inserting "74-8102"; in line 27, by striking "74-"; in line 28, by striking "8101" and inserting "74-8102"; in line 33, by striking "74-8101" and inserting "74-8102"; in line 39, by striking "74-8101" and inserting "74-8102";
- On page 38, in line 8, by striking "74-8101" and inserting "74-8102"; in line 12, by striking "74-8101" and inserting "74-8102"; in line 18, before "K.S.A." by inserting "From and after July 1, 2011,"; in line 34, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 40, in line 9, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 41, in line 35, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 44, in line 3, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 45, in line 9, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 47, in line 24, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 49, in line 33, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 50, in line 13, before "K.S.A." by inserting "From and after July 1, 2011,"; in line 24, before "K.S.A." by inserting "From and after July 1, 2011,"; in line 36, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 52, in line 36, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 56, in line 28, by striking all after "one"; by striking all in line 29; in line 30, by striking "year" and inserting "member shall be the secretary of commerce";
- On page 59, in line 11, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 65, in line 16, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 66, in line 17, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 67, in line 16, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 69, in line 13, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 73, in line 4, before "K.S.A." by inserting "From and after July 1, 2011,"; in line 22, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 74, in line 18, before "K.S.A." by inserting "From and after July 1, 2011,";
- On page 75, in line 4, before "K.S.A." by inserting "From and after July 1, 2011,"; in line 9, by striking "74-99b04,"; following line 10, by inserting the following:
"Sec. 48. K.S.A. 2010 Supp 74-99b04 is hereby repealed";
- Also on page 75, in line 12, by striking "statute book" and inserting "Kansas register";
- On page 1, in the title, in line 1, by striking all following "concerning"; in line 2, by striking "pertaining to" and inserting "certain state agencies; pertaining to the Kansas technology enterprise corporation and "; in line 4, before "amending" by inserting "pertaining to the membership of the Kansas bioscience authority,";
- Also on page 1, in the title, in line 8, by striking "74-8101,"; in line 11, following "74-5050" by inserting ", 74-8101";

And the bill be passed as amended.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **House Substitute SB 55**.

The House adopts the Conference Committee report on **SB 150**.

Announcing passage of **SB 154**, as amended by **House Substitute for SB 154**.

On motion of Senator Emler, the Senate recessed until 2:45 p.m.

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

ORIGINAL MOTION

Senator Emler 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 for SB 55, H Sub for SB 129; SB 150; HB 2054**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Abrams moved the Senate concur in House amendments to **H Sub for SB 129**.

H Sub for SB 129, AN ACT concerning elections; amending K.S.A. 25-321, 25-2203, 25-2311, 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, 25-2320, 25-2908, 25-3002 and 65-2418 and repealing the existing sections.

On roll call, the vote was: Yeas 15, Nays 23, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Kelsey, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Steineger.

The motion to concur failed and **H Sub for SB 129** remains in conference.

On motion of Senator McGinn the Senate nonconcurred in the House amendments to **H Sub for SB 154** and requested a conference committee be appointed.

The President appointed Senators McGinn, Vratil and Kelly as a conference committee on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 55** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 55, as follows:

On page 1, following line 8, by inserting:

"New Section 1. (a) An individual who has been adjudicated as a mentally ill person subject to involuntary commitment for care and treatment, or who is prohibited from shipping, transporting, possessing or receiving firearms or ammunition by subsection (d)(4) or (g)(4) of 18 U.S.C. § 922, may petition for relief of disabilities for the purpose of firearm prohibitions imposed under state and federal laws.

(b) A petitioner shall submit such petition to a court of competent jurisdiction within this state.

(c) The court may only consider petitions for relief due to mental health adjudications or commitments that occurred within the state.

(d) The court shall consider the petition for relief, in accordance with the principles of due process. Such petitioner shall submit, and such court shall receive and consider:

- (1) The circumstances regarding the firearm disability imposed by federal law;
- (2) such petitioner's mental health records;
- (3) such petitioner's criminal history records; and
- (4) such petitioner's reputation, developed through character witness statements, testimony or other character evidence.

(e) The court shall grant relief only if such court determines there is clear and convincing evidence that:

- (1) The petitioner will not be likely to act in a manner dangerous to public safety; and
- (2) granting such relief would not be contrary to the public interest.

(f) If the court denies the petition for relief, the petitioner may petition a court of proper jurisdiction for a de novo judicial review of the court's decision to deny such petition.

(g) Documentation of a granted petition shall be submitted to the Kansas bureau of investigation. The Kansas bureau of investigation shall immediately cause such order to be entered into the appropriate state and federal databases.

(h) As used in this section:

(1) "Mentally ill person subject to involuntary commitment for care and treatment" has the same meaning as defined in K.S.A. 59-2946, and amendments thereto.

(2) "Due process" requires that:

(A) The petitioner shall have the opportunity to submit such petitioner's own evidence to the court;

(B) an independent decision maker, other than the individual who gathered the evidence for the court acting on the application, shall review such evidence; and

(C) a record of the proceedings shall be created and maintained for review.

Sec. 2. K.S.A. 2010 Supp. 12-4509 is hereby amended to read as follows: 12-4509. (a) Whenever a person is found guilty of the violation of an ordinance, the municipal judge may:

- (1) Release the person without imposition of sentence;

(2) release the person on probation after the imposition of sentence, without imprisonment or the payment of a fine or a portion thereof, subject to conditions imposed by the court as provided in subsection (e); ~~or~~

(3) impose such sentence of fine or imprisonment, or both, as authorized for the ordinance violation; *or*

(4) *impose a sentence of house arrest as provided in section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.*

(b) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance and there is evidence that the act constituting the violation of the ordinance was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the judge may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary of social and rehabilitation services.

(c) Except as provided in subsection (d), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having violated, while under 21 years of age, an ordinance prohibiting an act prohibited by K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or K.S.A. 8-1599, 41-719 or 41-727, and amendments thereto, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived.

(d) If the person is 18 or more years of age but less than 21 years of age and is convicted of a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (c) are permissive and not mandatory.

(e) The court may impose any conditions of probation or suspension of sentence that the court deems proper, including, but not limited to, requiring that the defendant:

(1) Avoid such injurious or vicious habits, as directed by the court or the probation officer;

(2) avoid such persons or places of disreputable or harmful character, as directed by the court or the probation officer;

(3) report to the probation officer as directed;

(4) permit the probation officer to visit the defendant at home or elsewhere;

(5) work faithfully at suitable employment insofar as possible;

(6) remain within the state unless the court grants permission to leave;

(7) pay a fine or costs, applicable to the ordinance violation, in one or several sums and in the manner as directed by the court;

(8) support the defendant's dependents;

(9) reside in a residential facility located in the community and participate in educational counseling, work and other correctional or rehabilitative programs;

(10) perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;

(11) perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay,

standard of living, support obligations and other factors;

(12) make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime, in an amount and manner determined by the court and to the person specified by the court; or

(13) reimburse the city, in accordance with any order made under subsection (f), for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant.

(f) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance the judge may order such person to reimburse the city for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

Sec. 3. K.S.A. 2010 Supp. 12-4516a, as amended by section 103 of 2011 House Bill No. 2339, is hereby amended to read as follows: 12-4516a. (a) Any person who has been arrested on a violation of a city ordinance of this state may petition the court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. The petition shall state: (1) The petitioner's full name;

(2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;

(3) the petitioner's sex, race and date of birth;

(4) the crime for which the petitioner was arrested;

(5) the date of the petitioner's arrest, and

(6) the identity of the arresting law enforcement agency.

A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section, except that no fee shall be charged to a person who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;

- (2) a court has found that there was no probable cause for the arrest;
- (3) the petitioner was found not guilty in court proceedings; or
- (4) the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interest of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01 and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in 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.

(g) (h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

Sec. 4. K.S.A. 2010 Supp. 22-2410 is hereby amended to read as follows: 22-2410.

(a) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after the effective date of this act through June 30, 2011, the supreme court may impose an additional charge, not to exceed \$15 per docket fee, to fund the costs of ~~non-judicial~~ *nonjudicial* personnel. The petition shall state:

- (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
- (3) the petitioner's sex, race and date of birth;
- (4) the crime for which the petitioner was arrested;
- (5) the date of the petitioner's arrest; and
- (6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, *prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, *or who has had criminal charges dismissed because a court has found that there was no probable cause for the arrest, the petitioner was found not guilty in court proceedings or the charges have been dismissed*. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;

- (2) a court has found that there was no probable cause for the arrest;
- (3) the petitioner was found not guilty in court proceedings; or
- (4) the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

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

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) *The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:*

(1) *Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or*

(2) *providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.*

~~(g)~~ (g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

~~(g)~~ (h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court

proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(H) (i) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.”;

And renumbering sections accordingly;

On page 8, following line 14, by inserting:

“Sec. 7. K.S.A. 2010 Supp. 22-2802, as amended by section 118 of 2011 House Bill No. 2339, is hereby amended to read as follows: 22-2802. (1) Any person charged with a crime shall, at the person's first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person's appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection (14) at the time required by the court to answer the charge against such person and at any time thereafter that the court requires. Unless the magistrate makes a specific finding otherwise, if the person is being bonded out for a person felony or a person misdemeanor, the bond shall be conditioned on the person being prohibited from having any contact with the alleged victim of such offense for a period of at least 72 hours. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:

(a) Place the person in the custody of a designated person or organization agreeing to supervise such person;

(b) place restrictions on the travel, association or place of abode of the person during the period of release;

(c) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours;

(d) place the person under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or

(e) place the person under the supervision of a court services officer responsible for monitoring the person's compliance with any conditions of release ordered by the magistrate. *The magistrate may order the person to pay for any costs associated with the supervision provided by the court services department in an amount not to exceed \$15 per week of such supervision. The magistrate may also order the person to pay for all other costs associated with the supervision and conditions for compliance in addition to the \$15 per week.*

(2) In addition to any conditions of release provided in subsection (1), for any person charged with a felony, the magistrate may order such person to submit to a drug and alcohol abuse examination and evaluation in a public or private treatment facility or state institution and, if determined by the head of such facility or institution that such person is a drug or alcohol abuser or is incapacitated by drugs or alcohol, to submit to treatment for such drug or alcohol abuse, as a condition of release.

(3) The appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas, unless the magistrate determines, in the exercise of such magistrate's discretion, that requiring sureties is not necessary to assure the

appearance of the person at the time ordered.

(4) A deposit of cash in the amount of the bond may be made in lieu of the execution of the bond pursuant to ~~paragraph~~ subsection (3). Except as provided in ~~paragraph~~ subsection (5), such deposit shall be in the full amount of the bond and in no event shall a deposit of cash in less than the full amount of bond be permitted. Any person charged with a crime who is released on a cash bond shall be entitled to a refund of all moneys paid for the cash bond, after deduction of any outstanding restitution, costs, fines and fees, after the final disposition of the criminal case if the person complies with all requirements to appear in court. The court may not exclude the option of posting bond pursuant to ~~paragraph~~ subsection (3).

(5) Except as provided further, the amount of the appearance bond shall be the same whether executed as described in subsection (3) or posted with a deposit of cash as described in subsection (4). When the appearance bond has been set at \$2,500 or less and the most serious charge against the person is a misdemeanor, a severity level 8, 9 or 10 nonperson felony, a drug severity level 4 felony or a violation of K.S.A. 8-1567, and amendments thereto, the magistrate may allow the person to deposit cash with the clerk in the amount of 10% of the bond, provided the person meets at least the following qualifications:

- (A) Is a resident of the state of Kansas;
 - (B) has a criminal history score category of G, H or I;
 - (C) has no prior history of failure to appear for any court appearances;
 - (D) has no detainer or hold from any other jurisdiction;
 - (E) has not been extradited from, and is not awaiting extradition to, another state;
- and
- (F) has not been detained for an alleged violation of probation.

(6) In the discretion of the court, a person charged with a crime may be released upon the person's own recognizance by guaranteeing payment of the amount of the bond for the person's failure to comply with all requirements to appear in court. The release of a person charged with a crime upon the person's own recognizance shall not require the deposit of any cash by the person.

(7) The court shall not impose any administrative fee.

(8) In determining which conditions of release will reasonably assure appearance and the public safety, the magistrate shall, on the basis of available information, take into account the nature and circumstances of the crime charged; the weight of the evidence against the defendant; *whether the defendant is lawfully present in the United States*; the defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, record of convictions, record of appearance or failure to appear at court proceedings or of flight to avoid prosecution; the likelihood or propensity of the defendant to commit crimes while on release, including whether the defendant will be likely to threaten, harass or cause injury to the victim of the crime or any witnesses thereto; and whether the defendant is on probation or parole from a previous offense at the time of the alleged commission of the subsequent offense.

(9) The appearance bond shall set forth all of the conditions of release.

(10) A person for whom conditions of release are imposed and who continues to be detained as a result of the person's inability to meet the conditions of release shall be entitled, upon application, to have the conditions reviewed without unnecessary delay

by the magistrate who imposed them. If the magistrate who imposed conditions of release is not available, any other magistrate in the county may review such conditions.

(11) A magistrate ordering the release of a person on any conditions specified in this section may at any time amend the order to impose additional or different conditions of release. If the imposition of additional or different conditions results in the detention of the person, the provisions of subsection (10) shall apply.

(12) Statements or information offered in determining the conditions of release need not conform to the rules of evidence. No statement or admission of the defendant made at such a proceeding shall be received as evidence in any subsequent proceeding against the defendant.

(13) The appearance bond and any security required as a condition of the defendant's release shall be deposited in the office of the magistrate or the clerk of the court where the release is ordered. If the defendant is bound to appear before a magistrate or court other than the one ordering the release, the order of release, together with the bond and security shall be transmitted to the magistrate or clerk of the court before whom the defendant is bound to appear.

(14) Proceedings before a magistrate as provided in this section to determine the release conditions of a person charged with a crime including release upon execution of an appearance bond may be conducted by two-way electronic audio-video communication between the defendant and the judge in lieu of personal presence of the defendant or defendant's counsel in the courtroom in the discretion of the court. The defendant may be accompanied by the defendant's counsel. The defendant shall be informed of the defendant's right to be personally present in the courtroom during such proceeding if the defendant so requests. Exercising the right to be present shall in no way prejudice the defendant.

(15) The magistrate may order the person to pay for any costs associated with the supervision of the conditions of release of the appearance bond in an amount not to exceed \$15 per week of such supervision. *As a condition of sentencing under section 244 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, the court may impose the full amount of any such costs in addition to the \$15 per week, including, but not limited to, costs for treatment and evaluation under subsection (2).*

Sec. 8. K.S.A. 22-3001 is hereby amended to read as follows: 22-3001. (†) (a) A majority of the district judges in any judicial district may order a grand jury to be summoned in any county in the district when it is determined to be in the public interest.

(b) *The district or county attorney in such attorney's county may petition the chief judge or the chief judge's designee in such district court to order a grand jury to be summoned in the designated county in the district to investigate alleged violations of an off-grid felony, a severity level 1, 2, 3 or 4 felony or a drug severity level 1 or 2 felony. The chief judge or the chief judge's designee in the district court of the county shall then consider the petition and, if it is found that the petition is in proper form, as set forth in this subsection, shall order a grand jury to be summoned.*

(‡) (c) A grand jury shall be summoned in any county within 60 days after a petition praying therefor is presented to the district court, bearing the signatures of a number of electors equal to 100 plus 2% of the total number of votes cast for governor in the county in the last preceding election. The petition shall be in substantially the following form:

The undersigned qualified electors of the county of _____ and state of

Kansas hereby request that the district court of _____ county, Kansas, within 60 days after the filing of this petition, cause a grand jury to be summoned in the county to investigate alleged violations of law and to perform such other duties as may be authorized by law.

The signatures to the petition need not all be affixed to one paper, but each paper to which signatures are affixed shall have substantially the foregoing form written or printed at the top thereof. Each signer shall add to such signer's signature such signer's place of residence, giving the street and number or rural route number, if any. One of the signers of each paper shall verify upon oath that each signature appearing on the paper is the genuine signature of the person whose name it purports to be and that such signer believes that the statements in the petition are true. The petition shall be filed in the office of the clerk of the district court who shall forthwith transmit it to the county election officer, who shall determine whether the persons whose signatures are affixed to the petition are qualified electors of the county. Thereupon, the county election officer shall return the petition to the clerk of the district court, together with such election officer's certificate stating the number of qualified electors of the county whose signatures appear on the petition and the aggregate number of votes cast for all candidates for governor in the county in the last preceding election. The judge or judges of the district court of the county shall then consider the petition and, if it is found that the petition is in proper form and bears the signatures of the required number of electors, a grand jury shall be ordered to be summoned.

(3) (d) *The grand jury shall consist of 15 members and shall be drawn and summoned in the same manner as petit jurors for the district court. Twelve members thereof shall constitute a quorum. The judge or judges ordering the grand jury shall direct that a sufficient number of legally qualified persons be summoned for service as grand jurors.*

Sec. 9. K.S.A. 22-3601 is hereby amended to read as follows: 22-3601. (a) Any appeal permitted to be taken from a *district court's* final judgment ~~of a district court~~ in a criminal case shall be taken to the court of appeals, except in those cases reviewable by law in the district court ~~and those cases where a~~ or in which a direct appeal to the supreme court is required. Whenever an interlocutory appeal is permitted in a criminal case in the district court, such appeal shall be taken to the court of appeals.

(b) Any appeal permitted to be taken from a *district court's* final judgment ~~of a district court~~ in a criminal case shall be taken directly to the supreme court in the following cases:

~~(1) Any case in which the defendant has been convicted of a class A felony or in which a maximum sentence of life imprisonment has been imposed or for crimes committed on or after July 1, 1993, any case in which the defendant has been convicted of an off-grid crime; and~~

(2) (1) Any case in which a statute of this state or of the United States has been held unconstitutional; ;

(2) *any case in which the defendant has been convicted of a class A felony;*

(3) *any case in which a maximum sentence of life imprisonment has been imposed, unless the maximum sentence has been imposed pursuant to K.S.A. 21-4643, prior to its repeal, or section 267 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and*

(4) *except as provided further, any case in which the crime was committed on or*

after July 1, 1993, and the defendant has been convicted of an off-grid crime. The provisions of this paragraph shall not apply to any case in which the off-grid crime was:

(A) Aggravated human trafficking, subsection (c)(2)(B) of section 61 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(B) rape, subsection (b)(2)(B) of section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(C) aggravated criminal sodomy, subsection (c)(2)(B)(ii) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(D) aggravated indecent liberties with a child, subsection (c)(2)(C)(ii) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(E) sexual exploitation of a child, subsection (b)(2)(B) of section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(F) promoting prostitution, subsection (b)(4) of section 230 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or

(G) an attempt, conspiracy or criminal solicitation, as defined in section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, of any such felony.

Sec. 10. K.S.A. 22-4603 is hereby amended to read as follows: 22-4603. (1) Whenever any able-bodied prisoner is confined in the county jail or the jail of any town or city, having been convicted of a misdemeanor or of a violation of an ordinance of such town or city, the sheriff of such county, or the marshal or the chief of police of such town or city, under the direction of the county commissioners or the governing body of the town or city, may ~~cause~~ allow such persons to work at suitable public or charitable employment for not to exceed more than eight hours on each working day.

(2) A person so employed shall ~~be given credit at the rate of five dollars a day on any fine and costs imposed upon him.~~ receive a credit on any fine and costs imposed in an amount equal to \$5 for each full hour spent by the person in the specified work.

(3) Persons held in jail and awaiting trial or held on civil process, may, with their consent, be likewise so employed and shall receive a credit on any fines and costs in an amount equal to \$5 for each full hour spent by the person in the specified work, or if there are no such fines and costs, compensation at the rate of five dollars a day for such employment in an amount agreed to by the person and the city or county, but not less than \$5 a day, to be paid by the city or the county.

(4) Any prisoner employed as above provided, shall continue to be deemed prisoners during the hours of their employment and subject to all laws, rules and regulations relating to prisoners.

Sec. 11. K.S.A. 22-4701 is hereby amended to read as follows: 22-4701. As used in this act, unless the context clearly requires otherwise:

(a) "Central repository" means the criminal justice information system central repository created by this act and the juvenile offender information system created pursuant to K.S.A. 2007 2010 Supp. 38-2326, and amendments thereto.

(b) "Criminal history record information" means all data initiated or collected by a criminal justice agency on a person pertaining to a reportable event, and any supporting documentation. The term *Criminal history record information* does not include:

(1) Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;

(2) wanted posters, police blotter entries, court records of public judicial

proceedings or published court opinions;

(3) data pertaining to violations of the traffic laws of the state or any other traffic law or ordinance, other than vehicular homicide; or

(4) presentence investigation and other reports prepared for use by a court in the exercise of criminal jurisdiction or by the governor in the exercise of the power of pardon, reprieve or commutation.

(c) "Criminal justice agency" means any government agency or subdivision of any such agency which is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, rehabilitation or release of persons suspected, charged or convicted of a crime and which allocates a substantial portion of its annual budget to any of these functions. The term includes, but is not limited to, the following agencies, when exercising jurisdiction over criminal matters or criminal history record information:

(1) State, county, municipal and railroad police departments, sheriffs' offices and countywide law enforcement agencies, correctional facilities, jails and detention centers;

(2) the offices of the attorney general, county or district attorneys and any other office in which are located persons authorized by law to prosecute persons accused of criminal offenses;

(3) the district courts, the court of appeals, the supreme court, the municipal courts and the offices of the clerks of these courts;

(4) the Kansas sentencing commission;

(5) the Kansas parole board; and

(6) the juvenile justice authority.

(d) "Criminal justice information system" means the equipment (including computer hardware and software), facilities, procedures, agreements and personnel used in the collection, processing, preservation and dissemination of criminal history record information.

(e) "Director" means the director of the Kansas bureau of investigation.

(f) "Disseminate" means to transmit criminal history record information in any oral or written form. The term does not include:

(1) The transmittal of such information within a criminal justice agency;

(2) the reporting of such information as required by this act; or

(3) the transmittal of such information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.

(g) "Reportable event" means an event specified or provided for in K.S.A. 22-4705, and amendments thereto.

Sec. 12. K.S.A. 22-4705 is hereby amended to read as follows: 22-4705. (a) The following events are reportable events under this act:

(1) Issuance of an arrest warrant;

(2) an arrest;

(3) release of a person after arrest without the filing of a charge;

(4) dismissal or quashing of an indictment or criminal information;

(5) an acquittal, conviction or other disposition at or following trial, including a finding of probation before judgment;

(6) imposition of a sentence;

- (7) commitment to a correctional facility, whether state or locally operated;
- (8) release from detention or confinement;
- (9) an escape from confinement;
- (10) a pardon, reprieve, commutation of sentence or other change in a sentence, including a change ordered by a court;
- (11) judgment of an appellate court that modifies or reverses the lower court decision;

(12) order of a court in a collateral proceeding that affects a person's conviction, sentence or confinement, including any expungement or annulment of arrests or convictions pursuant to state statute; and

(13) any other event arising out of or occurring during the course of criminal justice proceedings declared to be reportable by rule or regulation of the director.

(b) There is hereby established a criminal justice information system central repository for the collection, storage, and dissemination of criminal history record information. The central repository shall be operated by the Kansas bureau of investigation under the administrative control of the director.

(c) Except as otherwise provided by this subsection, every criminal justice agency shall report criminal history record information, whether collected manually or by means of an automated system, to the central repository, in accordance with rules and regulations adopted pursuant to this act. A criminal justice agency shall report to the central repository those reportable events involving a violation of a county resolution or city ordinance only when required by rules and regulations adopted by the director.

(d) Reporting methods may include:

(1) Submittal of criminal history record information by a criminal justice agency directly to the central repository;

(2) if the information can readily be collected and reported through the court system, submittal to the central repository by the administrative office of the courts; or

(3) if the information can readily be collected and reported through criminal justice agencies that are part of a geographically based information system, submittal to the central repository by the agencies.

(e) Nothing in this section shall prevent a criminal justice agency from maintaining more detailed information than is required to be reported to the central repository. However, the dissemination of that criminal history record information is governed by the provisions of this act.

(f) The director may determine, by rule and regulation, the reportable events to be reported by each criminal justice agency, in order to avoid duplication in reporting.

(g) Except as otherwise provided in this subsection, no court or criminal justice agency may assess fees or charges against the central repository for providing criminal history record information created prior to, on or after July 1, 2011. A court or criminal justice agency may assess a fee or charge against the central repository for providing criminal history record information if such court or criminal justice agency has previously provided such criminal history record information as required by law.

Sec. 13. K.S.A. 2010 Supp. 38-2312, as amended by section 162 of 2011 House Bill No. 2339, is hereby amended to read as follows: 38-2312. (a) Except as provided in subsection (b) and (c), any records or files specified in this code concerning a juvenile may be expunged upon application to a judge of the court of the county in which the records or files are maintained. The application for expungement may be made by the juvenile, if 18 years of age or older or, if the juvenile is less than 18 years of age, by the

juvenile's parent or next friend.

(b) There shall be no expungement of records or files concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the first degree, K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, murder in the second degree, K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, voluntary manslaughter, K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, involuntary manslaughter, K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, capital murder, K.S.A. 21-3442, prior to its repeal, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, rape, K.S.A. 21-3503, prior to its repeal, or subsection (a) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or subsection (b) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated indecent liberties with a child, K.S.A. 21-3506, prior to its repeal, or subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated criminal sodomy, K.S.A. 21-3510, prior to its repeal, or subsection (a) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or subsection (b) of section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated indecent solicitation of a child, K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, sexual exploitation, K.S.A. 21-3603, prior to its repeal, or subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated incest, K.S.A. 21-3608, prior to its repeal, or subsection (a) of section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, endangering a child, K.S.A. 21-3608a, prior to its repeal, or subsection (b) of section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated endangering a child, K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, abuse of a child, or which would constitute an attempt to commit a violation of any of the offenses specified in this subsection.

(c) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(e) (d) When a petition for expungement is filed, the court shall set a date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile's full name; (2) the full name of the juvenile as reflected in the court record, if different than (1); (3) the juvenile's sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. Except as otherwise provided by law, a petition for

expungement shall be accompanied by a docket fee in the amount of \$100. On and after the effective date of this act through June 30, 2011, the supreme court may impose a charge, not to exceed \$15 per case, to fund the costs of non-judicial personnel. All petitions for expungement shall be docketed in the original action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

~~(d)~~ (e) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:

(A) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge;

(B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender under the revised Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and

(C) the circumstances and behavior of the petitioner warrant expungement.

(2) The court may require that all court costs, fees and restitution shall be paid.

~~(e)~~ (f) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the sentence to be imposed. The petitioner, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the juvenile. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall be limited to inspection by the person who is the subject of the files or records and the person's designees.

~~(f)~~ (g) ~~Copies~~ A certified copy of any order made pursuant to subsection (a) or ~~(e)~~ (d) shall be sent to ~~each public officer and agency in the county having possession of any~~ the Kansas bureau of investigation, which shall notify every juvenile or criminal justice agency which may possess records or files ordered to be expunged. If the ~~officer~~ or agency fails to comply with the order within a reasonable time after its receipt, ~~the officer or~~ such agency may be adjudged in contempt of court and punished accordingly.

~~(g)~~ (h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

~~(h)~~ (i) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile.

~~(i)~~ (j) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.

~~(j)~~ (k) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an

application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(7) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission; or

(8) the Kansas sentencing commission; or

(9) the Kansas bureau of investigation, for the purposes of:

(A) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(l) The provisions of subsection (k)(9) shall apply to all records created prior to, on and after July 1, 2011.

Sec. 14. K.S.A. 2010 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127, and amendments thereto.

(2) Except as otherwise provided, placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I

of the sentencing guidelines grid for nondrug crimes;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

(E) on and after January 1, 2011, for offenders who are expected to be subject to supervision in Kansas, who are determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;

(F) placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program; or

(G) who has been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, *prior to its repeal, or section 305 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto.

(3) Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before ~~January July~~ 1, ~~2011~~ 2013, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this paragraph shall expire on ~~January July~~ 1, ~~2011~~ 2013.

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

(2) The secretary shall appoint one member from the southeast community

corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

- (A) Efficiencies in the delivery of field supervision services;
 - (B) effectiveness and enhancement of existing interventions;
 - (C) identification of new interventions; and
 - (D) statewide performance indicators.
- (5) The committee's report concerning enhanced or new interventions shall address:
- (A) Goals and measurable objectives;
 - (B) projected costs;
 - (C) the impact on public safety; and
 - (D) the evaluation process.

(6) *The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.*

Sec. 15. K.S.A. 2010 Supp. 75-52,112 is hereby amended to read as follows: 75-52,112. (a) *As used in this section, "supervision success rate" means the percentage of those persons under supervision in a community corrections program whose supervision is not revoked and remanded to the custody of the department of corrections for imprisonment.*

(b) *On and after July 1, 2007 2011, subject to the provision of appropriation acts, the secretary of corrections shall develop and implement a grant program with the goal of increasing public safety, reducing the risk of offenders on community supervision and ~~reducing each community corrections program's revocations rate by at least 20% from such program's fiscal year 2006 revocation rate~~ achieving and maintaining a supervision success rate of at least 75% or improving such rate by at least 3% from the previous year.*

(c) *Any county or counties operating community correctional services may apply for the grant. The program shall give priority to a county or counties in which the ~~revocation~~ supervision success rate for offenders on community supervision is significantly ~~higher~~ lower than the statewide average, which target a higher ~~percentage of revocation reductions~~ supervision success rate than the required ~~minimum of 20% or~~ supervision success rate of 75% or 3% annual supervision success rate improvement or which target the successful reentry of offenders who are considered medium or high risk for revocation.*

(b) (d) The secretary shall adopt grant requirements in accordance with this section. Proposals for grants under this program shall include, but not be limited to, provisions to:

(1) Target offenders at medium and high risk for revocation utilizing risk assessment instruments approved by the secretary;

(2) reduce and specialize caseloads for community corrections officers;

(3) provide the offenders with the needed supervision and services to improve such offenders' opportunity to successfully complete community correctional services programs, resulting in a reduction in revocations to prison. Such services may include, but not be limited to, employment training and placement, educational assistance, transportation and housing. Such services shall be evidence-based and address offenders' criminogenic risks, needs and responsivity characteristics;

(4) use an intermediate sanctions community supervision model;

(5) provide staff training and skill development for community corrections officers in risk reduction and intervention. Such training and development shall be approved and certified by the secretary;

(6) utilize treatment options, including substance abuse treatment, mental health treatment, and cognitive and behavioral programs for offenders. For identified need areas, approved assessment and evaluation instruments should be utilized to ensure offender placement into appropriate levels of treatment and intervention;

(7) use gang intervention strategies;

(8) address safety concerns of the community;

(9) implement a method of tracking and reporting revocations;

(10) establish a goal of reducing the number of offenders, by a specified percentage, whose supervision is revoked and the offender sentenced to prison by providing a plan to: (A) ~~A plan to reduce the revocation rate for offenders on community supervision by at least 20% from such program's fiscal year 2006 revocations rate;~~ (B) ~~a plan to reduce the revocation rate at a percentage greater than the 20% minimum established to receive such grants; or Achieve and maintain a supervision success rate of at least 75% or improve such rate by at least 3% from the previous year;~~ or (C) ~~a plan which targets~~ (B) target the successful reentry of offenders who are considered medium or high risk for revocation;

(11) develop a specific accountability system for monitoring, tracking and utilizing the grant funds and to evaluate the effectiveness of the grant funds; and

(12) develop a consistent set of policies that will guide judges and community corrections officers in the supervision and revocation of offenders on community corrections supervision.

(c) (e) The department of corrections shall establish a date for achieving goals based upon implementation time-lines and goals specific to each grant, which may include an overall reduction or a reduction for a specifically targeted population.

(d) (f) The department of corrections shall evaluate the programs which received a grant using a research-based process evaluation targeting the critical components of effective programs to ensure that the program is being delivered as such program was designed. Continued funding shall be contingent on the program meeting the established goals.

(e) (g) The secretary shall prepare a report which states the number of programs receiving grants pursuant to this section, specifically identifying each program, summarizing the provisions of each program and the success of the program in

reducing revocations. Such report shall be delivered to the governor; the secretary of the senate, the chief clerk of the house of representatives and the Kansas reentry policy council on or before the first day of the regular legislative session each year in which the grant program is funded.

Sec. 16. Section 74 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 32 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 74. (a) Sexual exploitation of a child is:

(1) *Employing, using, persuading, inducing, enticing or coercing a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, to engage in sexually explicit conduct with the intent to promote any performance;*

(2) *possessing any visual depiction of a child under 18 years of age shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person;*

(3) *being a parent, guardian or other person having custody or control of a child under 18 years of age and knowingly permitting such child to engage in, or assist another to engage in, sexually explicit conduct for any purpose described in subsection (a)(1) or (2); or*

(4) *promoting any performance that includes sexually explicit conduct by a child under 18 years of age, or a person whom the offender believes to be a child under 18 years of age, knowing the character and content of the performance.*

(b) (1) *Sexual exploitation of a child as defined in:*

(A) *Subsection (a)(2) or (a)(3) is a severity level 5, person felony; and*

(B) *subsection (a)(1) or (a)(4) is a severity level 5, person felony, except as provided in subsection (b)(2).*

(2) *Sexual exploitation of a child as defined in subsection (a)(1) or (a)(4) or attempt, conspiracy or criminal solicitation to commit sexual exploitation of a child as defined in subsection (a)(1) or (a)(4) is an off-grid person felony, when the offender is 18 years of age or older and the child is under 14 years of age.*

(c) *If the offender is 18 years of age or older and the child is under 14 years of age, the provisions of:*

(1) *Subsection (c) of section 33 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of attempting to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4);*

(2) *subsection (c) of section 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4); and*

(3) *subsection (d) of section 35 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of sexual exploitation of a child as defined in subsection (a)(1) or (a)(4).*

(d) *As used in this section:*

(1) *"Sexually explicit conduct" means actual or simulated: Exhibition in the nude; sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the same or opposite sex; masturbation; sado-masochistic abuse with the intent of sexual stimulation; or lewd exhibition of the genitals, female breasts or pubic area of any person;*

(2) *"promoting" means procuring, transmitting, distributing, circulating, presenting,*

producing, directing, manufacturing, issuing, publishing, displaying, exhibiting or advertising:

- (A) For pecuniary profit; or
- (B) with intent to arouse or gratify the sexual desire or appeal to the prurient interest of the offender or any other person;
- (3) "performance" means any film, photograph, negative, slide, book, magazine or other printed or visual medium, any audio tape recording or any photocopy, video tape, video laser disk, computer hardware, software, floppy disk or any other computer related equipment or computer generated image that contains or incorporates in any manner any film, photograph, negative, photocopy, video tape or video laser disk or any play or other live presentation;
- (4) "nude" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered; and
- (5) "visual depiction" means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means.";

On page 9, following line 18, by inserting:

"Sec. 18. Section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 244. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense *and may impose the provisions of subsection (q)*;

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (c) of section 242 of chapter

136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape from custody or aggravated escape from custody, as defined in section 136 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson or aggravated arson as defined in section 98 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;

(11) if the defendant is convicted of a misdemeanor or convicted of a felony specified in subsection (i) of section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, assign the defendant to work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program. *On a second conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program must serve a total of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. On a third or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program must serve a total of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day;*

(12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;

(13) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), ~~and~~ (11) and (12); or

~~(13)~~ (14) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the

defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The chief judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (d) of section 242 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

~~(e) In imposing a fine the court may authorize the payment thereof in installments.~~ In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of section 246 of chapter 136 of the 2010 Session Laws of

Kansas, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2010 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(3) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed pursuant to the consecutive sentencing requirements of section 246 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guideline grid for drug crimes and whose offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto, or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

(h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate:

(1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, or for an offense which is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes and such offense does not meet the requirements of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and

(2) otherwise meets admission criteria of the camp.

If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by section 248 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) Except as provided by subsection (f) of section 286 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, the court shall require the defendant who meets the requirements established in section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2010 Supp. 75-52,144, and amendments thereto, including, but not limited to, an approved after-care plan. If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence as established in section 286 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto. For those offenders who are convicted on or after July 1, 2003, upon completion of the underlying prison sentence, the defendant shall not be subject to a period of postrelease supervision. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2010 Supp. 21-36a06, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

(2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

(3) (A) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.

(B) Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such

person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this paragraph.

(C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(4) As used in this subsection, "highway" and "street" means the same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

(p) In addition to any of the above, for any criminal offense that includes the domestic violence designation pursuant to section 1 of chapter 101 of the 2010 Session Laws of Kansas, and amendments thereto, the court shall require the defendant to undergo a domestic violence offender assessment and follow all recommendations unless otherwise ordered by the court or the department of corrections. The court may order a domestic violence offender assessment and any other evaluation prior to sentencing if the assessment or evaluation would assist the court in determining an appropriate sentence. The entity completing the assessment or evaluation shall provide the assessment or evaluation and recommendations to the court and the court shall provide the domestic violence assessment and any other evaluation to any entity responsible for supervising such defendant. A defendant ordered to undergo a domestic violence offender assessment shall be required to pay for the assessment and, unless otherwise ordered by the court or the department of corrections, for completion of all recommendations.

(q) *In imposing a fine, the court may authorize the payment thereof in installments. In lieu of payment of any fine imposed, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed by the later of one year after the fine is imposed or one year after release from imprisonment or jail, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance shall become due on that date. If conditional reduction of any fine is rescinded by the court for any reason, then pursuant to the court's order the person may be ordered to perform community service by one year after the date of such rescission or by*

an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. All credits for community service shall be subject to review and approval by the court.

Sec. 19. Section 249 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 249. (a) The court or the secretary of corrections may implement a house arrest program for defendants or inmates being sentenced by the court or in the custody of the secretary of corrections *or as a sanction for offenders who have failed to comply with the conditions of probation, parole or postrelease supervision*, except:

- (1) No defendant shall be placed by the court under house arrest if found guilty of:
 - (A) Any crime designated as a class A or B felony in article 34 or 35 of the Kansas Statutes Annotated, prior to their repeal;
 - (B) subsection (b) of section 81 of *chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto; ~~or~~
 - (C) section 79 of *chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto;
 - (D) *any off-grid felony; or*
 - (E) *any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, unless the offender has been sentenced to probation;*
- (2) no inmate shall be placed under house arrest if such inmate's security status is greater than minimum security; or
- (3) no inmate shall be placed under house arrest who has been denied parole by the parole board within the last 6 months. Any inmate who, while participating in the house arrest program, is denied parole by the parole board shall be allowed to remain under house arrest until the completion of the sentence or until the inmate is otherwise removed from the program.
 - (b) ~~Prior to the~~ *At the time of placement of an inmate under house arrest, the court or, secretary or house arrest staff shall provide written notification to the sheriff and district or county attorney of the county in which any person under house arrest is to be placed and to the chief law enforcement officer of any incorporated city or town in which such person is to be placed of the placement of the person under house arrest within the county or incorporated city or town.*
 - (c) House arrest sanctions shall be administered by the court and the secretary of corrections, respectively, through rules and regulations, and may include, but are not limited to, rehabilitative restitution in money or in kind, curfew, revocation or suspension of the driver's license, community service, deprivation of nonessential activities or privileges, or other appropriate restraints on the inmate's liberty.
 - (d) *Upon placement in a house arrest program, the court, secretary or house arrest staff shall inform the offender, and any other people residing with such offender, of the nature and extent of such house arrest monitoring, and shall obtain the written agreement of such offender to comply with all requirements of the program.*
 - (e) *The offender shall remain within the property boundaries of the offender's residence at all times during the term of house arrest, except as provided under the house arrest agreement with such offender.*

(f) *The offender shall allow any law enforcement officer, community corrections officer, court services officer or duly authorized agent of the department of corrections, to enter such offender's residence at any time to verify the offender's compliance with the conditions of the house release.*

(g) *As a condition of house arrest, the court or secretary may require an offender placed under house arrest to pay any supervision costs associated with the house arrest program.*

(h) *The offender shall consent to be monitored by:*

(1) *An electronic monitoring device on such offender's person;*

(2) *an electronic monitoring device in such offender's home;*

(3) *a remote blood alcohol monitoring device;*

(4) *a home telephone verification procedure;*

(5) *radio frequency devices; or*

(6) *any combination of monitoring methods as the court, secretary or house arrest staff finds necessary.*

(i) *The secretary or the court may contract for independent monitoring services. Such independent monitoring service shall be able to provide monitoring 24 hours a day, every day of the year, and any other services as determined by the secretary or the court.*

(j) *An offender violating the provisions of K.S.A. 8-1567, and amendments thereto, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. On a second conviction of K.S.A. 8-1567, and amendments thereto, an offender placed under house arrest shall serve a total of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours. On a third or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed under house arrest shall serve a total of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours.*

(k) *As used in this section:*

(1) *"House arrest staff" means an independent contractor or government entity, and agents thereof, utilized by the secretary or court to administer the provisions of a house arrest program;*

(2) *"electronic monitoring device" means:*

(A) *An active or passive global positioning system-enabled device capable of recording and transmitting an offender's location at all times or at designated intervals. Such monitoring device may record or transmit sound, visual images or other information regarding such offender's location, via wireless communication; or*

(B) *a radio frequency device capable of monitoring an offender's location; and*

(3) *"remote alcohol monitoring device" means a device capable of monitoring an offender's blood alcohol content via micro fuel cell or deep lung tissue sample. Such monitoring devices shall be of comparable accuracy to roadside breath alcohol testing devices utilized by law enforcement, and shall have wireless or landline telephone transmission capabilities. Such device may be used in conjunction with an alcohol and drug-sensing bracelet to monitor such offender's compliance with the terms of house arrest.*

Sec. 20. Section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 254. (a) (1) Except as provided in subsections (b) ~~and (c)~~, (c) and (d), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b) ~~and (c)~~, (c) and (d), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Except as provided in subsection (c) and (d), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

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

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

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

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) endangering a child or aggravated endangering a child as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(10) capital murder as defined in K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(11) murder in the first degree as defined in K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(12) murder in the second degree as defined in K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(17) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation;

(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(d) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

~~(d)~~ (e) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

- (A) Defendant's full name;
- (B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;
- (C) defendant's sex, race and date of birth;
- (D) crime for which the defendant was arrested, convicted or diverted;
- (E) date of the defendant's arrest, conviction or diversion; and
- (F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. On and after April 15, 2010 through June 30, 2011, the supreme court may impose a charge, not to exceed \$15 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

~~(e)~~ (f) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

- (1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;
- (2) the circumstances and behavior of the petitioner warrant the expungement;
- (3) the expungement is consistent with the public welfare.

~~(f)~~ (g) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

- (1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2010 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

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

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

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

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2010 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new

commitment.

~~(g)~~ (h) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

~~(h)~~ (i) Subject to the disclosures required pursuant to subsection ~~(h)~~ (g), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

~~(i)~~ (j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for

employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; ~~or~~

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act; *or*

(17) the Kansas bureau of investigation for the purposes of:

(A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(k) The provisions of subsection (j)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 21. Section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008, is hereby amended to read as follows: Sec. 285. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level 1	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	683 620 592	618 586 554	285 272 258	267 233 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 30
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	25 23 22	21 20 19	18 17 16
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;
(B) maximum potential reduction to such sentence as a result of good time; and
(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and
(B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of subsection (d) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i) (1) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 of chapter 136 of the 2010 Session Laws of Kansas and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or section 288 of chapter 136 of the 2010

Session Laws of Kansas, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in section 109 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review. *Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.*

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street

gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

- (A) The commission of one or more person felonies; or
- (B) the commission of felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, *or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009*; and
- (C) its members have a common name or common identifying sign or symbol; and
- (D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, *any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009*, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of subsection (a)(1) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy, as defined in sections 33 and 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715, prior to its repeal, 21-3716, prior to its repeal, subsection (a)(1) or (a)(2) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, or subsection (b) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A 22-4903 or subsection (a)(2) of section 138 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of subsection (b) of K.S.A. 21-3705, prior to its repeal, or of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the

sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;
- (2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
- (3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

- (1) Substance abuse was an underlying factor in the commission of the crime;

(2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of subsection (c)(2) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of section 76 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.

(2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy, as defined in

sections 33 and 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.”;

Also on page 9, in line 19, by striking all following "K.S.A."; by striking all in line 20 and inserting:

"22-2501, 22-3001, 22-3601, 22-4603, 22-4701 and 22-4705 and K.S.A. 2010 Supp. 12-4509, 12-4516a, as amended by section 103 of 2011 House Bill No. 2339, 21-3516, 21-4619, 22-2410, 22-2410, as amended by section 114 of 2011 House Bill No. 2339, 22-2410, as amended by section 12 of 2011 Senate Bill No. 247, 22-2502, 22-2516, 22-2802, as amended by section 118 of 2011 House Bill No. 2339, 22-2802, as amended by section 2 of 2011 House Bill No. 2118, 22-2802, as amended by section 13 of 2011 Senate Bill No. 247, 22-2807a, 38-2312, as amended by section 162 of 2011 House Bill No. 2339, 75-5291, 75-5291, as amended by section 280 of 2011 House Bill No. 2339 and 75-52,112 and sections 184 and 249 of chapter 136 of the 2010 Session Laws of Kansas and section 74 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 32 of 2011 House Bill No. 2339, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 3 of 2011 House Bill No. 2118, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 36 of 2011 Senate Bill No. 247, section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 77 of 2011 House Bill No. 2339 and section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 38 of 2011 Senate Bill No. 247 are hereby repealed."

On page 1, in the title, in line 1, by striking all following "concerning"; by striking all in lines 2 through 6 and inserting:

"crimes, punishment and criminal procedure; relating to expunged records; petitions for relief; house arrest; electronic communications; warrants for interception and information; conditions of release and bond; grand juries; appeals; community corrections; sexual exploitation of a child; harassment by telecommunications device; amending K.S.A. 22-3001, 22-3601, 22-4603, 22-4701 and 22-4705 and K.S.A. 2010 Supp. 12-4509, 12-4516a, as amended by section 103 of 2011 House Bill No. 2339, 22-2410, 22-2502, 22-2516, 22-2802, as amended by section 118 of 2011 House Bill No. 2339, 38-2312, as amended by section 162 of 2011 House Bill No. 2339, 75-5291 and 75-52,112 and sections 184 and 249 of chapter 136 of the 2010 Session Laws of Kansas and section 74 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 32 of 2011 House Bill No. 2339, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 66 of 2011 House Bill No. 2339, section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339 and section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 1 of 2011 Senate Substitute for House Bill No. 2008 and repealing the existing sections; also repealing K.S.A. 22-2501 and K.S.A. 2010 Supp.

21-3516, 21-4619, 22-2410, as amended by section 114 of 2011 House Bill No. 2339, 22-2410, as amended by section 12 of 2011 Senate Bill No. 247, 22-2802, as amended by section 2 of 2011 House Bill No. 2118, 22-2802, as amended by section 13 of 2011 Senate Bill No. 247, 22-2807a and 75-5291, as amended by section 280 of 2011 House Bill No. 2339 and section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 3 of 2011 House Bill No. 2118, section 244 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 36 of 2011 Senate Bill No. 247, section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 77 of 2011 House Bill No. 2339 and section 285 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 38 of 2011 Senate Bill No. 247.";

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

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

Senator Owens moved the Senate adopt the Conference Committee Report on **H Sub for SB 55**.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

Absent or Not Voting: Donovan, Steineger.

The Conference Committee Report was adopted

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "NO" on the Conference Committee Report on **SB 55**; a committee report that I, as a Senate conferee, actually signed. Voting "NO" on ALL measures on this roll call for the first time, I believe, in my eleven sessions now as a Kansas Senator, **SB 55** is a good bill with the exception of repealing K.S.A. 22-2501 which currently codifies exceptions to warrant requirements for searches made by law enforcement officers.

The ambiguity of no statutory language for counsel and courts to consistently interpret is actually far worse, in my opinion, than the current statute which, unconstitutionally, "allows" searches for any crime and not just for the specific crime which is the foundation for the probable cause to effectuate the search in the first place.

I intend to push again for the "Gold Standard" The Equal-Protection-Under-the-Law standard next year to rid Kansas of the ongoing prospect of "fishing expeditions" by law enforcement. —DAVID HALEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 150** submits the following report:

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

On page 3, by striking all in lines 36 through 43;

On page 4, by striking all in lines 1 through 3;

And by renumbering remaining sections accordingly;

Also on page 4, in line 42, by striking "person registered to vote who"; in line 43, by striking "resides" and inserting "owner of land, as defined under this section,";

On page 7, by striking all in lines 6 through 8;

And by renumbering remaining subsections accordingly;

Also on page 7, in line 19, following the period, by creating a new paragraph;

On page 9, in line 3, by striking "a majority " and inserting "two-thirds of the members"; in line 6, by striking all after "ordinance."; by striking all in line 7; in line 8, by striking all before "When"; in line 18, after "annexation" by inserting "involving 40 acres or more"; in line 20, by striking "street"; in line 21, by striking "real estate" and inserting "qualified electors as defined in K.S.A. 12-519, and amendments thereto,"; also in line 21, by striking all after the period; in line 22, by striking "residing in the area proposed to be annexed, then"; in line 24, by striking "in the area proposed to be"; in line 25, by striking "annexed"; in line 26, by striking "residing in the area proposed to be annexed and"; in line 28, by striking all after "electors"; in line 29, by striking all before "reject"; in line 33, after "thereto." by inserting "If the area proposed to be annexed is less than 40 acres, then the board may render a judgment on the petition unless the board has previously granted three annexations of adjoining tracts within a 60-month period."; by striking all in line 43;

By striking all of pages 10 and 11;

On page 12, by striking all in lines 1 through 12 and inserting the following:

"Sec. 8. K.S.A. 12-531 is hereby amended to read as follows: 12-531. (a) ~~Five~~ *Three* years following the annexation of any land pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, or, where there has been litigation relating to the annexation, ~~five-three~~ years following the conclusion of such litigation, the board of county commissioners shall call a hearing to consider whether the city has provided the municipal services as provided in the timetable set forth in the plan in accordance with K.S.A. 12-520b or 12-521, and amendments thereto. The board of county commissioners shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The city; and (2) any landowner in the area subject to the service extension plan.

(b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from the city and the landowner. After the hearing, the board shall make a finding as to whether or not the city has provided services in accordance with its service extension plan. If the board finds that the city has not provided services as provided in its service extension plan, the board shall notify the city and the landowner that such property may be deannexed, as provided in K.S.A. 12-532, *and amendments thereto*, if the services are not provided within $2\frac{1}{2}$ 1 $\frac{1}{2}$ years of the date of the board's findings.

(c) If the board of county commissioners refuses to hold the hearing as required, any owner of land living in such area annexed may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.

Sec. 9. K.S.A. 12-532 is hereby amended to read as follows: 12-532. (a) If, within $2\frac{1}{2}$ years following the conclusion of the hearing required by K.S.A. 12-531, *and amendments thereto*, or, where there has been litigation relating to the hearing, $2\frac{1}{2}$ years following the conclusion of such litigation, the city has not provided the municipal services as provided in the timetable set forth in the plan prepared in accordance with K.S.A. 12-520b or 12-521, and amendments thereto, the owner of such land may petition the board of county commissioners to exclude such land from the boundaries of the city. Within 10 days after receipt of the petition, the board shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The owner; (2) the city; (3) the township into which the property, if deannexed, would be placed; and (4) the governing body of any fire district, sewer district, water district or other special district governments which have jurisdiction over territory adjacent to the area sought to be deannexed. The notice shall be sent by certified mail no less than 21 days before the date of the hearing.

(b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from both the owner and representatives of the city. Except as provided by subsection (e), if the board finds after the hearing that the city has failed to provide the municipal services in accordance with the plan and consistent with the timetable therein, the board may enter an order excluding the land from the boundaries of the city. Any such order shall take effect in the same manner as provided in K.S.A. 12-523, and amendments thereto, for the effective date of annexation ordinances. Such land shall not be annexed again for ~~one three year~~ years from the effective date of the order without the written consent of the owner of the land.

(c) The county clerk shall certify a copy of the order to the register of deeds of the county. The register of deeds shall record the order in the deed records of the county, and, at the expense of the ~~owner~~ city, the register of deeds also shall record the order of exclusion on the margin of the recorded plat of such land, giving reference thereon to the page and book of records where the order is recorded in the register's office.

(d) Except as provided by this subsection, after the effective date of the order to exclude the land from the city, such land shall not be liable for any general taxes imposed by the city. Such land shall remain liable, however, for any taxes or special assessments levied by the city as are necessary to pay its proportionate share of the interest on and principal of such bonds or other indebtedness incurred by the city for improvements to the land which were approved by the city before the date on which the owner or owners filed a petition for the exclusion of the land from the city.

(e) The board shall not order exclusion of any land if:

(1) The service extension plan conditions the extension of certain improvements or services on the filing of a legally sufficient petition by the owners of the land for the creation of an improvement district and to levy special assessments therein to pay a portion of the costs of such improvements, and a sufficient petition has not been filed;

(2) since the annexation, the governing body of the city initiated the creation of an improvement or benefit district affecting such land to levy special assessments thereon to pay a portion of the costs of certain municipal improvements, and the formation of

the district was blocked by the filing of a sufficient protest petition by some or all of the owners of any land in the proposed district;

(3) the exclusion would result in the land being completely surrounded by other tracts of land located within the city's boundaries; or

(4) the board finds the exclusion of the land would have an adverse impact on the health, safety and welfare of the residents of the city or such land.

(f) Any owner or the city aggrieved by the decision of the board may appeal the decision to the district court in the manner provided in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.

(g) If the board of county commissioners refuses to hold the hearing as required, any owner of land may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.";

On page 13, following line 30, by inserting the following:

"New Sec. 12. (a) If any land located within a fire district is annexed by a city and such land remains a part of the fire district beyond the current tax year, the owner of such land shall be entitled to a refund of all ad valorem taxes paid for fire service, including any tax levy for bond and interest payments from either the city or the fire district, whichever entity levies taxes for fire service against the land but does not provide such service.

(b) Cities and fire districts shall establish procedures for landowners to obtain refunds of ad valorem property taxes as required by this section.

Sec. 13. K.S.A. 2010 Supp. 19-214 is hereby amended to read as follows: 19-214.

(a) Except as provided in subsection (b), in K.S.A. 19-216a, and amendments thereto, all contracts for the expenditure of county moneys for the construction of any courthouse, jail or other county building, or the construction of any bridge, highway, road, dam, turnpike or related structures or stand-alone parking lots in excess of \$25,000, shall be awarded, on a public letting, to the lowest and best bid. The person, firm or corporation to whom the contract may be awarded shall give and file with the board of county commissioners a good and sufficient surety bond by a surety company authorized to do business in the state of Kansas, to be approved by the county attorney or county counselor, in the amount of the contract, and conditioned for the faithful performance of the contract.

(b) The provisions of subsection (a) shall not apply: (1) To the expenditure of county funds for professional services; (2) to the provisions of K.S.A. 68-521, and amendments thereto; ~~or~~ (3) to the purchase of contracts of insurance; *or (4) to the repair of any courthouse, jail or other county building or the repair or replacement of any such building's equipment when an emergency based upon public health or safety is declared by the board of county commissioners. Such emergency shall be defined as an occurrence of severe damage to a building or its equipment resulting from any natural or manmade cause, including fire, flood, earthquake, wind, storm, explosion, riot, terrorism or hostile military or paramilitary action, or events of similar nature or character. Such damage must be so severe it prevents the building or equipment from being used for its intended function. Construction of a replacement building remains subject to the provisions of subsection (a).";*

Also on page 13, in line 32, after "Supp." by inserting "19-214 and";
 On page 1, in the title, in line 1, by striking "boundaries" and inserting "certain municipalities"; in line 3, after "Supp." by inserting "19-214 and";
 And your committee on conference recommends the adoption of this report.

STEVE HUEBERT

JOE SEIWERT

ANN E. MAH

Conferees on part of House

PETE BRUNGARDT

ROGER P. REITZ

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

Senator Reitz moved the Senate adopt the Conference Committee Report on **SB 150**.
 On roll call, the vote was: Yeas 31, Nays 6, Present and Passing 1, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Love, Lynn, Masterson, McGinn, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Wagle.

Nays: Haley, Longbine, Marshall, Owens, Reitz, Vratil.

Present and Passing: Morris.

Absent or Not Voting: Donovan, Steineger.

The Conference Committee Report was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Haley, Morris, Emler, Hensley, Apple, Abrams, Bruce, Brungardt, Faust-Goudeau, Francisco, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1866—

A RESOLUTION commemorating the 10th anniversary of September 11th, 2001.

WHEREAS, The people of Kansas were deeply moved and affected by the terroristic tragedy of September 11, 2001, and on their behalf the Kansas Senate wishes to commemorate a decade of remorse, remembrance, resilience and resounding spirit; and

WHEREAS, September 11, 2001 was a catastrophe that few Kansans will ever forget. There remains a deep sense of mourning throughout the Nation when, on that date, commercial aircrafts were hijacked and intentionally crashed into the Twin Towers of the World Trade Center in New York, the Pentagon in northern Virginia and prematurely into the Pennsylvania countryside. We all remember our Nation collectively pausing while firefighters and police officers valiantly attempted to save the victims of the attack; and

WHEREAS, Nearly 3,000 Americans died as a result of the September 11, 2001 attack. Their faces, their images and their stories are woven into our national conscience and seared upon our national resolve. This number includes firefighter Joe

Spor, Jr., who was killed in the collapse of the Twin Towers. His widow and children were adopted by the City of Anthony, Kansas. The city's residents gave them support and comfort; and

WHEREAS, Even amid suffering and death, Kansans stood in solidarity after this dramatic attack on American soil and erected a memorial. The official Kansas 9/11 Memorial, built of Kansas limestone and brick, is located in Anthony, Kansas. This monument to our state and national resolve serves as a place of connection between the survivors of the September 11th tragedy and all of us who support them; and

WHEREAS, Kansans responded as well to the human tragedy even as grief reverberated throughout the Nation. The Kansas National Guard served in the national disaster efforts and in the airports; and

WHEREAS, Kansas has remained committed to America's war against terrorism and intends to stop terrorism on our shores and abroad. Specifically, we have supported our family and friends who serve in the Kansas National Guard as well as our active duty troops who call Kansas home. We submit honor to and we genuinely thank our Guard members who have served in over 10,000 deployments overseas, especially since September 11, 2001. Moreover, we will always remember the sacrifices made by more than 10 Kansas soldiers who have died and dozens of Kansans who have been wounded in Afghanistan and in Iraq; and

WHEREAS, Following September 11, 2001, Kansas rejuvenated its national spirit and has worked harder to build even stronger connectional bonds with the rest of the Nation. A decade after this tragedy, Kansas continues to send our men and women to fight against acts of terrorism that imperil not only our people, but our very way of life as other people in other countries yearn for the freedom borne of democracy: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we remember those who lost their lives on September 11, 2001, and we express our strong desire for a unified and harmonious Nation; and

Be it further resolved: That Kansas recommitts on this solemn anniversary to never forget this day of all American patriots, and to insure that the remembrances and that the lessons of September 11, 2001 are imparted to succeeding generations of Kansans as integral to our national security and to our national spirit; and

Be it further resolved: That despite the capture and eradication of top al-Qaeda masterminds and operatives, Kansans remain committed and resolved in successfully ending the war against terror; and

Be it finally resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the President of the United States of America, the Governor of the State of New York, the President of the New York Senate and Senators Haley, Morris, Emler and Hensley. Copies shall also be distributed to each member of the Kansas Congressional Delegation for solemn and appropriate dissemination to survivors.

On emergency motion of Senator Haley **SR 1866** was adopted unanimously.

SPECIAL REMARKS

Exactly four months from this day, September 11, 2011...across the Land, bells toll and our Nation pauses to remember and to give solemn recognition of an exact decade of our forced awakening to a national change. In February of this Session, we started the research and drafting of this Resolution, well before any of the events relating to the

eradication of top operatives ensued.

Thank each of you for joining me in this Tribute to that solemn future anniversary. The Kansas Legislature has yet to mark this date in any Resolution, Tribute or Legislation.

Every Kansan, every American, of a certain age remembers where they were while the events of that day, “9-11” as it has become commonly, almost casually, to be known as today, unfolded. Still in my first year as a Senator, I commuted cautiously from my home in Kansas City to a Juvenile Justice conference at the Capital Plaza Hotel and clearly remembering the prophetic words of our then colleague, Senator David Adkins who said to those in attendance: “We don't know who's behind all of this but one thing's for sure; America, as we know it today, will never be the same again...” And then he offered a prayer, certainly not his usual custom.

Senator Adkins observation would be codified, echoed more succinctly by President George W. Bush, who would say time and time again, simply: “September 11th changed everything.” Indeed, it did.

The assault on the Twin Towers in New York, the Pentagon in Virginia, and a Pennsylvania countryside by hijacked commercial airlines that were intentionally crashed was an assault on our American culture by anti-American foreign assailants. In the last decade we have proven the adage that what did not kill us, only made us stronger.

The attack came not at what divides as Americans, too often, but an attack on our collective culture as Americans. Our collective American psyche reawakened grew stronger and grows stronger still today...a decade later.

Though I am a native Kansan, and a proud statesman of Kansas, I am not always content with Kansas law. Nor am I always proud of our laws. But, the laws of the Land can balance and ameliorate and temper the best and the worst laws of all States. Federal law is the hallmark of our culture in that it is representative of ALL America. This then is OUR Country; right or wrong.

September 11th, 2001 changed everything. Today, we pause to remember and commemorate the lives lost and the valor of the men and women who fought to restore order and to save lives. Today, we, who cherish liberty and justice for all, declare that the United States of America is still the hallmark of nations on the face of the planet today and even with blemishes, our democracy makes us yet proud to be Americans “where at least we know we're free.”

America's cultural spirit, rekindled by a day of foreign terror, burns brighter after this decade. – DAVID HALEY

REPORT ON ENGROSSED BILLS

SB 61; H Sub SB 63 reported correctly engrossed May 11, 2011.

Also, **SB 193** correctly re-engrossed May 11, 2011.

REPORT ON ENROLLED BILLS

SR 1863, SR 1864, SR 1865 reported correctly enrolled, properly signed and presented to the Secretary of Senate on May 11, 2011.

ORIGINAL MOTION

On emergency motion of Senator Emler, **HB 2054** was advanced on the calendar

under the heading of General Orders to the first order of business.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of the bill on the calendar under the heading of General Orders with Senator Umbarger in the chair.

On motion of Senator Umbarger the following report was adopted:

HB 2054 be amended by the adoption of the committee amendments, and **HB 2054** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **HB 2054** was advanced to Final Action and roll call.

HB 2054, AN ACT concerning certain state agencies; pertaining to the Kansas technology enterprise corporation and the abolishing thereof; pertaining to the transfer of the powers and duties thereof to the department of commerce and the board of regents; pertaining to the membership of the Kansas bioscience authority; amending K.S.A. 74-5001a, 74-8102, 74-8103, 74-8106, 74-8107, 74-8108, 74-8108a, 74-8109, 74-8110, 74-8111, 74-8316, 74-8317, 74-8318, 74-8319, 74-8401, 75-2935b, 75-3208 and 76-770 and K.S.A. 2010 Supp. 74-520a, 74-5005, 74-50,133, 74-50,151, 74-50,156, 74-8104, 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-99b03, 74-99b04, 74-99b09, 74-99b63, 74-99b66, 74-99c03 and 75-2935 and repealing the existing sections; also repealing K.S.A. 74-5050, 74-8101 and 74-8105.

On roll call, the vote was: Yeas 21, Nays 11, Present and Passing 6, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Emler, Huntington, Kelsey, King, Longbine, Love, Lynn, Masterson, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Taddiken, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Kultala, Marshall, Owens, Reitz, Schmidt V, Vratil.

Present and Passing: Holland, Kelly, McGinn, Schodorf, Teichman, Umbarger.

Absent or Not Voting: Donovan, Steineger.

The bill passed, as amended.

CHANGE OF REFERENCE

The President withdrew S Sub for HB 2357 from the Calendar under the heading of General Orders and re-referred the bill to the Committee on Ways and Means.

On motion of Senator Emler the Senate adjourned until 10:00 a.m., Thursday, May 12, 2011.

Journal of the Senate

SIXTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 12, 2011, 10:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine Senators present.

Senator Donovan was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

There is one short verse in the book of Luke in the Bible that summarizes the way we should treat each other. They are the words of Jesus: "Do to others as you would have them do to you." (Luke 6:31)

These few words that Jesus spoke
Show us how to treat each other.
These instructions apply to all:
Whether your enemy or your brother.

In the session's final days
We could be getting tense.
Those we normally treat all right,
May find us in turbulence.

We find ourselves saying things
That we normally never say,
And soon we will discover
We're driving folks away.

Help us to remember, Lord,
To avoid a lot of sorrow:
Never say the words today
That we'll regret tomorrow!

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

ORIGINAL MOTION

Senator Emler 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 for HB 2080.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2080** submits the following report:

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

On page 1, by striking all in lines 8 through 36;

By striking all on pages 2 through 17;

On page 18, by striking all in lines 1 through 29 and inserting:

"Section 1. K.S.A. 2010 Supp. 25-4501 is hereby amended to read as follows: 25-4501. (a) Subject to the provisions of this section, there shall be held a presidential preference primary election in the year ~~2012~~ 2016, and every fourth year thereafter.

(b) On or before November 1, ~~2011~~ 2015, and on or before November 1 every fourth year thereafter, the secretary of state shall certify to the governor, to the chief clerk of the house of representatives and to the secretary of the senate a common date in the next succeeding year on which at least five other states will hold a presidential preference primary election, a delegate or mass convention or a caucus of qualified voters at which delegates to a national convention are selected. On or before each such date, if the secretary of state determines that there is no common date on which at least five states are conducting such a selection process in the next succeeding year, the secretary of state shall certify to the governor, the chief clerk of the house of representatives and the secretary of the senate on a date, which shall be on or before the first Tuesday in April of the next following year, on which the presidential preference primary election shall be held.

(c) The date certified by the secretary of state pursuant to subsection (b) shall be the date on which the presidential preference primary election authorized by subsection (a) shall be held in the state of Kansas.

Sec. 2. K.S.A. 25-4502 is hereby amended to read as follows: 25-4502. (a) Every registered elector who has declared such elector's party affiliation with a political party eligible to participate in a state primary election shall have the opportunity to vote one vote at a presidential preference primary election for such elector's preference for one person to be the candidate for nomination by such candidate's party for president of the United States or for "none of the names shown." Any registered elector who has not declared such candidate's party affiliation prior to the election may make such a declaration at the polling place, and thereupon shall be permitted likewise the opportunity to vote one vote at the presidential preference primary. A vote for "none of the names shown" shall express the preference for an uncommitted delegation from Kansas to the national convention of that elector's party. Preference shall be indicated by marking with a cross or check mark inside a voting square or a darkened oval on the ballot at the left of the voter's choice, or by voting by using a voting machine.

(b) The name of any candidate for a political party nomination for president of the United States shall be printed on the ballots only if, not later than ~~twelve o'clock~~ 12 noon, ~~February 12 prior to~~ on the date which precedes by seven weeks the date of the presidential preference primary or, if such date falls on Saturday, Sunday or a holiday, not later than ~~twelve o'clock~~ 12 noon the following day that is not a Saturday, Sunday or holiday:

(1) The candidate files with the secretary of state a declaration of intent to become

a candidate accompanied by a fee of \$100; or

(2) there is filed in the office of secretary of state a petition in the form prescribed by K.S.A. 25-205, and amendments thereto, signed by not less than 1,000 registered electors, who are affiliated with the political party of such candidate as shown by the party affiliation list. The secretary of state shall determine the sufficiency of each such petition, and such determination shall be final.

Sec. 3. K.S.A. 25-4503 is hereby amended to read as follows: 25-4503. (a) The names of the candidates for nomination for president of the United States by a political party eligible to participate in a state primary election shall be printed on the official ballots for the presidential preference primary elections of their respective parties along with the choice of "none of the names shown." The ballots shall be marked, returned and canvassed in the same manner and under the same conditions, so far as the same are applicable, as in the case of the primary election of candidates for nomination for state offices.

(b) The official presidential preference primary election ballots shall be printed in a single column and shall have the following heading:

OFFICIAL PRESIDENTIAL
PREFERENCE PRIMARY
ELECTION BALLOT
_____ Party

To vote for a person whose name is printed on the ballot make a cross or check mark in the square, *or darken the oval*, to the left of the name of the person for whom you desire to vote. To vote for "none of the names shown" make a cross or check mark in the square, *or darken the oval*, to the left of such words.

This shall be followed by the names of the candidates for president of the United States of such party in the manner and order certified by the secretary of state.

(c) As soon as possible after ~~February 12~~ *the candidate filing deadline*, the secretary of state shall certify to each county election officer the name of each person who is a candidate for nomination to be president of the United States of each party authorized to participate in the presidential preference primary election. The secretary of state shall publish, not less than 21 days prior to the presidential preference primary, a notice in one newspaper in each county of the state where a newspaper is published, that the official list of candidates and the date of the election can be acquired in the office of the secretary of state or the office of the county election officer.

(d) When a party participating in the presidential preference primary election has more than one candidate, the secretary of state shall determine by lot the order in which the candidates' names will appear on the ballot. The order of names, as established by the secretary of state, shall be uniform in each county throughout the state.

Sec. 4. K.S.A. 2010 Supp. 25-205, as amended by section 1 of 2011 Senate Bill 125, is hereby amended to read as follows: 25-205. (a) Except as otherwise provided in this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12 noon, June 1, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act; or (2) they shall have filed not later than the time for filing

nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

I, the undersigned, an elector of the county of _____, and state of Kansas, and a duly registered voter, and a member of _____ party, hereby nominate _____, who resides in the township of _____ (or at number _____ on _____ street, city of _____), in the county of _____ and state of Kansas, as a candidate for the office of (here specify the office) _____, to be voted for at the primary election to be held on the first Tuesday in August in _____, as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

(HEADING)

Name of Signers.	Street Number or Rural Route (as registered).	Name of City.	Date of Signing.
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All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a petition circulator who is a resident of the state of Kansas and has the qualifications of an elector in the state of Kansas or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon.

(e) Except as otherwise provided in subsection (g), nomination petitions shall be signed:

(1) If for a state officer elected on a statewide basis or for the office of United States senator, by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the state as compiled by the office of the secretary of state;

(2) If for a state or national officer elected on less than a statewide basis, by voters equal in number to not less than 2% of the total of the current voter registration of the party designated in such district as compiled by the office of the secretary of state, except that for the office of district magistrate judge, by not less than 2% of the total of the current voter registration of the party designated in the county in which such office

is to be filled as certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto;

(3) If for a county office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such district or county as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto; and

(4) If for a township office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such township as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto.

(f) Subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.

(g) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before May 10, nomination petitions for nomination to such offices shall be signed by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the district as compiled by the office of the secretary of state.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after May 11, nomination petitions for nomination to the following offices shall be signed by registered voters of the party designated in the district equal in number to not less than the following:

- (A) For the office of representative in the United States congress.....1,000 registered voters;
- (B) for the office of member of the state board of education. . .300 registered voters;
- (C) for the office of state senator.....75 registered voters;

and
(D) for the office of state representative.....25 registered voters.

(h) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before ~~June 10~~ *May 10*, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12 noon on ~~June 24~~ *July 1*, or if such date falls on a Saturday, Sunday or a holiday, then before 12 noon of the next following day that is not a Saturday, Sunday or holiday.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after ~~June~~ *May* 11, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12 noon on ~~July 12~~ *June 10*, or if such date falls on a

Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

Sec. 5. K.S.A. 2-624, as amended by section 2 of 2011 Senate Bill 125, is hereby amended to read as follows: 2-624. (a) The governing body of each extension district shall be composed of four representatives from each county included in the extension district. At the conclusion of the terms of the members first appointed to membership on the governing body of the district, the four members representing each county in an extension district shall be elected in a county-wide election by the qualified electors of the county.

(b) At the conclusion of the terms of the members first appointed to membership on the governing body of the district, each member of the governing body shall hold office for a term of four years and until such member's successor is elected and qualified. Each such term of office shall commence on the date of receipt of certification of election by the member elected and shall continue until the member's successor is elected and qualified.

(c) (1) Except as otherwise provided in this act, an election to elect successors to members of the governing body whose terms are expiring shall be held on the first Tuesday in April in each odd-numbered year.

(2) Elections to choose members of the governing body of an extension district shall be conducted, the returns made and the results ascertained in the manner provided by law for general county elections except as otherwise provided by this act. Not later than 12 noon of the ~~Wednesday next following the~~ Tuesday, 10 weeks preceding the first Tuesday in April in odd-numbered years, each person desiring to be a candidate for membership on the governing body, in any election, shall file a declaration of candidacy with the county election officer of the county represented by the member of the governing body whose successor is to be elected, as a candidate in such election. The county election officer in making up the ballots and in placing the names thereon shall place the names on the ballots in alphabetical order.

(3) The county election officer of each county within the extension district shall appoint election boards as provided by law for other elections and shall designate places for holding the election. The county election officer shall cause to be ascertained the names of all persons within the district who are qualified electors, and shall furnish lists thereof to the judges of the election. Notice of the time and place of holding each election, signed by the county election officer, shall be given in a newspaper published in the county and posted in a conspicuous place in the office of the governing body at least five days before the holding thereof.

(4) All election expenses shall be paid by the extension district. Election officials shall receive the same compensation as provided under the general election laws.

(d) Any vacancy in the membership of the governing body of an extension district shall be filled by appointment by the governing body for the unexpired term of office. Each member so appointed shall be a resident of the county which was represented by the member creating the vacancy.

(e) The governing body of each extension district shall organize annually in July by electing from among its members a chairperson, vice-chairperson, secretary and treasurer.

Sec. 6. On and after January 1, 2012, K.S.A. 2010 Supp. 8-1324, as amended by section 1 of 2011 House Bill No. 2067, is hereby amended to read as follows: 8-1324.

(a) Any resident who does not hold a current valid Kansas driver's license may make application to the division of vehicles and be issued one identification card.

(b) For the purpose of obtaining an identification card, an applicant shall submit, with the application, proof of age, proof of identity and proof of lawful presence. An applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security account number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issuance, validity and completeness of each document required to be presented by the applicant to prove age, identity and lawful presence.

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments thereto, or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions: (A) A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires; (C) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and (D) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection (c) for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of subsection (e) of K.S.A. 8-1002, and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

(g) (1) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to

K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.

(2) The division shall not require or accept payment of application or photo fees under this subsection for any person 17 years of age or older for purposes of meeting the voter identification requirements of K.S.A. 25-2908, and amendments thereto. Such person shall:

(A) Swear under oath that such person desires an identification card in order to vote in an election in Kansas and that such person does not possess any of the forms of identification acceptable under K.S.A. 25-2908, and amendments thereto. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908, and amendments thereto; *and*

(B) ~~Such person shall also~~ produce evidence that such person is registered to vote in Kansas.

(3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:

- (1) The person owns, leases or rents a place of domicile in this state;
- (2) the person engages in a trade, business or profession in this state;
- (3) the person is registered to vote in this state;
- (4) the person enrolls the person's child in a school in this state; or
- (5) the person registers the person's motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture.

(k) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 2010 Supp. 75-455, and amendments thereto.

Sec. 7. On and after January 1, 2012, K.S.A. 2010 Supp. 25-1122d, as amended by section 3 of 2011 House Bill No. 2067, is hereby amended to read as follows: 25-1122d.

(a) The application for an advance voting ballot to be transmitted by mail shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of _____ and State of Kansas
Desiring to Vote an Advance Voting Ballot

State of _____, County of _____, ss:

I, _____
(Please print name)

do solemnly affirm under penalty of perjury that I am a qualified elector of the _____
precinct of the _____ ward, residing at number _____ on _____ street,
city of _____, or in the township of _____, county of _____, and state
of Kansas. My date of birth is _____ (month/day/year).

I understand that a current and valid Kansas driver's license number or Kansas
nondriver's identification card number must be provided in order to receive a ballot. If I
do not have a current and valid Kansas driver's license number or Kansas nondriver's
identification card number, I must provide one of the following forms of identification
with this application in order to receive a ballot:

(+) A copy of any one of the following types of photographic identification: a
driver's license issued by Kansas or by another state or district of the United States, a
state identification card issued by Kansas or by another state or district of the United
States, a concealed carry of handgun license issued by Kansas or a concealed carry of
handgun or weapon license issued by another state or district of the United States, a
United States passport, an employee badge or identification document issued by a
municipal, county, state, or federal government office or agency, a military
identification document issued by the United States, a student identification card issued
by an accredited post secondary institution of education in the state of Kansas, or a
public assistance identification card issued by a municipal, county, state, or federal
government office or agency.

I am entitled to vote an advance voting ballot and I have not voted and will not
otherwise vote at the election to be held on _____ (date). My political party is
_____ (to be filled in only when requesting primary election ballots). I desire my
ballots to be sent to the following address:

Signature of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

(b) The application for an advance voting ballot to be transmitted in person shall
be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of _____ and State of Kansas
Desiring to Vote an Advance Voting Ballot

State of _____, County of _____, ss:

I, _____
(Please print name)

do solemnly affirm under penalty of perjury that I am a qualified elector of the _____
precinct of the _____ ward, residing at number _____ on _____ street,
city of _____, or in the township of _____, county of _____, and state of
Kansas. My date of birth is _____ (month/day/year).

I am entitled to vote an advance voting ballot and I have not voted and will not
otherwise vote at the election to be held on _____ (date). My political party is

_____ (to be filled in only when requesting primary election ballots).

Signature of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

(c) An application for permanent advance voting status shall be on a form prescribed by the secretary of state for this purpose. Such application shall contain an affirmation concerning substantially the same information required in subsection (a) and in addition thereto a statement regarding the permanent character of such illness or disability.

(d) Any application by a former precinct resident shall state both the former and present residence, address, precinct and county of such former precinct resident and the date of change of residence.

(e) The secretary of state may adopt rules and regulations in order to implement the provisions of this section.

Sec. 8. On and after January 1, 2012, K.S.A. 2010 Supp. 65-2418, as amended by section 13 of 2011 House Bill No. 2067, is hereby amended to read as follows: 65-2418.

(a) (1) The secretary shall fix and charge by rules and regulations the fees to be paid for certified copies or abstracts of certificates or for search of the files for birth, death, fetal death, marriage or divorce records when no certified copy or abstract is made. Except as otherwise provided in this section, the secretary shall remit all moneys received by or for the secretary from fees, charges or penalties, under the uniform vital statistics act, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.

(2) The secretary shall not charge any fee for a certified copy of a certificate or abstract or for a search of the files or records if the certificate, abstract or search is requested by a person who exhibits correspondence from the United States department of veterans affairs or the Kansas commission on veterans' affairs which indicates that the person is applying for benefits from the United States department of veterans affairs and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent certified copy of a certificate, abstract or search of the files requested by the person, the usual fee shall be charged. The secretary may provide by rules and regulations for exemptions from such fees.

(3) The secretary shall not charge or accept any fee for a certified copy of a birth certificate if the certificate is requested by any person who is 17 years of age or older for purposes of meeting the voter registration requirements of K.S.A. 25-2309, and amendments thereto. Such person shall swear under oath: (1) That such person plans to register to vote in Kansas; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. *The secretary shall adopt rules and regulations in order to*

implement the provisions of this subsection.

(4) Upon receipt of any such remittance of a fee for a certified copy of a birth certificate or abstract, \$3 of each such fee for the first copy of a birth certificate or abstract and \$1 of each such fee for each additional copy of the same birth certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto. The balance of the money received for a fee for a certified copy of a birth certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created under this act.

(5) Upon receipt of any such remittance of a fee for a certified copy of a death certificate or abstract, \$4 of each such fee for the first certified copy of a death certificate or abstract and \$2 of each such fee for each additional copy of the same death certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the district coroners fund created by K.S.A. 22a-245, and amendments thereto. The balance of the money received for a fee for a certified copy of a death certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.

(b) Subject to K.S.A. 65-2415, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.

Sec. 9. On and after January 1, 2012, K.S.A. 25-208a, as amended by section 16 of 2011 House Bill No. 2067, is hereby amended to read as follows: 25-208a. (a) Within 10 days, Saturdays, Sundays and holidays not included, from the date of the filing of nomination petitions or a declaration of intention to become a candidate for United States senator or representative or for state office, the secretary of state shall determine the validity of such petitions or declaration.

The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days, *including Saturdays, Sundays and holidays*, of the date the petitions were filed with the secretary. The secretary of state upon receipt of the validated petition from the county election officer shall notify the candidate of the validity of the petition.

(b) Within three days from the date of the filing of nomination petitions or a declaration of intention to become a candidate for county or township office or for

precinct committeeman or committeewoman, the county election officer shall determine the validity of such petitions or declaration.

(c) If any nomination petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case may be, shall notify the candidate on whose behalf the petitions or declaration was filed that such nomination petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the secretary of state or the county election officer in accordance with K.S.A. 25-308, and amendments thereto.

Sec. 10. K.S.A. 2010 Supp. 25-2021 is hereby amended to read as follows: 25-2021. (a) ~~A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of school district board members shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are board members to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general school board election ballot.~~ In school districts in which a member district method of election is in effect, if there are more than three qualified candidates for any member position in any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any member position at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(b) In school districts in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are board members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are board members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are board members to be elected, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) If a member is to be elected to fill an unexpired term, the office shall be listed separately on the ballots. If there are more than three candidates for such unexpired term, the county election officer shall call, and there shall be held, a primary election. The names of the two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. If there are three or fewer qualified candidates for the unexpired term of any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

~~(b)~~(d) On the ballots in general school elections, blank lines for the ~~name~~ names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for such elected office shall be equal to the number to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for

such office. No lines for write-in candidates shall appear on primary school election ballots.

Sec. 11. K.S.A. 25-2102 is hereby amended to read as follows: 25-2102. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, the elections held for officers on the first Tuesday in April, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election held on the first Tuesday in August of even-numbered years, the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are eliminated by the process of the election but at which no officer is finally elected.

(c) "District method" means the election of city officers where the city is divided into member districts or wards.

(d) "Election at large method" means the election of city officers without member districts or wards.

Sec. 12. K.S.A. 2010 Supp. 25-2108a is hereby amended to read as follows: 25-2108a. (a) There shall be a primary election of city officers on the Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection (b) or subsection (c) of this section.

~~(b) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of city officers shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are officers to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.~~

~~(b) In cities in which a district method of election is in effect, if there are more than three qualified candidates for any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any such member district at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member district there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.~~

~~(c) In cities in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are members to be elected there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.~~

~~(d) On the ballots in general city elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for each elected office shall be equal to the number of~~

candidates to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary city election ballots.

Sec. 13. K.S.A. 2010 Supp. 71-1415 is hereby amended to read as follows: 71-1415. (a) ~~A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of trustees shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are trustees to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general election ballot for the board of trustees.~~

~~(b) In the general election, there shall appear on the ballots a line appropriate for write-in candidates. No lines for write-in candidates shall appear on the primary election ballots.~~

In college districts in which a district method of election is in effect, if there are more than three qualified candidates for any member position, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any member position at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(b) In college districts in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are trustees to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are trustees to be elected who receive the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are trustees to be elected, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) If a member is to be elected to fill an unexpired term, the office shall be listed separately on the ballots. If there are more than three candidates for such unexpired term, the county election officer shall call, and there shall be held, a primary election. The names of the two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. If there are three or fewer qualified candidates for the unexpired term of any member position, there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(d) On the ballots in general college district elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for each elected office shall be equal to the number of candidates to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary college district election ballots.

Sec. 14. K.S.A. 2010 Supp. 24-139a is hereby amended to read as follows: 24-139a. ~~The board of directors of drainage district No. 2 of Finney county shall provide by the passage of a resolution for the staggering of terms of the board. At the next election of directors, one director shall be elected for a two-year term and two directors shall be elected for three-year terms. Election of directors thereafter shall be for three-year terms.~~ *Notwithstanding the provisions of K.S.A. 24-409 and 24-412, and amendments thereto, at the election of the board of directors of drainage district No. 2 of Finney county, Kansas, in 2013, one director shall be elected for a two-year term and two directors shall be elected for four-year terms. Prior to such election, the board of directors shall determine which board position shall have a term of two years and notify the county election officer. Election of directors thereafter shall be for four-year terms as provided in K.S.A. 24-409 and 24-412, and amendments thereto.*

Sec. 15. K.S.A. 2010 Supp. 24-409 is hereby amended to read as follows: 24-409. (a) All powers granted to drainage districts incorporated under the provisions of this act shall be exercised by a board of directors consisting of three persons. Except as provided in K.S.A. 24-412 and K.S.A. 2010 Supp. 24-139a, and amendments thereto, the directors shall hold their offices for four years and until their successors are elected or appointed, as the case may be, and qualified, and shall be chosen at the time and in the manner provided by law.

(b) Members of the board of directors shall be owners of land located in the drainage district and shall reside in the county in which the district is located or, if the district is located in more than one county, a county in which any portion of the district is located, except:

(1) If there are no residents within the drainage district who are owners of land within the district, any owner of land located within the district shall be a qualified voter and shall be eligible to hold the office of director; and

(2) a director shall be either an owner of or a tenant on land located within the drainage district whenever: (A) The drainage district is located within one county and the population of the county does not exceed 10,000; or (B) the drainage district is located in more than one county and the population of any such county does not exceed 10,000.

Sec. 16. K.S.A. 24-412 is hereby amended to read as follows: 24-412. (a) *Subject to the provisions of subsection (b), except as otherwise provided in this section, an election to choose three directors in each district as their successors, shall be held on the first Tuesday in April, 1983, and an election shall be held each four years thereafter, on the first Tuesday in April, to choose directors. ~~Directors elected in any district in 1980 or 1981 shall hold their office until successors are elected and qualified at the election in April, 1983.~~*

(b) *On and after January 1, 2012, the board of directors of drainage district No. 2 of Finney county, Kansas, shall be elected as provided in K.S.A. 24-139a, and amendments thereto.*

Sec. 17. K.S.A. 2010 Supp. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed ~~in both with~~ with the office of the secretary of state ~~and in the office of the county election officer of the county in which the candidate is a resident.~~ Reports filed by treasurers for candidates for state-wide office shall be filed electronically and

only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

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

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

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

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

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

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

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

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

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

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

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

(6) the total of all receipts;

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

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$100 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

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

(10) the total of expenditures.

(c) In addition to the requirements of subsection (b), every treasurer for any political committee and party committee shall report the following:

(1) (A) The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of \$300, with the amount, date and purpose of each. The report shall show in detail the specific service or product provided; and

(B) the name and address of each candidate for state or local office who is the subject of an expenditure which:

(i) Is made without the cooperation or consent of a candidate or candidate committee;

(ii) expressly advocates the nomination, election or defeat of such candidate; and

(iii) is an aggregate amount or having a fair market value in excess of \$300.

(2) The report shall state the amount, date and purpose of the expenditure in the form of an in-kind contribution. The report shall show in detail the specific service or product provided. The reporting requirements imposed by this subsection shall be in addition to all other requirements required by this section.

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

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

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

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

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

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

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

New Sec. 18. (a) No candidate for elected office shall either appear in a public

service announcement or advertisement or allow the candidate's name to be used in a public service announcement or advertisement during a period beginning 60 days before any primary election in which the candidate's name appears on the ballot and ending with the conclusion of the general election.

(b) As used in this section:

(1) "Public service announcement or advertisement" means any message broadcast by electronic, telephone or print media promoting or announcing some issue of public importance, public concern or public welfare regardless of whether or not the announcement or advertisement involves the donation of time or space on behalf of the media or is paid for with public sector funds or private sector funds from the current contractor of the sponsoring government entity;

(2) "electronic media" shall not include the website for the government agency or other entity that administers the program promoted by the public service announcement or advertisement; and

(3) "print media" means direct mail literature and advertisements in any newspaper, magazine or any other periodical publication, but it shall not include printed literature promoting a program so long as it is used regularly throughout the year in the regular course of business and not distributed in an unsolicited direct mail advertising campaign at a cost exceeding \$2,000 during a period beginning 60 days before any primary election in which the candidate's name appears on the ballot and ending with the conclusion of the general election.

(c) Any candidate who intentionally violates this section shall be subject to the civil penalties provided by K.S.A. 25-4181, and amendments thereto.

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

Sec. 19. K.S.A. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:

(1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(3) the ~~14~~ 20 days preceding the day of primary and general state elections;

(4) the ~~14~~ 20 days preceding the day of primary city and school elections, if either has a primary;

(5) the ~~14~~ 20 days preceding each first Tuesday in April of odd-numbered years, being the day of city and school general elections;

(6) the ~~14~~ 20 days preceding the day of any election other than one specified in paragraphs (3), (4) and (5) of this subsection; and

(7) the day of any primary or general election or any question submitted election.

(b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.

(c) The secretary of state shall notify every county election officer of the dates when registration shall be closed preceding primary and general state, city and school elections. The days so specified by the secretary of state shall be conclusive. Such

notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general state, city and school election.

(d) The last days before closing of registration books as directed by the secretary of state under subsection (c) of this section, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to state primary and general elections, county election officers may provide for registration of voters until 9:00 p.m. in cities of the first and second class.

(e) County election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the ~~15th~~ 21st day preceding the date of any election; mailed voter registration applications that are postmarked not later than the ~~15th~~ 21st day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.

(f) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.

(g) Before each primary and general election held in even-numbered years, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.

Sec. 20. K.S.A. 25-321 is hereby amended to read as follows: 25-321. A person appointed to the office of state representative under the provisions of this act may hold the office for the remainder of the term. Any person appointed to the office of senator under the provisions of this act may hold the office: (a) If the vacancy occurs prior to ~~October 15~~ May 1 of the second year of the term, until the next general election, when a senator shall be elected to fill the term; or (b) if such vacancy occurs after ~~October 14~~ on or after May 1 of the second year of the term, for the remainder of the term. In cases where the appointment of a senator is until the next general election, ~~nominations for senator to be elected at such general election shall be made as follows: (1) If the vacancy occurs prior to June 1 of the second year of the term, candidates for the office shall be nominated at the primary in like manner as regular nominations for state senator are made; and (2) if the vacancy occurs on or after June 1 and prior to October 15 of the second year of the term, candidates for the office shall be nominated by the senatorial district party committee of any party having a state and national organization; nomination and election of such successor shall be in the same manner as nomination and election of a senator for a regular term.~~

Sec. 21. K.S.A. 2-624, as amended by section 2 of 2011 Senate Bill No. 125, 24-412, 25-321, 25-2102, 25-2311, 25-4502 and 25-4503 and K.S.A. 2010 Supp. 24-139a, 24-409, 25-205, as amended by section 1 of 2011 Senate Bill No. 125, 25-2021, 25-2108a, 25-4148, 25-4501 and 71-1415 are hereby repealed.

Sec. 22. On and after January 1, 2012, K.S.A. 25-208a, as amended by section 16 of 2011 House Bill No. 2067 and K.S.A. 2010 Supp. 8-1324, as amended by section 1 of 2011 House Bill No. 2067, 25-1122d, as amended by section 3 of 2011 House Bill

No. 2067 and 65-2418, as amended by section 13 of 2011 House Bill No. 2067 are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 1 through 5 and inserting:

"AN ACT concerning elections; amending K.S.A. 2-624, as amended by section 2 of 2011 Senate Bill No. 125, 24-412, 25-208a, as amended by section 16 of 2011 House Bill No. 2067, 25-321, 25-2102, 25-2311, 25-4502 and 25-4503 and K.S.A. 2010 Supp. 8-1324, as amended by section 1 of 2011 House Bill No. 2067, 24-139a, 24-409, 25-205, as amended by section 1 of 2011 Senate Bill No. 125, 25-1122d, as amended by section 3 of 2011 House Bill No. 2067, 25-2021, 25-2108a, 25-4148, 25-4501, 65-2418, as amended by section 13 of 2011 House Bill No. 2067 and 71-1415 and repealing the existing sections.";

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

TERRIE HUNTINGTON

VICKI SCHMIDT

KELLY KULTALA

Conferees on part of Senate

SCOTT SCHWAB

MARIO GOICO

ANN E MAH

Conferees on part of House

Senator Huntington moved the Senate adopt the Conference Committee Report on **S Sub for HB 2080**.

On roll call, the vote was: Yeas 35, Nays 1, Present and Passing 0, Absent or Not Voting 4.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

Absent or Not Voting: Donovan, Owens, Steineger, Taddiken.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "NO" on **S Sub for HB 2080**: Although I can support many measures in this Omnibus Elections Bill, regrettably, as the nominee twice for Kansas Secretary of State, I promised all voting Kansans that I would support our democracy and vote to fund our presidential preference primary. Every four years, this Legislature suggests the ability to hold a free and open statewide election to select a nominee for U.S. President costs too much! Give me a break. Tell that to the Egyptians. Tell that to the Libyans. Tell that to the millions of people around the world who too (eerily similar to voting Kansans every four years) are being denied the opportunity to vote in a public secure election for the candidate of their choice.

I again declare that our Legislature's priorities in this regard are misguided. We all got here by a vote of a majority. As a Democrat, I already know who I intend to see renominated and reelected President in 2012. Most Democrats do not see a need to fund the 2012 Primary. But with all the choices Republicans might have, (Gingrich declared just yesterday, Paul might, Romney might, Sarah Palin might, Rubio might....the list is endless) whether good or bad, one wonders why democracy-loving electd Kansas Republicans wouldn't want to give their constituents the right to choose in 2012? – DAVID HALEY

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2077** be amended on page 1, by striking all in lines 6 through 36;

By striking all on page 2 and inserting the following:

"Section 1. K.S.A. 2010 Supp. 40-2122 is hereby amended to read as follows: 40-2122. (a) The following individuals shall be eligible for plan coverage provided they meet the criteria set forth in subsection (b):

- (1) Any person who has been a resident of this state for at least six months;
 - (2) any person who is a legal domiciliary of this state who previously was covered under the high risk pool of another state, provided they apply for coverage under the plan within 63 days of losing such other coverage for reasons other than fraud or nonpayment of premiums;
 - (3) any federally defined eligible individual who is a legal domiciliary of this state;
- or

- (4) any federally defined eligible individual for FTAA.

(b) Those individuals who are eligible for plan coverage under subsection (a) must provide evidence satisfactory to the administering carrier that such person meets one of the following criteria:

- (1) Such person has had health insurance coverage involuntarily terminated for any reason other than nonpayment of premium;
- (2) such person has applied for health insurance and been rejected by two carriers because of health conditions;

(3) *Such person is a child under the age of 19 years and has been unable to purchase or obtain coverage under an individual health insurance policy providing health insurance coverage, because such coverage is not available for sale in the county in which the child resides;*

~~(3)~~ (4) such person has applied for health insurance and has been quoted a premium rate which is in excess of the plan rate;

~~(4)~~ (5) such person has been accepted for health insurance subject to a permanent exclusion of a preexisting disease or medical condition;

~~(5)~~ (6) such person is a federally defined eligible individual; or

~~(6)~~ (7) such person is a federally defined eligible individual for FTAA.

(c) Each resident dependent of a person who is eligible for plan coverage shall also be eligible for plan coverage.

(d) The following persons shall not be eligible for coverage under the plan:

- (1) Any person who is eligible for medicare or is eligible for medicaid benefits;
- (2) any person who has had coverage under the plan terminated less than 12 months prior to the date of the current application, except that this provision shall not apply

with respect to an applicant who is a federally defined eligible individual;

(3) any person who has received accumulated benefits from the plan equal to or in excess of the lifetime maximum benefits under the plan prescribed by K.S.A. 40-2124, and amendments thereto;

(4) any person having access to accident and health insurance through an employer-sponsored group or self-insured plan, including coverage under the consolidated omnibus budget reconciliation act (COBRA), except that the requirement for exhaustion of any available COBRA or state continuation is waived whenever such person:

(A) Is eligible for the credit for health care costs under section 35 of the internal revenue code of 1986; and

(B) has three months of prior creditable coverage as described in subsection (c) of K.S.A. 40-2124, and amendments thereto; or

(5) any person who is eligible for any other public or private program that provides or indemnifies for health services.

(e) Any person who ceases to meet the eligibility requirements of this section may be terminated at the end of a policy period.

(f) All plan members, insurers and insurance arrangements shall notify in writing persons denied health insurance coverage, for any reason, of the availability of coverage through the Kansas health insurance association.

Sec. 2. K.S.A. 2010 Supp. 40-2124 is hereby amended to read as follows: 40-2124.

(a) Coverage under the plan shall be subject to both deductible and coinsurance provisions set by the board. The plan shall offer to current participants and new enrollees no fewer than four choices of deductible and copayment options. Coverage shall contain a coinsurance provision for each service covered by the plan, and such copayment requirement shall not be subject to a stop-loss provision. Such coverage may provide for a percentage or dollar amount of coinsurance reduction at specific thresholds of copayment expenditures by the insured.

(b) Coverage under the plan shall be subject to a maximum lifetime benefit of ~~\$2,000,000~~ \$3,000,000 per covered individual.

(c) Coverage under the plan shall exclude charges or expenses incurred during the first 90 days following the effective date of coverage as to any condition: (1) Which manifested itself during the six-month period immediately prior to the application for coverage in such manner as would cause an ordinarily prudent person to seek diagnosis, care or treatment; or (2) for which medical advice, care or treatment was recommended or received in the six-month period immediately prior to the application for coverage. In succeeding years of operation of the plan, coverage of preexisting conditions may be excluded as determined by the board, except that no such exclusion shall exceed 180 calendar days, and no exclusion shall be applied to *either* a federally defined eligible individual provided that application for coverage is made not later than 63 days following the applicant's most recent prior creditable coverage *or an individual under the age of 19 years who is eligible for enrollment in the plan under paragraph (3) of subsection (b) of K.S.A. 40-2122, and amendments thereto*. For any individual who is eligible for the credit for health insurance costs under section 35 of the internal revenue code of 1986, the preexisting conditions limitation will not apply whenever such individual has maintained creditable health insurance coverage for an aggregate period of three months, not counting any period prior to a 63-day break in coverage, as of the date on which such individual seeks to enroll in coverage provided by this act.

(d) (1) Benefits otherwise payable under plan coverage shall be reduced by all amounts paid or payable through any other health insurance, or insurance arrangement, and by all hospital and medical expense benefits paid or payable under any workers compensation coverage, automobile medical payment or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program.

(2) The association shall have a cause of action against an eligible person for the recovery of the amount of benefits paid which are not covered expenses. Benefits due from the plan may be reduced or refused as a set-off against any amount recoverable under this section.

Sec. 3 K.S.A. 2010 Supp. 40-2122 and 40-2124 are hereby repealed.

Sec. 4. 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 following "concerning"; by striking all in lines 2 and 3 and inserting "the Kansas uninsurable health insurance plan act; pertaining to lifetime limits; pertaining to participation in plan by certain children; amending K.S.A. 2010 Supp. 40-2122 and 40-2124 and repealing the existing sections.";

And the bill be passed as amended.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2054**, requests a conference, and appoints Representatives Brown, Sullentrop and Slattery as conferees on the part of the House.

The House not adopts the conference committee report on **SB 21**, requests a conference, and appoints Representatives Gordon, Aurand and Winn as second conferees on the part of the House.

The House appoints Representatives Rhoades, Kelley and Feuerborn as conferees on **House Substitute for Substitute SB 127** to replace Representatives Schwab, Goico and Mah as conferees on the part of the House.

ORIGINAL MOTION

Senator Emler 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 2015**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2015** submits the following report:

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

On page 1, following line 32, by inserting:

"(e) The provisions of this section shall expire on June 30, 2014.

Sec. 2. K.S.A. 2010 Supp. 72-6431 is hereby amended to read as follows: 72-6431.

(a) The board of each district shall levy an ad valorem tax upon the taxable tangible property of the district in the school years specified in subsection (b) for the purpose of:

(1) Financing that portion of the district's general fund budget which is not financed from any other source provided by law;

(2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and

(3) with respect to any redevelopment district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.

(b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the school year ~~2009-2010~~ 2011-2012 and school year ~~2010-2011~~ 2012-2013.

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the general fund of the district.

(d) On June 6 of each year, the amount, if any, by which a district's local effort exceeds the amount of the district's state financial aid, as determined by the state board, shall be remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

Sec. 3. K.S.A. 2010 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years ~~2009 and 2010~~ 2011 and 2012, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-6431, and amendments thereto: Property used for residential purposes to the extent of \$20,000 of its appraised valuation.";

And by renumbering sections accordingly;

Also on page 1, in line 33, by striking "72-6433d is " and inserting "72-6431, 72-6433d and 79-201x are";

Also on page 1, in the title, in line 1, after the semicolon by inserting "relating to school finance;"; in line 2, after the semicolon, by inserting "relating to the statewide levy for public schools and the exemption therefrom;"; also in line 2, by striking "72-6433d" and inserting "72-6431, 72-6433d and 79-201x"; in line 3, by striking "section" and inserting "sections";

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

JEAN KURTIS SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

CLAY AURAND
 STEVE HUEBERT
 JIM WARD

Conferees on part of House

Senator Schodorf moved the Senate adopt the Conference Committee Report on **HB 2015**.

On roll call, the vote was: Yeas 37, Nays 0, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan, Owens, Steineger.

The Conference Committee Report was adopted.

ORIGINAL MOTION

On motion of Schodorf, the Senate acceded to the request of the House for a conference on **SB 21**.

The President appointed Senators Schodorf, Vratil and Hensley as second conferees on the part of the Senate.

On motion of Wagle, the Senate acceded to the request of the House for a conference on **HB 2054**.

The President appointed Senators Wagle, Lynn and Holland as conferees on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senators McGinn, Vratil and Kelly to replace Senators Huntington, V. Schmidt and Kultala on **H Sub for Sub SB 127**.

The President announced the appointment of Senator Vratil to replace Senator Lynn on **HB 2054**.

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

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

MESSAGE FROM THE GOVERNOR

H Sub for SB 23, SB 67, SB 136; H Sub for SB 214 approved on May 12, 2011.

MESSAGE FROM THE HOUSE

The House appoints Representative Huebert as a conferee on **SB 21** to replace Representative Aurand as a conferee on the part of the House.

The House adopts the conference committee report on **House Substitute for SB 6**.

The House adopts the conference committee report on **HB 2080**.

REPORT ON ENGROSSED BILLS

H Sub for 37; SB 143, H Sub for SB 196; correctly re-engrossed May 12, 2011.

On motion of Senator Emler, the Senate recessed until 6:30 p.m.

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

ORIGINAL MOTION

Senator Emler 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 for SB 6; HB 2075, HB 2139.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 6** submits the following report:

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

On page 1, following line 9, by inserting:

"New Section 1. (a) Notwithstanding any other provision of law, no professional licensing body shall suspend, deny, terminate or fail to renew the professional license of a licensee solely because such licensee has:

(1) Been convicted of a first violation of K.S.A. 8-1567, and amendments thereto, or an ordinance of a city in this state, a resolution of a county in this state or any law of another state, which ordinance, resolution or law prohibits the acts prohibited by that statute; or

(2) entered into a diversion agreement in lieu of further criminal proceedings, or pleaded guilty or nolo contendere, on a complaint, indictment, information, citation or notice to appear alleging a first violation of K.S.A. 8-1567, and amendments thereto, or an ordinance of a city in this state, a resolution of a county in this state or any law of another state, which ordinance or law prohibits the acts prohibited by that statute.

(b) The licensing body may, after providing the licensee notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, determine how the violation described in subsection (a) will affect the licensee's professional license and may take any action authorized by law, including, but not limited to, alternative corrective measures in lieu of suspension, denial, termination or failure to renew the professional license of the licensee.

(c) Nothing in this section shall be construed to limit the authority of the division of vehicles of the department of revenue to restrict, revoke, suspend or deny a driver's license or commercial driver's license.

(d) As used in this section:

(1) "Licensee" means an individual who is or may be authorized to practice a profession in this state; and

(2) "professional licensing body" means an official, agency, board or other entity of the state which authorizes individuals to practice a profession in this state and issues a license, certificate, permit or other authorization to an individual so authorized.

New Sec. 2. On or before July 1, 2012, the director of the Kansas bureau of investigation shall adopt rules and regulations establishing: (a) Criteria for preliminary screening devices for testing of saliva for law enforcement purposes, based on health and performance considerations; and (b) a list of preliminary screening devices which are approved for testing of saliva for law enforcement purposes and which law enforcement agencies may purchase and train officers to use as aids in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto.

New Sec. 3. There is hereby created in the state treasury the community corrections supervision fund. All moneys credited to the community corrections supervision fund shall be used for grants for community correctional services in accordance with K.S.A. 75-52,111, and amendments thereto, to implement the provisions of this act. All expenditures from the community corrections supervision fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of corrections or the secretary's designee.

Sec. 4. K.S.A. 2010 Supp. 8-235 is hereby amended to read as follows: 8-235. (a) No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license. No person shall receive a driver's license unless and until such person surrenders or with the approval of the division, lists to the division all valid licenses in such person's possession issued to such person by any other jurisdiction. All surrendered licenses or the information listed on foreign licenses shall be returned by the division to the issuing department, together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid license at any time.

(b) Any person licensed under the motor vehicle drivers' license act may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any local authority. Nothing herein shall prevent cities from requiring licenses of persons who drive taxicabs or municipally franchised transit systems for hire upon city streets, to protect the public from drivers whose character or habits make them unfit to transport the public. If a license is denied, the applicant may appeal such decision to the district court of the county in which such city is located by filing within 14 days after such denial, a notice of appeal with the clerk of the district court and by filing a copy of such notice with the city clerk of the involved city. The city clerk shall certify a copy of such decision of the city governing body to the clerk of the district court and the matter shall be docketed as any other cause and the applicant shall be granted a trial of such person's character and habits. The matter shall be heard by the court *de novo* in accordance with the code of civil procedure. The cost of such appeal shall be assessed in such manner as the court may direct.

(c) Any person operating in this state a motor vehicle, except a motorcycle, which is registered in this state other than under a temporary thirty-day permit shall be the holder of a driver's license which is classified for the operation of such motor vehicle, and any person operating in this state a motorcycle which is registered in this state shall be the holder of a class M driver's license, except that any person operating in this state a motorcycle which is registered under a temporary thirty-day permit shall be the holder of a driver's license for any class of motor vehicles.

(d) No person shall drive any motorized bicycle upon a highway of this state unless: (1) Such person has a valid driver's license which entitles the licensee to drive a motor vehicle in any class or classes; (2) such person is at least 15 years of age and has passed the written and visual examinations required for obtaining a class C driver's license, in which case the division shall issue to such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles; or (3) such person has had their driving privileges suspended, for a violation other than a violation of K.S.A. 8-2,144, 8-1567 or 8-1567a, and amendments thereto, and has made application to the division for the issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2), in which case the division shall issue to such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles.

(e) Violation of this section shall constitute a class B misdemeanor.

Sec. 5. K.S.A. 2010 Supp. 8-262, as amended by section 88 of 2011 House Bill No. 2339, is hereby amended to read as follows: 8-262. (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a class B nonperson misdemeanor on the first conviction and a class A nonperson misdemeanor on the second or subsequent conviction.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.

(3) Except as otherwise provided by subsection (a)(4) or (c), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second conviction shall not be eligible for parole until completion of five days' imprisonment.

(4) Except as otherwise provided by subsection (c), if a person: (A) Is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance *or resolution* or law prohibits the acts prohibited by ~~that statute~~ *those statutes*; and (B) is or has been also convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or ~~of a municipal~~ *any ordinance of any city or resolution of any county* or law of another state, which ordinance *or resolution* or law prohibits the acts prohibited by ~~that statute~~ *those statutes*, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) The division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.

(c) (1) The person found guilty of a class A nonperson misdemeanor on a third or

subsequent conviction of this section shall be sentenced to not less than 90 days imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person:

(A) Refused to submit and complete any test of blood, breath or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;

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

(C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as defined in subsection (a)(3) of section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or

(D) was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

(2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(d) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section.

Sec. 6. K.S.A. 8-285 is hereby amended to read as follows: 8-285. Except as otherwise provided in this section, as used in this act, the words and phrases defined in K.S.A. 8-234a, and amendments thereto, shall have the meanings ascribed to them therein. The term "habitual violator" means any resident or nonresident person who, within the immediately preceding five years, has been convicted in this or any other state:

(a) Three or more times of:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, *prior to its repeal, or in section 41 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, or as prohibited by any ordinance of any city in this state, *any resolution of any county in this state* or any law of another state which is in substantial conformity with that statute;

(2) violating K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, *any resolution of any county in this state* or any law of another state, which ordinance, *resolution* or law declares to be unlawful the acts prohibited by that statute;

(3) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, or, as prohibited by any ordinance of any city in this state, *any resolution of any county in this state* or any law of another state which is in substantial conformity with those statutes;

(4) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(5) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications, or violating the provisions of a law of another state which is in substantial conformity with that statute;

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

(7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602 through 8-1604, and amendments thereto, or required by any ordinance of any city in this state, *any resolution of any county in this state* or a law of another state which is in substantial conformity with those statutes; or

(8) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage, or an ordinance of any city in this state; *or a resolution of any county in this state* which is in substantial conformity with such statute.

(b) Three or more times, either singly or in combination, of any of the offenses enumerated in subsection (a).

For the purpose of subsection (a)(2), in addition to the definition of "conviction" otherwise provided by law, conviction includes, but is not limited to, a diversion agreement entered into in lieu of further criminal proceedings, or a plea of *nolo contendere*, on a complaint, indictment, information, citation or notice to appear alleging a violation of K.S.A. 8-1567, and amendments thereto, or an ordinance of a city in this state, *a resolution of a county in this state* or law of another state, which ordinance or law prohibits the acts prohibited by that statute.

Sec. 7. K.S.A. 2010 Supp. 8-2,142 is hereby amended to read as follows: 8-2,142. (a) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year upon a first occurrence of any one of the following:

(1) While operating a commercial motor vehicle:
 (A) The person is convicted of violating K.S.A. 8-2,144, and amendments thereto;
 (B) the person is convicted of violating subsection (b) of K.S.A. 8-2,132, and amendments thereto;

(C) the person is convicted of causing a fatality through the negligent operation of a commercial motor vehicle; ~~or~~

(D) the person's test refusal or test failure, as defined in subsection (m); or
 (E) *the person is convicted of a violation identified in subsection (a)(2)(A); or*
 (2) while operating a noncommercial motor vehicle:

(A) The person is convicted of a violation of K.S.A. 8-1567, and amendments thereto, or of a violation of an ordinance of any city in this state, *a resolution of any county in this state* or any law of another state, which ordinance or law declares to be unlawful the acts prohibited by that statute; or

(B) the person's test refusal or test failure, as defined in K.S.A. 8-1013, and amendments thereto; or

(3) while operating any motor vehicle:

(A) The person is convicted of leaving the scene of an accident; or

(B) the person is convicted of a felony, other than a felony described in subsection (e), while using a motor vehicle to commit such felony.

(b) If any offenses, test refusal or test failure specified in subsection (a) occurred in a commercial motor vehicle while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three years.

(c) A person shall be disqualified for life upon the second or a subsequent occurrence of any offense, test refusal or test failure specified in subsection (a), or any combination thereof, arising from two or more separate incidents.

(d) The secretary of revenue may adopt rules and regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (c) may be reduced to a period of not less than 10 years.

(e) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle or noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

(f) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period. Any disqualification period under this paragraph shall be in addition to any other previous period of disqualification. The beginning date for any three-year period within a ten-year period, required by this subsection, shall be the issuance date of the citation which resulted in a conviction.

(g) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a noncommercial motor vehicle arising from separate incidents occurring within a three-year period, if such convictions result in the revocation, cancellation or suspension of the person's driving privileges.

(h) (1) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order shall be disqualified from driving a commercial motor vehicle for a period of not less than:

(A) Ninety days nor more than one year, if the driver is convicted of a first violation of an out-of-service order;

(B) one year nor more than five years if the person has one prior conviction for violating an out-of-service order in a separate incident and such prior offense was committed within the 10 years immediately preceding the date of the present violation; or

(C) three years nor more than five years if the person has two or more prior convictions for violating out-of-service orders in separate incidents and such prior offenses were committed within the 10 years immediately preceding the date of the present violation.

(2) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order while transporting a hazardous material required to be placarded under 49 U.S.C. § 5101 et seq. or while operating a motor vehicle designed to transport more than 15 passengers, including the driver, shall be disqualified from driving a commercial motor vehicle for a period of not less than:

(A) One hundred and eighty days nor more than two years if the driver is convicted of a first violation of an out-of-service order; or

(B) three years nor more than five years if the person has a prior conviction for violating an out-of-service order in a separate incident and such prior offense was committed within the 10 years immediately preceding the date of the present violation.

(i) (1) A person who is convicted of operating a commercial motor vehicle in violation of a federal, state or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing shall be disqualified from driving a commercial motor vehicle for the period of time specified in paragraph (2):

(A) For persons who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(B) for persons who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(C) for persons who are always required to stop, failing to stop before driving onto the crossing;

(D) for all persons failing to have sufficient space to drive completely through the crossing without stopping;

(E) for all persons failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(F) for all persons failing to negotiate a crossing because of insufficient undercarriage clearance.

(2) A driver shall be disqualified from driving a commercial motor vehicle for not less than:

(A) Sixty days if the driver is convicted of a first violation of a railroad-highway grade crossing violation;

(B) one hundred and twenty days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in separate incidents; or

(C) one year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.

(j) After suspending, revoking or canceling a commercial driver's license, the division shall update its records to reflect that action within 10 days. After suspending, revoking or canceling a nonresident commercial driver's privileges, the division shall notify the licensing authority of the state which issued the commercial driver's license or nonresident commercial driver's license within 10 days. The notification shall include both the disqualification and the violation that resulted in the disqualification, suspension, revocation or cancellation.

(k) Upon receiving notification from the licensing authority of another state, that it has disqualified a commercial driver's license holder licensed by this state, or has suspended, revoked or canceled such commercial driver's license holder's commercial driver's license, the division shall record such notification and the information such notification provides on the driver's record.

(l) Upon suspension, revocation, cancellation or disqualification of a commercial driver's license under this act, the license shall be immediately surrendered to the division if still in the licensee's possession. If otherwise eligible, and upon payment of the required fees, the licensee may be issued a noncommercial driver's license for the period of suspension, revocation, cancellation or disqualification of the commercial driver's license under the same identifier number.

(m) As used in this section, "test refusal" means a person's refusal to submit to and complete a test requested pursuant to K.S.A. 8-2,145, and amendments thereto; "test failure" means a person's submission to and completion of a test which determines that the person's alcohol concentration is .04 or greater, pursuant to K.S.A. 8-2,145, and amendments thereto.

Sec. 8. K.S.A. 2010 Supp. 8-2,144 is hereby amended to read as follows: 8-2,144.

(a) ~~No person shall drive~~ *Driving a commercial motor vehicle under the influence is operating or attempting to operate* any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this state while:

(1) The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .04 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within ~~two~~ *three* hours of the time of driving a commercial motor vehicle, is .04 or more; or

(3) committing a violation of subsection (a) of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder.

(b) Upon a first conviction of a violation of this section, a person shall be guilty of a class B, nonperson misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$500 nor more than \$1,000. The person convicted must serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. In addition, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008, and amendments thereto, or both the education and treatment programs.

(c) On a second conviction of a violation of this section, a person shall be guilty of a class A, nonperson misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$1,500. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug

abuse as provided in K.S.A. 8-1008, and amendments thereto.

(d) On the third conviction of a violation of this section, a person shall be guilty of a nonperson felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court also requires as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008, and amendments thereto. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(b)(1) Driving a commercial motor vehicle under the influence is:

(A) On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750 nor more than \$1,000. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspension or reduction of sentence or parole or other release;

(B) on a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and

(C) on a third or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and

fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours.

(2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person

performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall *electronically* report every conviction of a violation of this section *and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section* to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; *and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.*

(i) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall: (1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; *and (2) suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.*

(j) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this section as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) *Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.*

(l) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the: (A) Division of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the city attorney.

(m) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance or resolution.

(n) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(o) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(1) "Conviction" includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits;

(2) any convictions occurring during a person's lifetime shall be taken into account when determining the sentence to be imposed for a first, second, third or subsequent offender; and

(3) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

~~(p)~~ (p) For the purpose of this section:

(1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) "imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) "drug" includes toxic vapors as such term is defined in K.S.A. 2010 Supp. 21-36a12, and amendments thereto.

(q) On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by section 3, and amendments thereto.";

And by renumbering sections accordingly;

On page 3, in line 21, by striking all following "by" and inserting "": (1) A person licensed to practice medicine and surgery, licensed as a physician's assistant, or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; or (3) a law enforcement officer of the same sex as the person being tested. The collection of the urine sample shall";

On page 6, following line 20, by inserting:

"Sec. 10. K.S.A. 8-1008 is hereby amended to read as follows: 8-1008. (a) *As used in this section, "provider" means: (1) A professional licensed by the behavioral sciences regulatory board to diagnose and treat mental or substance use disorders at the independent level who is compliant with the requirements set forth by the secretary of social and rehabilitation services as described in subsection (f); or (2) a professional licensed by the behavioral sciences regulatory board who is working in an alcohol and drug treatment facility licensed by the secretary of social and rehabilitation services as*

meeting the requirements described in subsection (f).

~~(a) (b) Community-based alcohol and drug safety action programs certified in accordance with subsection (b)~~ A provider shall provide:

(1) ~~Presentence~~ Alcohol and drug evaluations, *prior to sentencing*, of any person who is convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or the ordinance of a city *or resolution of a county* in this state which prohibits the acts prohibited by ~~that statute; those statutes; and~~

(2) supervision and monitoring of all persons who are convicted of a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city in this state which prohibits the acts prohibited by that statute, and whose sentences or terms of probation require completion of an alcohol and drug safety action program, as provided in this section, or an alcohol and drug abuse treatment program, as provided in this section;

~~(3) (2)~~ alcohol and drug evaluations of persons whom the prosecutor considers for eligibility or finds eligible to enter a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city *or resolution of a county* in this state which prohibits the acts prohibited by that statute;

(4) supervision and monitoring of persons required, under a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city in this state which prohibits the acts prohibited by that statute, to complete an alcohol and drug safety action program, as provided in this section, or an alcohol and drug abuse treatment program, as provided in this section; or

(5) any combination of (1), (2), (3) and (4).

~~(b) (c) The presentence alcohol and drug evaluation shall be conducted by a community-based alcohol and drug safety action program certified in accordance with the provisions of this subsection to provide evaluation and supervision services as described in subsections (e) and (d). A community-based alcohol and drug safety action program shall be certified either by the chief judge of the judicial district to be served by the program or by the secretary of social and rehabilitation services for judicial districts in which the chief judge declines to certify a program. In addition to any qualifications established by the secretary, the chief judge may establish qualifications for the certification of programs, which qualifications may include requirements for training, education and certification of personnel; supervision and monitoring of clients; fee reimbursement procedures; handling of conflicts of interest; delivery of services to clients unable to pay; and other matters relating to quality and delivery of services by the program. In establishing the qualifications for programs, the chief judge or the secretary shall give preference to those programs which have had practical experience prior to July 1, 1982, in diagnosis and referral in alcohol and drug abuse. Certification of a program by the chief judge shall be done with consultation and approval of a majority of the judges of the district court of the district and municipal judges of cities lying in whole or in part within the district. If within 60 days after the effective date of this act the chief judge declines to certify any program for the judicial district, the judge shall notify the secretary of social and rehabilitation services, and the secretary of social and rehabilitation services shall certify a community-based alcohol and drug safety action program for that judicial district. The certification shall be for a four-year period. Recertification of a program or certification of a different program shall be by the chief~~

judge, with consultation and approval of a majority of the judges of the district court of the district and municipal judges of cities lying in whole or in part within the district. If upon expiration of certification of a program there will be no certified program for the district and the chief judge declines to recertify or certify any program in the district, the judge shall notify the secretary of social and rehabilitation services, at least six months prior to the expiration of certification, that the judge declines to recertify or certify a program under this subsection. Upon receipt of the notice and prior to the expiration of certification, the secretary shall recertify or certify a community-based alcohol and drug safety action program for the judicial district for the next four-year period. To be eligible for certification under this subsection, the chief judge or the secretary of social and rehabilitation services shall determine that a community-based alcohol and drug safety action program meets the qualifications established by the judge or secretary and is *A provider shall be capable of providing, within the judicial district:* (1) The evaluations, supervision and monitoring required under subsection (a) (b); (2) the alcohol and drug evaluation report required under subsection (c) or (d) or (e); (3) the follow-up duties specified under subsection (c) or (d) or (e) for persons who prepare the alcohol and drug evaluation report; and (4) any other functions and duties specified by law. *Community-based alcohol and drug safety action programs The secretary of social and rehabilitation services shall provide each judicial district with an electronic list of providers, and such list shall be used when selecting a provider to be used as described in subsections (d) and (e). The secretary of social and rehabilitation services shall also make all such lists of providers publicly available on the official website of the department of social and rehabilitation services. Any provider performing services in any judicial district under this section prior to the effective date of this act July 1, 2011, may continue to perform those services until a community-based alcohol and drug safety action program is certified for that judicial district July 1, 2012.*

(c) (d) *A presentence Prior to sentencing, an alcohol and drug evaluation shall be conducted on any person who is convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by that statute those statutes. The presentence alcohol and drug evaluation report shall be made available to and shall be considered by the court prior to sentencing. The presentence alcohol and drug evaluation report shall contain a history of the defendant's prior traffic record, characteristics and alcohol or drug problems, or both, and a recommendation concerning the amenability of the defendant to education and rehabilitation. The presentence alcohol and drug evaluation report shall include a recommendation concerning the alcohol and drug driving safety education and treatment for the defendant. The presentence alcohol and drug evaluation report shall be prepared by a program which has demonstrated practical experience in the diagnosis of alcohol and drug abuse. The duties of persons who prepare the presentence alcohol and drug evaluation report may also include appearing at sentencing and probation hearings in accordance with the orders of the court, monitoring defendants in the treatment programs, notifying the probation department and the court of any defendant failing to meet the conditions of probation or referrals to treatment, appearing at revocation hearings as may be required and providing assistance and data reporting and program evaluation. The court shall order that cost of any alcohol and drug education, rehabilitation and treatment programs evaluation for any person shall be paid by such person, and such costs shall include, but not be limited to,*

~~the assessments required by subsection (c). If financial obligations are not met or cannot be met, the sentencing court shall be notified for the purpose of collection or review and further action on the defendant's sentence to the provider at the time of service, and shall not exceed \$150.~~

~~(d) (e) An alcohol and drug evaluation shall be conducted on any person whom the prosecutor considers for eligibility or finds eligible to enter a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by that statute. The alcohol and drug evaluation report shall be made available to the prosecuting attorney and shall be considered by the prosecuting attorney. The alcohol and drug evaluation report shall contain a history of the person's prior traffic record, characteristics and alcohol or drug problems, or both, and a recommendation concerning the amenability of the person to education and rehabilitation. The alcohol and drug evaluation report shall include a recommendation concerning the alcohol and drug driving safety education and treatment for the person. The alcohol and drug evaluation report shall be prepared by a program which has demonstrated practical experience in the diagnosis of alcohol and drug abuse. The duties of persons who prepare the alcohol and drug evaluation report may also include monitoring persons in the treatment programs, notifying the prosecutor and the court of any person failing to meet the conditions of diversion or referrals to treatment, and providing assistance and data reporting and program evaluation. The cost of any alcohol and drug education, rehabilitation and treatment programs evaluation for any person shall be paid by such person, and such costs shall include, but not be limited to, the assessments required by subsection (c) to the provider at the time of service, and shall not exceed \$150.~~

(e) In addition to any fines, fees, penalties or costs levied against a person who is convicted of a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city in this state which prohibits the acts prohibited by that statute, or who enters a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of that statute or such an ordinance, \$150 shall be assessed against the person by the sentencing court or under the diversion agreement. The \$150 assessment may be waived by the court, in whole or in part, or, in the case of diversion of criminal proceedings, by the prosecuting attorney, if the court or prosecuting attorney finds that the defendant is an indigent person. Except as otherwise provided in this subsection, the clerk of the court shall deposit all assessments received under this section in the alcohol and drug safety action fund of the court, which fund shall be subject to the administration of the judge having administrative authority over that court. If the secretary of social and rehabilitation services certifies the community-based alcohol and drug safety action program for the judicial district in which the court is located, the clerk of the court shall remit, during the four-year period for which the program is certified, 15% of all assessments received under this section to the secretary of social and rehabilitation services. Moneys credited to the alcohol and drug safety action fund shall be expended by the court, pursuant to vouchers signed by the judge having administrative authority over that court, only for costs of the services specified by subsection (a) or otherwise required or authorized by law and provided by community-based alcohol and drug safety action programs, except that not more than 10% of the money credited to the fund may be expended to cover the expenses of the court

involved in administering the provisions of this section. In the provision of these services the court shall contract as may be necessary to carry out the provisions of this section. The district or municipal judge having administrative authority over that court shall compile a report and send such report to the office of the state judicial administrator on or before January 20 of each year, beginning January 20, 1991. Such report shall include, but not be limited to:

(1) The balance of the alcohol and drug safety action fund of the court on December 31 of each year;

(2) the assessments deposited into the fund during the 12-month period ending the preceding December 31; and

(3) the dollar amounts expended from the fund during the 12-month period ending the preceding December 31.

The office of the state judicial administrator shall compile such reports into a statewide report and submit such statewide report to the legislature on or before March 1 of each year.

(f) The secretary of social and rehabilitation services shall remit all moneys received by the secretary under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the certification of community-based alcohol and drug safety action programs fee fund, which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants issued pursuant to vouchers approved by the secretary of social and rehabilitation services or a person designated by the secretary.

(f) All alcohol and drug evaluations conducted pursuant to this section shall utilize a standardized substance use evaluation approved by the secretary of social and rehabilitation services and be submitted in a format approved by the secretary of social and rehabilitation services. On or before July 1, 2012, the secretary of social and rehabilitation services shall promulgate rules and regulations to implement this section.

Sec. 11. K.S.A. 8-1009 is hereby amended to read as follows: 8-1009. (a) Upon the filing of a first complaint, indictment or information alleging a person has violated K.S.A. 8-1567, and amendments thereto, ~~when the acts prohibited by K.S.A. 8-1567, and amendments thereto, occur concurrently with any such alleged violation, or a county resolution which prohibits the acts prohibited by that statute,~~ and prior to conviction thereof, the district attorney or county attorney shall determine whether the defendant shall be allowed to enter into a diversion agreement in accordance with this act.

(b) Upon the filing of a first complaint, citation or notice to appear alleging a person has violated a city ordinance which prohibits the acts prohibited by K.S.A. 8-1567, and amendments thereto, and prior to conviction thereof, the city attorney shall determine whether the defendant shall be allowed to enter into a diversion agreement in accordance with this act.

Sec. 12. K.S.A. 2010 Supp. 8-1012 is hereby amended to read as follows: 8-1012. (a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person's breath *or saliva, or both*, subject to the provisions set out in subsection (b).

(b) A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person's breath ~~to determine the alcohol concentration of the person's breath~~ or saliva, or both, if the officer has reasonable suspicion to believe the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.

(c) At the time the test is requested, the person shall be given oral notice that: (1) There is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing is a traffic infraction; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.

(d) Refusal to take and complete the test as requested is a traffic infraction. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001, and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001, and amendments thereto.

(e) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's saliva shall be conducted with a device approved pursuant to section 2, and amendments thereto.

Sec. 13. K.S.A. 2010 Supp. 8-1013 is hereby amended to read as follows: 8-1013. As used in K.S.A. 8-1001 through 8-1010, 8-1011, 8-1012, 8-1014, 8-1015, 8-1016, 8-1017 and 8-1018, and amendments thereto, and this section:

(a) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(b) (1) "Alcohol or drug-related conviction" means any of the following: (A) Conviction of vehicular battery or aggravated vehicular homicide, if the crime is committed while committing a violation of K.S.A. 8-1567, and amendments thereto or the ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by that statute, or conviction of a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto; (B) conviction of a violation of a law of another state which would constitute a crime described in subsection (b)(1)(A) if committed in this state; (C) conviction of a violation of an ordinance of a city in this state or a resolution of a county in this state which would constitute a crime described in subsection (b)(1)(A), whether or not such conviction is in a court of record; or (D) conviction of an act which was committed on a military reservation and which would constitute a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or would constitute a crime described in subsection (b)(1)(A) if committed off a military reservation in this state.

(2) For the purpose of determining whether an occurrence is a first, second or subsequent occurrence: (A) "Alcohol or drug-related conviction" also includes entering

into a diversion agreement in lieu of further criminal proceedings on a complaint alleging commission of a crime described in subsection (b)(1), including a diversion agreement entered into prior to the effective date of this act; and (B) it is irrelevant whether an offense occurred before or after conviction or diversion for a previous offense.

(c) "Division" means the division of vehicles of the department of revenue.

(d) "Ignition interlock device" means a device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

(e) "Occurrence" means a test refusal, test failure or alcohol or drug-related conviction, or any combination thereof arising from one arrest, including an arrest which occurred prior to the effective day of this act.

(f) "Other competent evidence" includes: (1) Alcohol concentration tests obtained from samples taken ~~two~~ *three* hours or more after the operation or attempted operation of a vehicle; and (2) readings obtained from a partial alcohol concentration test on a breath testing machine.

(g) "Samples" includes breath supplied directly for testing, which breath is not preserved.

(h) "Test failure" or "fails a test" refers to a person's having results of a test administered pursuant to this act, other than a preliminary screening test, which show an alcohol concentration of .08 or greater in the person's blood or breath, and includes failure of any such test on a military reservation.

(i) "Test refusal" or "refuses a test" refers to a person's failure to submit to or complete any test *of the person's blood, breath, urine or other bodily substance*, other than a preliminary screening test, in accordance with this act, and includes refusal of any such test on a military reservation.

(j) "Law enforcement officer" has the meaning provided by ~~K.S.A. 21-3110~~ *section 11 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, and includes any person authorized by law to make an arrest on a military reservation for an act which would constitute a violation of K.S.A. 8-1567, and amendments thereto, if committed off a military reservation in this state.;

And by renumbering sections accordingly;

Also on page 6, in line 43, by striking "permanently" and inserting "for 10 years";

On page 7, by striking all in line 8; in line 9, by striking all before the semicolon and inserting "as provided in subsection (b) of K.S.A. 8-1015, and amendments thereto"; in line 25, by striking "permanently" and inserting "for 10 years";

On page 8, in line 7, by striking "permanently" and inserting "for 10 years"; following line 25 by inserting:

"(3) Whenever a person's driving privileges have been restricted to driving only a motor vehicle equipped with an ignition interlock device for 10 years under this section, such person may petition any district court for relief from such restriction after five years of such restriction have been served. The court shall consider, but not be limited to, whether: (A) Such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court; and (B) such person proves installation, maintenance and use of an ignition interlock device approved by the division throughout the five-year period. If the court finds that the person's driving privileges should be restored, then the court shall electronically report

such order to the division. The division, upon receiving such order, shall restore such person's driving privileges, unless such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court.";

On page 11, following line 13, by inserting:

"(b) (1) On and after July 1, 2011, through June 30, 2015:

(A) Except as provided in subsection (b)(1)(B), when a person has completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person's driving privileges for 180 days to driving only a motor vehicle equipped with an ignition interlock device.

(B) When a person has completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device if the records maintained by the division indicate that such person has previously: (A) Been convicted of a violation of K.S.A. 8-1599, and amendments thereto; (B) been convicted of a violation of K.S.A. 41-727, and amendments thereto; (C) been convicted of any violations listed in subsection (a) of K.S.A. 8-285, and amendments thereto; (D) been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period; or (E) had such person's driving privileges revoked, suspended, canceled or withdrawn.

(2) On and after July 1, 2015:

(A) Except as provided in subsection (b)(2)(B), when a person has completed the suspension pursuant to subsection (b)(1)(A) of K.S.A. 8-1014, and amendments thereto, the division shall restrict the person's driving privileges to driving only under the circumstances provided by subsections (a)(1), (2), (3) and (4) of K.S.A. 8-292, and amendments thereto.

(B) In lieu of the restrictions set out in subsection (b)(2)(A), the division, upon request of the person whose driving privileges are to be restricted, may restrict the person's driving privileges to driving only a motor vehicle equipped with an ignition interlock device.";

And by redesignating subsections accordingly;

Also on page 11, in line 14, before "when", by inserting "Except as provided in subsection (b).";

On page 12, in line 12, by striking "\$59" and inserting "\$100"; in line 18, after "fund" by inserting "until an aggregate amount of \$100,000 is credited to the division of vehicles operating fund. On and after an aggregate amount of \$100,000 is credited to such fund the entire amount of such remittance shall be credited to the community corrections supervision fund created by section 3, and amendments thereto";

Also on page 12, by striking all in lines 26 through 43;

By striking all on pages 13 through 21;

On page 22, by striking all in lines 1 through 29 and inserting:

"Sec. 16. K.S.A. 8-1017 is hereby amended to read as follows: 8-1017. (a) No person shall:

(1) Tamper with an ignition interlock device ~~for the purpose of circumventing it or rendering, circumvent it or render~~ it inaccurate or inoperative;

(2) request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, ~~for the purpose of~~ providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device;

(3) blow into *an ignition interlock device*, or start a motor vehicle equipped with ~~an ignition interlock device for the purpose of such device~~, providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device; or

(4) operate a vehicle not equipped with an ignition interlock device ~~during the restricted period~~ *while such person's driving privileges have been restricted to driving a motor vehicle equipped with such device.*

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

(c) In addition to any other penalties provided by law, ~~upon receipt of a conviction for a violation of this section, the division shall suspend the person's driving privileges for a period of two years.:~~

(1) (A) On a first conviction of a violation of subsection (a)(1) or (a)(2), the division shall extend the ignition interlock restriction period on the person's driving privileges for an additional 90 days; and

(B) on a second or subsequent conviction of a violation of subsection (a)(1) or (a)(2), the division shall restart the original ignition interlock restriction period on the person's driving privileges; and

(2) on a conviction of a violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person's driving privileges.

Sec. 17. K.S.A. 2010 Supp. 8-1020 is hereby amended to read as follows: 8-1020. (a) Any licensee served with an officer's certification and notice of suspension pursuant to K.S.A. 8-1002, and amendments thereto, may request an administrative hearing. Such request may be made either by:

(1) Mailing a written request which is postmarked 14 days after service of notice; or

(2) transmitting a written request by electronic facsimile which is received by the division within 14 days after service of notice.

(b) If the licensee makes a timely request for an administrative hearing, any temporary license issued pursuant to K.S.A. 8-1002, and amendments thereto, shall remain in effect until the 30th day after the effective date of the decision made by the division.

(c) If the licensee fails to make a timely request for an administrative hearing, the licensee's driving privileges shall be suspended or suspended and then restricted in accordance with the notice of suspension served pursuant to K.S.A. 8-1002, and amendments thereto.

(d) (1) Upon receipt of a timely request for a hearing, the division shall forthwith set the matter for hearing before a representative of the director and provide notice of the extension of temporary driving privileges. The hearing shall be held by telephone conference call unless the hearing request includes a request that the hearing be held in person before a representative of the director. The officer's certification and notice of suspension shall inform the licensee of the availability of a hearing before a representative of the director. Except for a hearing conducted by telephone conference call, the hearing shall be conducted in the county where the arrest occurred or a county

adjacent thereto.

(2) The division shall charge a fee of \$50 for a hearing, whether held by telephone or in person, to be applied by the division for administrative costs to conduct the hearing. The division shall remit all hearing fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund. The hearing fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such hearing. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(e) Except as provided in subsection (f), prehearing discovery shall be limited to the following documents, which shall be provided to the licensee or the licensee's attorney no later than seven days prior to the date of hearing:

(1) The officer's certification and notice of suspension;

(2) in the case of a breath or blood test failure, copies of documents indicating the result of any evidentiary breath or blood test administered at the request of a law enforcement officer;

(3) in the case of a breath test failure, a copy of the affidavit showing certification of the officer and the instrument; and

(4) in the case of a breath test failure, a copy of the Kansas department of health and environment testing protocol checklist.

(f) At or prior to the time the notice of hearing is sent, the division shall issue an order allowing the licensee or the licensee's attorney to review any video or audio tape record made of the events upon which the administrative action is based. Such review shall take place at a reasonable time designated by the law enforcement agency and shall be made at the location where the video or audio tape is kept. The licensee may obtain a copy of any such video or audio tape upon request and upon payment of a reasonable fee to the law enforcement agency, not to exceed \$25 per tape.

(g) Witnesses at the hearing shall be limited to the licensee, to any law enforcement officer who signed the certification form and to one other witness who was present at the time of the issuance of the certification and called by the licensee. The presence of the certifying officer or officers shall not be required, unless requested by the licensee at the time of making the request for the hearing. The examination of a law enforcement officer shall be restricted to the factual circumstances relied upon in the officer's certification.

(h) (1) If the officer certifies that the person refused the test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system;

(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;

(C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto; and

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

(2) If the officer certifies that the person failed a breath test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system;

(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;

(C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto;

(D) the testing equipment used was certified by the Kansas department of health and environment;

(E) the person who operated the testing equipment was certified by the Kansas department of health and environment;

(F) the testing procedures used substantially complied with the procedures set out by the Kansas department of health and environment;

(G) the test result determined that the person had an alcohol concentration of .08 or greater in such person's breath; and

(H) the person was operating or attempting to operate a vehicle.

(3) If the officer certifies that the person failed a blood test, the scope of the hearing shall be limited to whether:

(A) A law enforcement officer had reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol or drugs, or both, or had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system;

(B) the person was in custody or arrested for an alcohol or drug related offense or was involved in a vehicle accident or collision resulting in property damage, personal injury or death;

(C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto;

(D) the testing equipment used was reliable;

(E) the person who operated the testing equipment was qualified;

(F) the testing procedures used were reliable;

(G) the test result determined that the person had an alcohol concentration of .08 or greater in such person's blood; and

(H) the person was operating or attempting to operate a vehicle.

(i) At a hearing pursuant to this section, or upon court review of an order entered at such a hearing, an affidavit of the custodian of records at the Kansas department of health and environment stating that the breath testing device was certified and the operator of such device was certified on the date of the test shall be admissible into evidence in the same manner and with the same force and effect as if the certifying officer or employee of the Kansas department of health and environment had testified in person. A certified operator of a breath testing device shall be competent to testify regarding the proper procedures to be used in conducting the test.

(j) At a hearing pursuant to this section, or upon court review of an order entered at such a hearing, in which the report of blood test results have been prepared by the Kansas bureau of investigation or other forensic laboratory of a state or local law enforcement agency are to be introduced as evidence, the report, or a copy of the report, of the findings of the forensic examiner shall be admissible into evidence in the same manner and with the same force and effect as if the forensic examiner who performed such examination, analysis, comparison or identification and prepared the report thereon had testified in person.

(k) At the hearing, the licensee has the burden of proof by a preponderance of the evidence to show that the facts set out in the officer's certification are false or insufficient and that the order suspending or suspending and restricting the licensee's driving privileges should be dismissed.

(l) Evidence at the hearing shall be limited to the following:

- (1) The documents set out in subsection (e);
- (2) the testimony of the licensee;
- (3) the testimony of any certifying officer;
- (4) the testimony of any witness present at the time of the issuance of the certification and called by the licensee;
- (5) any affidavits submitted from other witnesses;
- (6) any documents submitted by the licensee to show the existence of a medical condition, as described in K.S.A. 8-1001, and amendments thereto; and
- (7) any video or audio tape record of the events upon which the administrative action is based.

(m) After the hearing, the representative of the director shall enter an order affirming the order of suspension or suspension and restriction of driving privileges or for good cause appearing therefor, dismiss the administrative action. If the representative of the director enters an order affirming the order of suspension or suspension and restriction of driving privileges, the suspension or suspension and restriction shall begin on the 30th day after the effective date of the order of suspension or suspension and restriction. If the person whose privileges are suspended is a nonresident licensee, the license of the person shall be forwarded to the appropriate licensing authority in the person's state of residence if the result at the hearing is adverse to such person or if no timely request for a hearing is received.

(n) The representative of the director may issue an order at the close of the hearing or may take the matter under advisement and issue a hearing order at a later date. If the order is made at the close of the hearing, the licensee or the licensee's attorney shall be served with a copy of the order by the representative of the director. If the matter is taken under advisement or if the hearing was by telephone conference call, the licensee and any attorney who appeared at the administrative hearing upon behalf of the licensee each shall be served with a copy of the hearing order by mail. Any law enforcement officer who appeared at the hearing also may be mailed a copy of the hearing order. The effective date of the hearing order shall be the date upon which the hearing order is served, whether served in person or by mail.

(o) The licensee may file a petition for review of the hearing order pursuant to K.S.A. 8-259, and amendments thereto. Upon filing a petition for review, the licensee shall serve the secretary of revenue with a copy of the petition and summons. Upon receipt of a copy of the petition for review by the secretary, the temporary license issued

pursuant to subsection (b) shall be extended until the decision on the petition for review is final.

(p) Such review shall be in accordance with this section and the *Kansas judicial review act for judicial review and civil enforcement of agency actions*. To the extent that this section and any other provision of law conflicts, this section shall prevail. The petition for review shall be filed within 14 days after the effective date of the order. Venue of the action for review is the county where the person was arrested or the accident occurred, or, if the hearing was not conducted by telephone conference call, the county where the administrative proceeding was held. The action for review shall be by trial de novo to the court and the evidentiary restrictions of subsection (l) shall not apply to the trial de novo. The court shall take testimony, examine the facts of the case and determine whether the petitioner is entitled to driving privileges or whether the petitioner's driving privileges are subject to suspension or suspension and restriction under the provisions of this act. If the court finds that the grounds for action by the agency have been met, the court shall affirm the agency action.

(q) Upon review, the licensee shall have the burden to show that the decision of the agency should be set aside.

(r) Notwithstanding the requirement to issue a temporary license in K.S.A. 8-1002, and amendments thereto, and the requirements to extend the temporary license in this section, any such temporary driving privileges are subject to restriction, suspension, revocation or cancellation as provided in K.S.A. 8-1014, and amendments thereto, or for other cause.

(s) Upon motion by a party, or on the court's own motion, the court may enter an order restricting the driving privileges allowed by the temporary license provided for in K.S.A. 8-1002, and amendments thereto, and in this section. The temporary license also shall be subject to restriction, suspension, revocation or cancellation, as set out in K.S.A. 8-1014, and amendments thereto, or for other cause.

(t) The facts found by the hearing officer or by the district court upon a petition for review shall be independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect the suspension or suspension and restriction to be imposed under this section.

(u) All notices affirming or canceling a suspension under this section, all notices of a hearing held under this section and all issuances of temporary driving privileges pursuant to this section shall be sent by first-class mail and a United States post office certificate of mailing shall be obtained therefor. All notices so mailed shall be deemed received three days after mailing, except that this provision shall not apply to any licensee where such application would result in a manifest injustice.

(v) The provisions of K.S.A. 60-206, and amendments thereto, regarding the computation of time shall be applicable in determining the time for requesting an administrative hearing as set out in subsection (a) and to the time for filing a petition for review pursuant to subsection (o) and K.S.A. 8-259, and amendments thereto.

Sec. 18. K.S.A. 2010 Supp. 8-1022 is hereby amended to read as follows: 8-1022. (a) It shall be unlawful for the owner of a motor vehicle to allow a person to drive such vehicle when such owner knows or reasonably should have known such person was driving in violation of K.S.A. 8-1014, and amendments thereto.

(b) Violation of this section is an unclassified misdemeanor punishable by a fine of

not less than \$500 nor more than \$1,000. In addition to the fine imposed upon a person convicted of a violation of this section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs. Prior to ordering the impoundment or immobilization of any such motor vehicle, the court shall consider the factors established in subsection ~~(k)(3)~~ (g) of K.S.A. 8-1567, and amendments thereto. Any personal property in a vehicle impounded or immobilized pursuant to this section may be retrieved prior to or during the period of such impoundment or immobilization.

Sec. 19. K.S.A. 2010 Supp. 8-1567 is hereby amended to read as follows: 8-1567.

(a) ~~No person shall operate or attempt~~ *Driving under the influence is operating or attempting to operate any vehicle within this state while:*

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within ~~two~~ three hours of the time of operating or attempting to operate a vehicle, is .08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; ~~or~~

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.; *or*

~~(b) (6) No person shall operate or attempt to operate any vehicle within this state if~~ the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.

(c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

~~(d) (b) (1) Upon a first conviction of a violation of this section, a person shall be guilty of Driving under the influence is:~~

(A) On a first conviction a class B, nonperson misdemeanor and. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$500 \$750 nor more than \$1,000. The person convicted must shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment;

In addition, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008, and amendments thereto, or both the education and treatment programs.

~~(e) (B) on a second conviction of a violation of this section, a person shall be guilty of a class A, nonperson misdemeanor and. The person convicted shall be sentenced to~~

not less than 90 days nor more than one year's imprisonment and fined not less than ~~\$1,000~~ \$1,250 nor more than ~~\$1,500~~ \$1,750. The person convicted ~~must~~ shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. *The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day.* The court may place the person convicted under a house arrest program pursuant to ~~K.S.A. 21-4603b~~ section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. *The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;*

As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008, and amendments thereto.

~~(+) (+)~~ (C) *on a third conviction a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours;*

(D) ~~on the a third conviction of a violation of this section, a person shall be guilty~~

of a nonperson felony ~~and if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,500~~ \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this ~~paragraph~~ subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. *The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day.* The court may place the person convicted under a house arrest program pursuant to ~~K.S.A. 21-4603b~~ section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. *The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours; and*

(2) ~~The court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The 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.~~

The court shall also require as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008, and amendments thereto:

(g)(1) (E) ~~on the a fourth or subsequent conviction of a violation of this section, a person shall be guilty of a nonperson felony and. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined~~

\$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this paragraph may be served in a work release program only after such person has served 72 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. *The person convicted, if placed into a work release program, shall serve a minimum of 240 hours of confinement. Such 240 hours of confinement shall be a period of at least 72 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 72 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 240 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 240 hours.*

(2) The court may order that the term of imprisonment imposed pursuant to ~~paragraph (1)~~ *subsection (b)(1)(D) or (b)(1)(E)* be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of ~~K.S.A. 21-4704~~ *section 285 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.* The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility;

~~At the time of the filing of the judgment form or journal entry as required by K.S.A. 21-4620 or 22-3426, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the secretary of corrections within three business days of receipt of the judgment form or journal entry from the court and notify the secretary of corrections when the term of imprisonment expires and upon expiration of the term of imprisonment shall deliver the defendant to a location~~

~~designated by the secretary. After the term of imprisonment imposed by the court, the person shall be placed in the custody of the secretary of corrections for a mandatory one-year period of postrelease supervision, which such period of postrelease supervision shall not be reduced. During such postrelease supervision, the person shall be required to participate in an inpatient or outpatient program for alcohol and drug abuse, including, but not limited to, an approved aftercare plan or mental health counseling, as determined by the secretary and satisfy conditions imposed by the Kansas parole board as provided by K.S.A. 22-3717, and amendments thereto. Any violation of the conditions of such postrelease supervision may subject such person to revocation of postrelease supervision pursuant to K.S.A. 75-5217 et seq., and amendments thereto and as otherwise provided by law.~~

(3) *In addition, for any conviction pursuant to subsection (b)(1)(C), (b)(1)(D) or (b)(1)(E), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or section 280 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a department of social and rehabilitation services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the social and rehabilitation services department designated treatment provider and the offender. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in 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, 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.*

~~(b)~~ (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.

(~~h~~) (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.

(~~h~~) (f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(~~k~~) (g) (1) Except as provided in paragraph (5), in addition to any other penalty which may be imposed upon a first conviction of a violation of this section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs.

(2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.

(3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:

(A) Whether the impoundment or immobilization of the motor vehicle would result in the loss of employment by the convicted person or a member of such person's family; and

(B) whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.

(4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(5) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

(l) (1) Except as provided in paragraph (3), in addition to any other penalty which may be imposed upon a second or subsequent conviction of a violation of this section,

the court shall order that each motor vehicle owned or leased by the convicted person shall either be equipped with an ignition interlock device or be impounded or immobilized for a period of two years. The convicted person shall pay all costs associated with the installation, maintenance and removal of the ignition interlock device and all towing, impoundment and storage fees or other immobilization costs.

(2) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(3) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than two years from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

~~(h)~~ ~~(1)~~ (h) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state;

~~(2)~~ ~~Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the; and~~ (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

~~(i)~~ (i) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings ~~or~~ 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.

~~(j)~~ (j) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) "Conviction" includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(2) "conviction" includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(3) ~~any convictions occurring during a person's lifetime~~ *only convictions occurring on or after July 1, 2001*, shall be taken into account when determining the sentence to be imposed for a first, second, third, fourth or subsequent offender;

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person's lifetime.

~~(k)~~ (k) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and

restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

~~(g) (1) (A) (l) (1)~~ Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof. ~~Except as specifically provided by this subsection,~~

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this ~~act~~ *section* for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

~~(B) (3)~~ On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

~~(C) (4)~~ Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted. ~~Except as provided in paragraph (5),~~

(5) Any such ordinance or resolution may require or authorize the court to order that the convicted person's motor vehicle or vehicles be impounded or immobilized ~~for a period not to exceed one year and that the convicted person pay all towing, impoundment and storage fees or other immobilization costs in accordance with subsection (g).~~

(2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.

(3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:

(A) Whether the impoundment or immobilization of the motor vehicle would result in the loss of employment by the convicted person or a member of such person's family; and

(B) whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.

(4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.

(5) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of time remaining on the lease.

~~(f) (m) (1)~~ Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the: (A)

Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state:

~~(2) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the;~~ and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

~~(3)~~ (2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

~~(4)~~ (n) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

~~(5)~~ (o) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county, but shall not be required to, may elect one or two of the three prior to submission of the case to the fact finder.

~~(6)~~ (p) Upon a fourth or subsequent conviction, the judge of any court in which any person is convicted of violating this section, may revoke the person's license plate or temporary registration certificate of the motor vehicle driven during the violation of this section for a period of one year. Upon revoking any license plate or temporary registration certificate pursuant to this subsection, the court shall require that such license plate or temporary registration certificate be surrendered to the court.

~~(7)~~ (q) ~~For the purpose of~~ *As used in this section:* (1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) "imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; *and*

(3) "drug" includes toxic vapors as such term is defined in K.S.A. 2010 Supp. 21-36a12, and amendments thereto.

~~(8)~~ (r) (1) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the department of corrections alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

(2) *On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon*

receipt of such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by section 3, and amendments thereto.

~~(x) Upon every conviction of a violation of this section, the court shall order such person to submit to a pre-sentence alcohol and drug abuse evaluation pursuant to K.S.A. 8-1008, and amendments thereto. Such pre-sentence evaluation shall be made available, and shall be considered by the sentencing court."~~

And by renumbering sections accordingly;

On page 23, following line 26, by inserting:

"Sec. 21. K.S.A. 12-4414 is hereby amended to read as follows: 12-4414. (a) *Except as provided in K.S.A. 8-1567, and amendments thereto*, after a complaint has been filed charging a defendant with violation of an alcohol or drug related offense and prior to conviction thereof, and after the city attorney has considered the factors listed in K.S.A. 12-4415, *and amendments thereto*, if it appears to the city attorney that diversion of the defendant would be in the interests of justice and of benefit to the defendant and the community, the city attorney may propose a diversion agreement to the defendant. The terms of each diversion agreement shall be established by the city attorney in accordance with K.S.A. 12-4416, *and amendments thereto*.

(b) Each city attorney shall adopt written policies and guidelines for the implementation of a diversion program in accordance with K.S.A. 8-1009, *and* 12-4412 to 12-4417 ~~and 22-3609~~, inclusive, *and amendments thereto*. Such policies and guidelines shall provide for a diversion conference and other procedures in those cases where the city attorney elects to offer diversion in lieu of further criminal proceedings on the complaint.

(c) Each defendant shall be informed in writing of the diversion program and the policies and guidelines adopted by the city attorney. The city attorney may require any defendant requesting diversion to provide information regarding prior criminal charges, education, work experience and training, family, residence in the community, medical history, including any psychiatric or psychological treatment or counseling, and other information relating to the diversion program. In all cases, the defendant shall be present and shall have the right to be represented by counsel at the diversion conference with the city attorney.

Sec. 22. K.S.A. 12-4415 is hereby amended to read as follows: 12-4415. (a) In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the city attorney shall consider at least the following factors among all factors considered:

- (1) The nature of the crime charged and the circumstances surrounding it;
- (2) any special characteristics or circumstances of the defendant;
- (3) whether the defendant is a first-time offender of an alcohol related offense and if the defendant has previously participated in diversion, according to the certification of the division of vehicles of the state department of revenue;
- (4) whether there is a probability that the defendant will cooperate with and benefit from diversion;
- (5) whether the available diversion program is appropriate to the needs of the defendant;
- (6) the impact of the diversion of the defendant upon the community;
- (7) recommendations, if any, of the involved law enforcement agency;

- (8) recommendations, if any, of the victim;
- (9) provisions for restitution; and
- (10) any mitigating circumstances.

(b) A city attorney shall not enter into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an alcohol related offense if the defendant:

- (1) Has previously participated in diversion of an alcohol related offense;
- (2) has previously been convicted of or pleaded *nolo contendere* to an alcohol related offense in this state or has previously been convicted of or pleaded *nolo contendere* to a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto or of a law of another state, or of a political subdivision thereof, which prohibits the acts prohibited by ~~that statute~~ those statutes; or
- (3) during the time of the alleged alcohol related offense was involved in a motor vehicle accident or collision resulting in personal injury or death.

Sec. 23. K.S.A. 12-4416 is hereby amended to read as follows: 12-4416. (a) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the city attorney, the city attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to counsel, a speedy arraignment, a speedy trial, and the right to trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services. The diversion agreement shall state:

- (1) The defendant's full name;
- (2) the defendant's full name at the time the complaint was filed, if different from the defendant's current name;
- (3) the defendant's sex, race and date of birth;
- (4) the crime with which the defendant is charged;
- (5) the date the complaint was filed; and
- (6) the municipal court with which the agreement is filed.

(b) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging an alcohol related offense, the diversion agreement shall include a stipulation, agreed to by the defendant and the city attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement shall include a requirement that the defendant:

- (1) Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, consonant with K.S.A. 8-1567, and amendments thereto; and
- (2) ~~enroll in and successfully complete an alcohol and drug safety action program or a treatment program, or both, as provided in K.S.A. 8-1008, and amendments thereto,~~

~~and specified by the agreement, and pay the assessment required by K.S.A. 8-1008, and amendments thereto; participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.~~

(c) If the person entering into a diversion agreement is a nonresident, the city attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person's state of residence.

(d) If the city attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to all of the terms of the proposed agreement, the diversion agreement shall be filed with the municipal court and the municipal court shall stay further proceedings on the complaint. If the defendant declines to accept diversion, the municipal court shall resume the criminal proceedings on the complaint.

(e) The city attorney shall forward to the division of vehicles of the state department of revenue a copy of the diversion agreement at the time such agreement is filed with the municipal court. The copy of the agreement shall be made available upon request to any county, district or city attorney or court.

Sec. 24. K.S.A. 2010 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsection (b) ~~or~~, (c) *and* (d), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

- (A) Satisfied the sentence imposed; or
- (B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsection (b) ~~or~~, (c) *and* (d), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, *prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;

(4) a violation of the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications;

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

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto;

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

(8) a violation of K.S.A. 21-3405b, ~~and amendments thereto~~ *prior to its repeal*.

(c) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567, and amendments thereto.

~~(e)~~ (d) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. ~~8-1567~~ or 8-2,144, and amendments thereto.

~~(d)~~ (e) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state:

(1) The defendant's full name;

(2) the full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(3) the defendant's sex, race and date of birth;

(4) the crime for which the defendant was arrested, convicted or diverted;

(5) the date of the defendant's arrest, conviction or diversion; and

(6) the identity of the convicting court, arresting law enforcement agency or diverting authority. A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

~~(e)~~ (f) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

~~(f)~~ (g) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for employment as a detective with a private detective

agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

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

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

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

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2010 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

~~(g)~~ (h) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

~~(h)~~ (i) Subject to the disclosures required pursuant to subsection ~~(g)~~ (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.

(⊕) (j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;
- (11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to

hold a license issued pursuant to a tribal-state gaming compact;

(12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act;

(14) the Kansas sentencing commission;

(15) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

(16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 25. K.S.A. 2010 Supp. 12-4517 is hereby amended to read as follows: 12-4517. (a) (1) The municipal court judge shall ensure that all persons convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault as defined in ~~K.S.A. 21-3408~~ *subsection (a) of section 47 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, under a Kansas criminal statute are fingerprinted and processed.

(2) The municipal court judge shall ensure that all persons arrested or charged with a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567, and amendments thereto, are fingerprinted and processed at the time of booking or first appearance, whichever occurs first.

(b) The municipal court judge shall order the individual to be fingerprinted at an appropriate location as determined by the municipal court judge. Failure of the person to be fingerprinted after court order issued by the municipal judge shall constitute contempt of court. To reimburse the city or other entity for costs associated with fingerprinting, the municipal court judge may assess reasonable court costs, in addition to other court costs imposed by the state or municipality.

Sec. 26. K.S.A. 2010 Supp. 22-2909 is hereby amended to read as follows: 22-2909. (a) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the attorney general or county or district attorney, such attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to a speedy arraignment, preliminary examinations and hearings, and a speedy trial, and in the case of diversion under subsection (c) waiver of the rights to counsel and trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services. If a county creates a local fund under the property crime restitution and compensation act, a

county or district attorney may require in all diversion agreements as a condition of diversion the payment of a diversion fee in an amount not to exceed \$100. Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the local board under the property crime restitution and victims compensation act.

(b) The diversion agreement shall state: (1) The defendant's full name; (2) the defendant's full name at the time the complaint was filed, if different from the defendant's current name; (3) the defendant's sex, race and date of birth; (4) the crime with which the defendant is charged; (5) the date the complaint was filed; and (6) the district court with which the agreement is filed.

(c) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, the diversion agreement shall include a stipulation, agreed to by the defendant, the defendant's attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement shall include a requirement that the defendant:

(1) Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, in accordance with K.S.A. 8-1567, and amendments thereto; and

(2) ~~enroll in and successfully complete an alcohol and drug safety action program or a treatment program, or both, as provided in K.S.A. 8-1008, and amendments thereto, and specified by the agreement, and pay the assessment required by K.S.A. 8-1008, and amendments thereto; participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.~~

(d) *If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a domestic violence offense, as defined in K.S.A. 21-3110, as amended by section 5 of chapter 101 of the 2010 Session Laws of Kansas, and amendments thereto, the diversion agreement shall include a requirement that the defendant undergo a domestic violence offender assessment and follow all recommendations unless otherwise agreed to with the prosecutor in the diversion agreement. The defendant shall be required to pay for such assessment and, unless otherwise agreed to with the prosecutor in the diversion agreement, for completion of all recommendations.*

~~(d)~~(e) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation other than K.S.A. 8-1567, and amendments thereto, the diversion agreement may include a stipulation, agreed to by the defendant, the defendant's attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint.

(e)(f) If the person entering into a diversion agreement is a nonresident, the attorney general or county or district attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person's state of residence.

(f)(g) If the attorney general or county or district attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to all of the terms of the proposed agreement, the diversion agreement shall be filed with the district court and the district court shall stay further proceedings on the complaint. If the defendant declines to accept diversion, the district court shall resume the criminal proceedings on the complaint.

(g)(h) Except as provided in subsection (h), if a diversion agreement is entered into in lieu of further criminal proceedings alleging commission of a misdemeanor by the defendant, while under 21 years of age, under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or K.S.A. 41-719, 41-727, 41-804, 41-2719 or 41-2720, and amendments thereto, the agreement shall require the defendant to ~~submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the attorney general or county or district attorney finds that the defendant is indigent, the fee may be waived~~ *participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.*

(h)(i) If the defendant is 18 or more years of age but less than 21 years of age and allegedly committed a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (g) are permissive and not mandatory.

(i)(j) Except diversion agreements reported under subsection (j), the attorney general or county or district attorney shall forward to the Kansas bureau of investigation a copy of the diversion agreement at the time such agreement is filed with the district court. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.

(j)(k) At the time of filing the diversion agreement with the district court, the attorney general or county or district attorney shall forward to the division of vehicles of the state department of revenue a copy of any diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.";

And by renumbering sections accordingly;

On page 25, following line 39, by inserting:

"Sec. 29. K.S.A. 2010 Supp. 28-176 is hereby amended to read as follows: 28-176.

(a) The court shall order any person convicted or diverted, or adjudicated or diverted under a preadjudication program pursuant to K.S.A. 22-2906 et seq., K.S.A. 2010 Supp. 38-2346 et seq., or 12-4414, and amendments thereto, of a misdemeanor or felony contained in chapters 21, 41 or 65 of the Kansas Statutes Annotated, and amendments thereto, or a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or a violation of a municipal ordinance *or county resolution* prohibiting the acts prohibited by such statutes, unless the municipality *or county* has an agreement with the laboratory

providing services that sets a restitution amount to be paid by the person that is directly related to the cost of laboratory services, to pay a separate court cost of \$400 for every individual offense if forensic science or laboratory services or forensic computer examination services are provided, in connection with the investigation, by:

- (1) The Kansas bureau of investigation;
- (2) the Sedgwick county regional forensic science center;
- (3) the Johnson county sheriff's laboratory;
- (4) the heart of America regional computer forensics laboratory; or
- (5) the Wichita-Sedgwick county computer forensics crimes unit.

(b) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

(c) The court shall not lessen or waive such fees unless the court has determined such person is indigent and the basis for the court's determination is reflected in the court's order.

(d) Such fees shall be deposited into the designated fund of the laboratory or forensic science or computer center that provided such services. Fees for services provided by:

(1) The Kansas bureau of investigation shall be deposited in the Kansas bureau of investigation forensic laboratory and materials fee fund;

(2) the Sedgwick county regional forensic science center shall be deposited in the Sedgwick county general fund;

(3) the Johnson county sheriff's laboratory shall be deposited in the Johnson county sheriff's laboratory analysis fee fund;

(4) the heart of America regional computer forensics laboratory shall be deposited in the general treasury account maintained by such laboratory; and

(5) the Wichita-Sedgwick county computer forensic crimes unit shall be retained by the Sedgwick county sheriff. All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office.

(e) Disbursements from the funds and accounts described in subsection (d) shall be made for the following:

- (1) Forensic science or laboratory services;
- (2) forensic computer examination services;
- (3) purchase and maintenance of laboratory equipment and supplies;
- (4) education, training and scientific development of personnel; and
- (5) from the Kansas bureau of investigation forensic laboratory and materials fee fund, the destruction of seized property and chemicals as described in K.S.A. 22-2512 and 60-4117, and amendments thereto.

Sec. 30. K.S.A. 2010 Supp. 60-427 is hereby amended to read as follows: 60-427.

(a) As used in this section:

(1) "Patient" means a person who, for the sole purpose of securing preventive, palliative, or curative treatment, or a diagnosis preliminary to such treatment, of such person's physical or mental condition, consults a physician, or submits to an examination by a physician.

(2) "Physician" means a person licensed or reasonably believed by the patient to be licensed to practice medicine or one of the healing arts as defined in K.S.A. 65-2802, and amendments thereto, in the state or jurisdiction in which the consultation or examination takes place.

(3) "Holder of the privilege" means the patient while alive and not under guardianship or conservatorship or the guardian or conservator of the patient, or the personal representative of a deceased patient.

(4) "Confidential communication between physician and patient" means such information transmitted between physician and patient, including information obtained by an examination of the patient, as is transmitted in confidence and by a means which, so far as the patient is aware, discloses the information to no third persons other than those reasonably necessary for the transmission of the information or the accomplishment of the purpose for which it is transmitted.

(b) Except as provided by subsections (c), (d), (e) and (f), a person, whether or not a party, has a privilege in a civil action or in a prosecution for a misdemeanor, other than a prosecution for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto ~~or an ordinance, or a city ordinance or county resolution~~ which prohibits the acts prohibited by ~~that statute~~ *those statutes*, to refuse to disclose, and to prevent a witness from disclosing, a communication, if the person claims the privilege and the judge finds that: (1) The communication was a confidential communication between patient and physician; (2) the patient or the physician reasonably believed the communication necessary or helpful to enable the physician to make a diagnosis of the condition of the patient or to prescribe or render treatment therefor; (3) the witness (i) is the holder of the privilege, (ii) at the time of the communication was the physician or a person to whom disclosure was made because reasonably necessary for the transmission of the communication or for the accomplishment of the purpose for which it was transmitted or (iii) is any other person who obtained knowledge or possession of the communication as the result of an intentional breach of the physician's duty of nondisclosure by the physician or the physician's agent or servant; and (4) the claimant is the holder of the privilege or a person authorized to claim the privilege for the holder of the privilege.

(c) There is no privilege under this section as to any relevant communication between the patient and the patient's physician: (1) Upon an issue of the patient's condition in an action to commit the patient or otherwise place the patient under the control of another or others because of alleged incapacity or mental illness, in an action in which the patient seeks to establish the patient's competence or in an action to recover damages on account of conduct of the patient which constitutes a criminal offense other than a misdemeanor; (2) upon an issue as to the validity of a document as a will of the patient; or (3) upon an issue between parties claiming by testate or intestate succession from a deceased patient.

(d) There is no privilege under this section in an action in which the condition of the patient is an element or factor of the claim or defense of the patient or of any party claiming through or under the patient or claiming as a beneficiary of the patient through a contract to which the patient is or was a party.

(e) There is no privilege under this section: (1) As to blood drawn at the request of a law enforcement officer pursuant to K.S.A. 8-1001, and amendments thereto; and (2) as to information which the physician or the patient is required to report to a public official or as to information required to be recorded in a public office, unless the statute requiring the report or record specifically provides that the information shall not be disclosed.

(f) No person has a privilege under this section if the judge finds that sufficient evidence, aside from the communication has been introduced to warrant a finding that

the services of the physician were sought or obtained to enable or aid anyone to commit or to plan to commit a crime or a tort, or to escape detection or apprehension after the commission of a crime or a tort.

(g) A privilege under this section as to a communication is terminated if the judge finds that any person while a holder of the privilege has caused the physician or any agent or servant of the physician to testify in any action to any matter of which the physician or the physician's agent or servant gained knowledge through the communication.

(h) Providing false information to a physician for the purpose of obtaining a prescription-only drug shall not be a confidential communication between physician and patient and no person shall have a privilege in any prosecution for unlawfully obtaining or distributing a prescription-only drug under K.S.A. 2010 Supp. 21-36a08, and amendments thereto.

Sec. 31. K.S.A. 2010 Supp. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 74-2022, and amendments thereto.

(2) For the purpose of this section, "motor vehicle records" means any record that pertains to a motor vehicle drivers license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.

(b) All motor vehicle records which relate to the physical or mental condition of any person, have been expunged or are photographs or digital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses may be disclosed to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection. Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by ~~K.S.A. 8-1567, and amendments thereto~~ those statutes;

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or

(4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.

(c) Lists of persons' names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by

K.S.A. 2010 Supp. 45-230, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:

(A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:

- (i) Have safety-related defects,
- (ii) fail to comply with emission standards; or
- (iii) have any defect to be remedied at the expense of the manufacturer;

(B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent:

(i) In processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy; or

(ii) in conducting antifraud activities by identifying potential undisclosed drivers of a motor vehicle currently insured by an insurer licensed to do business in this state by providing only the following information: drivers license number, license type, date of birth, name, address, issue date and expiration date;

(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;

(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall not be redisclosed;

(E) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners;

(F) assisting businesses in producing motor vehicle title or motor vehicle registration, or both, statistical reports, so long as personal information is not published, redisclosed or used to contact individuals; or

(G) assisting an employer or an employer's authorized agent in monitoring the driving record of the employees required to drive in the course of employment to ensure driver behavior, performance or safety.

(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid

monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(B)(ii) or (c)(1)(D), \$1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 32. K.S.A. 2010 Supp. 74-7301 is hereby amended to read as follows: 74-7301. As used in this act:

(a) "Allowance expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care and for the replacement of items of clothing or bedding which were seized for evidence. Such term includes a total charge not in excess of \$5,000 for expenses in any way related to funeral, cremation or burial; but such term shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required. Such term includes a total charge not in excess of \$1,000 for expenses in any way related to crime scene cleanup.

(b) "Board" means the crime victims compensation board established under K.S.A. 74-7303, and amendments thereto.

(c) "Claimant" means any of the following persons claiming compensation under this act: A victim; a dependent of a deceased victim; a third person other than a collateral source; or an authorized person acting on behalf of any of them.

(d) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from:

- (1) The offender;
- (2) the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;

- (3) social security, medicare and medicaid;
- (4) state-required temporary nonoccupational disability insurance;
- (5) workers' compensation;
- (6) wage continuation programs of any employer;
- (7) proceeds of a contract of insurance payable to the victim for loss which the victim sustained because of the criminally injurious conduct; or
- (8) a contract providing prepaid hospital and other health care services or benefits for disability.

(e) "Criminally injurious conduct" means conduct that: (1) (A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if:

- (i) The crimes would be compensable had it occurred in the state of Kansas; and
 - (ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs;
- (B) poses a substantial threat or personal injury or death; and
- (C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or

(2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty.

Such term shall not include conduct arising out of the ownership, maintenance or use of a motor vehicle, except for violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or violations of municipal ordinances or county resolutions prohibiting the acts prohibited by ~~that statute~~ those statutes, or violations of K.S.A. 8-1602, and amendments thereto, K.S.A. 21-3404, 21-3405 and 21-3414, prior to their repeal, or sections 40, 41 and subsection (b) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or when such conduct was intended to cause personal injury or death.

(f) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim's death.

(g) "Dependent's economic loss" means loss after decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death.

(h) "Dependent's replacement services loss" means loss reasonably incurred by dependents after decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death and not subtracted in calculating dependent's economic loss.

(i) "Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss and dependent's replacement service loss. Noneconomic detriment is not

loss, but economic detriment is loss although caused by pain and suffering or physical impairment.

(j) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.

(k) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of self or family, if such person had not been injured.

(l) "Work loss" means loss of income from work the injured person would have performed if such person had not been injured, and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(m) "Victim" means a person who suffers personal injury or death as a result of: (1) Criminally injurious conduct; (2) the good faith effort of any person to prevent criminally injurious conduct; or (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct.

(n) "Crime scene cleanup" means removal of blood, stains, odors or other debris caused by the crime or the processing of the crime scene.;"

On page 28, following line 19, by inserting:

"Sec. 34. Section 14 of chapter 136 of the 2010 Session Laws of Kansas, is hereby amended to read as follows: Sec. 14. A person may be guilty of a crime without having a culpable mental state if the crime is:

(a) A misdemeanor, cigarette or tobacco infraction or traffic infraction and the statute defining the crime clearly indicates a legislative purpose to impose absolute liability for the conduct described;

(b) a felony and the statute defining the crime clearly indicates a legislative purpose to impose absolute liability for the conduct described;

(c) a violation of K.S.A. 8-1567 or 8-1567a, and amendments thereto; ~~or~~

(d) a violation of K.S.A. 8-2,144, and amendments thereto; or

~~(e)~~ (e) a violation of K.S.A. 22-4901 et seq., and amendments thereto.

Sec. 35. Section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339, is hereby amended to read as follows: Sec. 254. (a) (1) Except as provided in subsections (b) ~~and (e)~~, (c) and (d), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b) ~~and (e)~~, (c) and (d), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Except as provided in ~~subsection (e)~~ *subsections (c) and (d)*, no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or section 41 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

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

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

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

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(c) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation.

~~(e)~~ *(d)* There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or section 70 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or

section 68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or section 72 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or section 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(8) endangering a child or aggravated endangering a child as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or section 78 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal, or section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(10) capital murder as defined in K.S.A. 21-3439, prior to its repeal, or section 36 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(11) murder in the first degree as defined in K.S.A. 21-3401, prior to its repeal, or section 37 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(12) murder in the second degree as defined in K.S.A. 21-3402, prior to its repeal, or section 38 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its repeal, or section 39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to its repeal, or section 40 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(17) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation;

~~(18)~~ (17) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

~~(19)~~ (18) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

~~(d)~~ (e) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

- (C) defendant's sex, race and date of birth;
- (D) crime for which the defendant was arrested, convicted or diverted;
- (E) date of the defendant's arrest, conviction or diversion; and
- (F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. On and after April 15, 2010 through June 30, 2011, the supreme court may impose a charge, not to exceed \$15 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

(~~e~~) (f) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement;

(3) the expungement is consistent with the public welfare.

(~~f~~) (g) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2010 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed

appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

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

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

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

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2010 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

~~(g)~~ (h) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

~~(h)~~ (i) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does

not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

(j) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;
- (11) the Kansas sentencing commission;
- (12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of

the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.";

And by renumbering sections accordingly;

Also on page 28, in line 20, by striking all following "K.S.A." where it appears the first time; by striking all in lines 21 through 23 and inserting "8-285, 8-285, as amended by section 89 of 2011 House Bill No. 2339, 8-1008, 8-1009, 8-1017, 12-4416, 22-4704 and 22-4705 and K.S.A. 2009 Supp. 8-1567, as amended by section 95 of 2011 House Bill No. 2339 and 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-235, 8-262, as amended by section 88 of 2011 House Bill No. 2339, 8-2,142, 8-2,144, 8-2,144, as amended by section 91 of 2011 House Bill No. 2339, 8-1001, 8-1012, 8-1013, 8-1013, as amended by section 92 of 2011 House Bill No. 2339, 8-1014, 8-1015, 8-1020, 8-1020a, 8-1022, 8-1567, 12-4106, 12-4414, 12-4415, 12-4516, 12-4516, as amended by section 102 of 2011 House Bill No. 2339, 12-4517, 12-4517, as amended by section 103 of 2011 House Bill No. 2339, 22-2909, 28-176, 60-427, 74-2012, 74-7301, 74-7301, as amended by section 255 of 2011 House Bill No. 2339, 75-5291 and 75-5291, as amended by section 280 of 2011 House Bill No. 2339 and section 14 of chapter 136 of the 2010 Session Laws of Kansas and section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339 are hereby repealed.";

On page 1, in the title, by striking all in lines 3 through 7 and inserting "creating the community corrections supervision fund; amending K.S.A. 8-285, 8-1008, 8-1009, 8-1017, 12-4416, 22-4704 and 22-4705 and K.S.A. 2010 Supp. 8-235, 8-262, as amended by section 88 of 2011 House Bill No. 2339, 8-2,142, 8-2,144, 8-1001, 8-1012, 8-1013, 8-1014, 8-1015, 8-1020, 8-1022, 8-1567, 12-4106, 12-4414, 12-4415, 12-4516, 12-4517, 22-2909, 28-176, 60-427, 74-2012, 74-7301 and 75-5291 and section 14 of chapter 136 of the 2010 Session Laws of Kansas and section 254 of chapter 136 of the 2010 Session Laws of Kansas, as amended by section 67 of 2011 House Bill No. 2339; also repealing K.S.A. 8-285, as amended by section 89 of 2011 House Bill No. 2339 and K.S.A. 2009 Supp. 8-1567, as amended by section 95 of 2011 House Bill No. 2339 and 22-2909, as amended by section 10 of chapter 101 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 8-2,144, as amended by section 91 of 2011 House Bill No. 2339, 8-1013, as amended by section 92 of 2011 House Bill No. 2339, 8-1020a, 12-

4516, as amended by section 102 of 2011 House Bill No. 2339, 12-4517, as amended by section 103 of 2011 House Bill No. 2339, 74-7301, as amended by section 255 of 2011 House Bill No. 2339 and 75-5291, as amended by section 280 of 2011 House Bill No. 2339.";

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

PAT COLLOTON

LANCE KINZER

MELDOY McCRAY-MILLER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

Senator King moved the Senate adopt the Conference Committee Report on **H Sub for SB 6**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: As a salute to the DUI Commission on which I too was honored to serve and which whose members labored tirelessly to find workable solutions to the problem of chronic drunk driving in Kansas...

I change my "Pass" on the Conference committee on **H Sub for SB 6** (the original bill number under which I was author this session) to "AYE".

Even though I continue to have strong misgivings on no discretion by a reviewing authority for a six month mandatory use of ignition interlock on any "First time" offender (especially in our state where racial, and other biased, policing remains rampant and unpunished); and even though the funding for community corrections for the increase in caseload this bill produces is shaky despite a \$1.5 million infusion from the Budget...

I signed the Conference Committee Report reconciling **H Sub for SB 6** with **SB 7** confident that the best of minds and most committed of stakeholders that Kansas can produce on this issue of making our roads safer by catching, punishing and treating those who drink too much alcohol and drive had all convened, compromised and agreed.

I believe my vote today makes all of their hard work a now unanimous affirmation by the entire Kansas Legislature. Which is, indeed most appropriate.—DAVID HALEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2075** submits the following report:

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

On page 2, by striking all in lines 42 and 43;

By striking all on pages 3 through 31;

On page 32, by striking all in lines 1 through 20 and inserting "Section 1. From and after July 1, 2011, K.S.A. 2010 Supp. 40-433 is hereby amended to read as follows: 40-433. No policy of group life insurance shall be delivered in this state unless it conforms to one of the following descriptions:

(1) A policy issued by an insurance company organized under the laws of the state of Kansas on its employees and agents, which agents for the purpose of this act only shall be deemed employees, the beneficiaries under such policies to be persons designated by each insured, or a policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, both subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless the proprietor or partner is actively engaged in and devotes a substantial part of their time to the conduct of the business of the proprietor or partnership. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials.

(b) The premium for the policy ~~shall~~ *may* be paid by the policyholder, either wholly from the employer's funds or funds contributed by the employer, or partly from such funds and partly from funds contributed by the insured employees. ~~No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least 75% of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contribution~~ *nor entirely by the employees at their option.* A policy on which no part of the premium is to be derived from funds contributed by the insured employees shall insure all eligible employees, or

all except any as to whom evidence of individual insurability is not satisfactory to the insurer *or except those who reject the coverage in writing.*

~~(c) The policy shall cover at least two employees at date of issue.~~ (d) The amounts of insurance under the policy shall be based upon some plan, precluding individual selection either by the employees or by the employer or trustees.

(2) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness.

(b) The premium for the policy shall be paid by the policyholder, either from the creditor's funds or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least 75% of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges shall insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least 100 persons yearly, or may reasonably be expected to receive at least 100 new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than 75% of the new entrants become insured.

(d) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by that debtor which is repayable in installments to the creditor.

(e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(3) A policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

(a) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(b) The premium for the policy ~~shall~~ *may* be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance *or entirely by the insured members at their option.* ~~No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of the then eligible members excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions.~~ A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance shall insure all eligible members, or all except

any as to whom evidence of individual insurability is not satisfactory to the insurer *or except those who reject coverage in writing.*

(c) ~~The policy shall cover at least 25 members at date of issue.~~

(~~d~~) The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the members or by the union.

(4) A policy issued to the trustees of a fund established in this state by two or more employers if a majority of the employees to be insured of each employer are located within the state, or to the trustees of a fund established by one or more labor unions, or by one or more employers and one or more labor unions, which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees and the individual proprietor or partners if any employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless the proprietor or partner is actively engaged in and devotes a substantial part of their time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(b) The premium for the policy ~~shall~~ may be paid by the trustees either wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or partly from such funds and partly from funds contributed by the insured employees *or wholly from funds contributed by the employees or members at their option. No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured persons.* The policy shall insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer *or except those who reject coverage in writing.*

(c) ~~The policy shall cover at date of issue at least 100 persons and not less than an average of five persons per employer unit.~~ (d) The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or union.

~~(e) The requirements of paragraphs (b) and (d) of this subsection governing employer contributions and amounts of insurance shall not apply to a voluntary term life insurance policy issued on a group basis.~~

(5) A policy issued to an association which has been organized and is maintained for purposes other than that of obtaining insurance, insuring at least 25 members, employees, or employees of members of the association for the benefit of persons other than the association or its officers. The term "employees" as used herein shall be deemed to include retired employees. The premiums for the policies shall be paid by the policyholder, either wholly from association funds, or funds contributed by the members of such association or by employees of such members or any combination

thereof. The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the insured person or by the association or by the member.

(6) Any policy issued pursuant to this section may be extended to insure the employees against loss due to the death of their spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents, their spouse's parents, or any class or classes thereof, subject to the following requirements:

(a) The premium for the insurance ~~shall~~ may be paid by the policyholder, either from the employer's funds or from funds contributed by the insured employees, or from both. ~~If any part of the premium is to be derived from funds contributed by the insured employees, the insurance with respect to spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents and their spouse's parents may be placed in force only if at least 75% of the then eligible employees, excluding any as to whose family members' evidence of insurability is not satisfactory to the insurer, elect to make the required contribution.~~ If no part of the premium is to be derived from funds contributed by the employees, all eligible employees, excluding any as to whose family members' evidence of insurability is not satisfactory to the insurer, shall be insured with respect to their spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents, their spouse's parents.

~~(b) The amounts of insurance shall be based upon some plan precluding individual selection either by the employees or by the policyholder, or employer and shall not exceed with respect to any spouse, child or parent 50% of the insurance on the life of such insured employee.~~

~~(c)~~ (b) Upon termination of the insurance with respect to the spouse of an employee by reason of the employee's termination of employment or death, the spouse insured pursuant to this section shall have the same conversion rights as to the insurance on such spouse's life as is provided for the employee under K.S.A. 40-434, and amendments thereto.

~~(d)~~ (c) Notwithstanding the provisions of K.S.A. 40-434, and amendments thereto only one certificate need be issued for delivery to an insured person if a statement concerning any dependent's coverage is included in such certificate.

~~(e) The requirements of paragraphs (a) and (b) of this subsection governing participation, contribution by an employer and amounts of insurance for dependents shall not apply to a voluntary term life insurance policy issued on a group basis.~~

(7) A policy may be issued to any other group which the commissioner of insurance finds is the proper subject of a group life insurance policy or contract. Any such group shall be subject to any appropriate conditions or provisions relating thereto which the commissioner may establish or require, consistent with the provisions of this act, and such conditions and provisions shall be included in the policy or contract.

Sec. 2. From and after July 1, 2011, K.S.A. 40-22a13 is hereby amended to read as follows: 40-22a13. On and after ~~January 1, 2000~~ July 1, 2011, for the purposes of K.S.A. 40-22a13 through 40-22a16, and amendments thereto:

(a) "Adverse decision" means a utilization review determination by a third-party administrator, a health insurance plan, an insurer or a health care provider acting on behalf of an insured that a proposed or delivered health care service which would otherwise be covered under an insured's contract is not or was not medically necessary or the health care treatment has been determined to be experimental or investigational

and;:

(1) If the requested service is provided in a manner that leaves the insured with a financial obligation to the provider or providers of such services; or

(2) the adverse decision is the reason for the insured not receiving the requested services.

(b) "Emergency medical condition" means:

(1) The sudden, and at the time, unexpected onset of a health condition that requires immediate medical attention, where failure to provide medical attention would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part or would place a person's health in serious jeopardy;

(2) *a medical condition where the time frame for completion of a standard external review would seriously jeopardize the life or health of the insured or would jeopardize the insured's ability to regain maximum function; or*

(3) *a medical condition for which coverage has been denied based on a determination that the recommended or requested health care service or treatment is experimental or investigational, if the insured's treating physician certifies, in writing, that the recommended or requested health care service or treatment for the medical condition would be significantly less effective if not promptly initiated.*

(c) "External review organization" means an entity that conducts independent external reviews of adverse decisions pursuant to a contract with the commissioner. Such entity shall have experience serving as the external quality review organization in health programs administered by the state of Kansas, or be a nationally accredited external review organization which utilizes health care providers actively engaged in the practice of their profession in the state of Kansas who are qualified and credentialed with respect to the health care service review. In the event no Kansas providers are qualified and credentialed with respect to the review of any case, the external review organization shall have the discretion to employ health care providers who actively engage in such health care provider's practice outside the state of Kansas.

(d) "Health insurance plan" means any hospital or medical expense policy, health, hospital or medical service corporation contract, and a plan provided by a municipal group-funded pool, or a health maintenance organization contract offered by an employer or any certificate issued under any such policies, contracts or plans.

(e) "Insured" means the beneficiary of any health insurance company, fraternal benefit society, health maintenance organization, nonprofit hospital and medical service corporation, municipal group-funded pool, and the self-funded coverage established by the state of Kansas, or any hospital or medical expense, health, hospital or medical service corporation contract or a plan provided by a municipal group-funded pool.

(f) "Insurer" means any health insurance company, fraternal benefit society, health maintenance organization, nonprofit hospital and medical service corporation, provider sponsored organizations, municipal group-funded pool and the self-funded coverage established by the state of Kansas for its employees.

Sec. 3. From and after July 1, 2011, K.S.A. 40-22a14 is hereby amended to read as follows: 40-22a14. On and after ~~January 1, 2000~~ July 1, 2011:

(a) The provisions of K.S.A. 40-22a13 through 40-22a16, and amendments thereto, shall not apply to any policy or certificate which provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-227, and

amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, coverage under a plan through medicare, medicaid, or the federal employees health benefits program, any coverage issues as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

(b) The right to external review under K.S.A. 40-22a13 through 40-22a16, and amendments thereto, shall not be construed to change the terms of coverage under a health insurance plan or insurance policy.

(c) The insurer or health insurance plan shall provide written notice to the insured of a final adverse decision and the opportunity for requesting an external review.

(d) (1) The insured has the right to request an independent external review of an adverse decision by a health insurance plan or insurer when:

(A) The insured has exhausted all available internal review procedures provided by the health insurance plan or insurer, unless the insured has an emergency medical condition, in which case an expedited procedure is used; or

(B) the insured has not received a final decision from the insurer within 60 days of seeking the internal review, except to the extent that the delay was requested by the insured.

(2) *Whenever an insurer or health insurance plan fails to strictly adhere to all appeal procedure requirements as prescribed by state or federal law, the claimant shall be deemed to have exhausted the internal claims and appeal process regardless of whether such insurer or health insurance plan asserts that:*

(A) *It has substantially complied with such appeal procedure; or*

(B) *any error it committed was de minimis.*

(e) Within ~~90~~120 days of receipt of an adverse decision by a health insurance plan or an insurer, any request for external review shall be made in writing to the commissioner from the following persons: (1) The insured; (2) the treating physician or health care provider acting on behalf ~~of~~ of the insured with written authorization from the insured; or (3) a legally authorized designee of the insured.

(f) The insured shall provide all information in the possession of the insured pertaining to the adverse decision in order for the commissioner to make a preliminary determination for an external review. The insured also shall provide the commissioner with an appeal form, and a fully executed release for the commissioner and the external review organization to obtain any necessary medical records from the insurer or health insurance plan and any other relevant provider.

(g) In responding to the commissioner, the insurer or health insurance plan shall provide a copy of the adverse decision given to the insured and all medical and other records pertaining to the insured's claim within five business days of the request of the commissioner.

(h) The confidentiality of any medical information submitted by the insured, on behalf of the insured, insurer or health insurance plan, shall be maintained pursuant to applicable state and federal laws.

Sec. 4. From and after July 1, 2011, K.S.A. 40-22a15 is hereby amended to read as follows: 40-22a15. On and after ~~January 1, 2000~~ July 1, 2011:

(a) The commissioner shall:

(1) Negotiate contracts with external review organizations which are eligible to conduct independent review of the adverse decision by a health insurance plan or insurer;

(2) allow the insurer or the health insurance plan, an insured or treating physician or health care provider acting on behalf of the insured, or legally authorized designee filing a request for external review to provide additional written information as may be relevant for the commissioner to make a final decision on whether the request qualified for external review;

(3) make a decision on a request for external review within 10 business days after receiving all necessary information;

(4) notify the insured and treating physician or health care provider acting on behalf of the insured, or legally authorized designee, and insurer or health insurance plan in writing that a request for external review will or will not be granted; and

(5) design and implement an expedited procedure for use in an emergency medical condition for purposes of the external review organization rendering a decision.

(b) The external review organization as defined in subsection (c) of K.S.A. 40-22a13, and amendments thereto, shall provide that all reviews completed pursuant to K.S.A. 40-22a13 through 40-22a16, and amendments thereto, are conducted by qualified and credentialed health care providers with respect to the health care service under review and who have no conflict of interest relating to the performance of the external review organization's duties in K.S.A. 40-22a13 through 40-22a16, and amendments thereto.

(c) The external review organization shall issue a written decision to the insured and concurrently send a copy of such decision to the commissioner including the basis and rationale for its decision within 30 business days. The standard of review shall be whether the health care service denied by the insurer or health insurance plan was medically necessary under the terms of the insured's contract. In reviews regarding experimental or investigational treatment, the standard of review shall be whether the health care service denied by the insurer or health insurance plan was covered or excluded from coverage under the terms of the insured's contract.

(d) The external review organization shall provide expedited resolution when an emergency medical condition exists, and shall resolve all issues ~~within seven business days~~ *not more than 72 hours after the date of receipt of the request for an expedited external review, or as expeditiously as the insured's medical condition or circumstances require.*

(e) The external review organization shall maintain and report such data as may be required by the commissioner in order to assess the effectiveness of the external review process.

(f) No external review organization nor any individual working on behalf of such organization shall be liable in damages to any insured, health insurance plan or insurer for any opinion rendered as part of an external review conducted pursuant to K.S.A. 40-22a13 through 40-22a16, and amendments thereto.

(g) The external review organization shall maintain confidentiality of the medical records of the insured in accordance to state and federal law.

(h) The external review organization's fee for performance of any external review may be paid by the commissioner, the insurer or the health insurance plan. In no event shall the insured be held responsible for any portion of such fee.

Sec. 5. From and after July 1, 2011, K.S.A. 40-22a16 is hereby amended to read as follows: 40-22a16. On and after ~~January 1, 2000~~ *July 1, 2011*:

(a) The decision of the external review organization may be reviewed directly by the district court at the request of either the insured, insurer or health insurance plan. The review by the district court shall be *de novo*. The decision of the external review organization shall not preclude the insured, insurer or health insurance plan from exercising other available remedies applicable under state or federal law. Seeking a review by the district court or any other available remedies exercised by the insured, insurer or health insurance plan after the decision of the external review organization will not stay the external review organization's decision as to the payment or provision of services to be rendered during the pendency of the review by the insurer or health insurance plan. All material used in an external review and the decision of the external review organization as a result of the external review shall be deemed admissible in any subsequent litigation.

(b) In no event shall more than one external review be available ~~during the same year~~ for any request arising out of the same set of facts *during a period of 12 consecutive months commencing on the date of the initial request for external review*. An insured may not pursue, either concurrently or sequentially, an external review process under both a federal and state law. ~~In the event external review processes are available pursuant to federal law and this act, the insured shall have the option of designating which external review process will be utilized.~~

(c) The commissioner of insurance is hereby authorized to negotiate and enter into contracts necessary to perform the duties required by K.S.A. 40-22a13 through 40-22a16, and amendments thereto.

(d) The commissioner of insurance shall adopt rules and regulations necessary to carry out the purposes of K.S.A. 40-22a13 through 40-22a16, and amendments thereto. The rules and regulations shall ensure that the commissioner is able to provide for an effective and efficient external review of health care services.

(e) Except as provided in subsection (a), the decision of the external review organization shall be binding on the insured and the insurer or health insurance plan.

Sec. 6. K.S.A. 2010 Supp. 40-2122 is hereby amended to read as follows: 40-2122.

(a) The following individuals shall be eligible for plan coverage provided they meet the criteria set forth in subsection (b):

- (1) Any person who has been a resident of this state for at least six months;
- (2) any person who is a legal domiciliary of this state who previously was covered under the high risk pool of another state, provided they apply for coverage under the plan within 63 days of losing such other coverage for reasons other than fraud or nonpayment of premiums;
- (3) any federally defined eligible individual who is a legal domiciliary of this state; or
- (4) any federally defined eligible individual for FTAA.

(b) Those individuals who are eligible for plan coverage under subsection (a) must provide evidence satisfactory to the administering carrier that such person meets one of the following criteria:

(1) Such person has had health insurance coverage involuntarily terminated for any reason other than nonpayment of premium;

(2) such person has applied for health insurance and been rejected by two carriers because of health conditions;

(3) *Such person is a child under the age of 19 years and has been unable to purchase or obtain coverage under an individual health insurance policy providing health insurance coverage, because such coverage is not available for sale in the county in which the child resides;*

~~(3)~~ (4) such person has applied for health insurance and has been quoted a premium rate which is in excess of the plan rate;

~~(4)~~ (5) such person has been accepted for health insurance subject to a permanent exclusion of a preexisting disease or medical condition;

~~(5)~~ (6) such person is a federally defined eligible individual; or

~~(6)~~ (7) such person is a federally defined eligible individual for FTAA.

(c) Each resident dependent of a person who is eligible for plan coverage shall also be eligible for plan coverage.

(d) The following persons shall not be eligible for coverage under the plan:

(1) Any person who is eligible for medicare or is eligible for medicaid benefits;

(2) any person who has had coverage under the plan terminated less than 12 months prior to the date of the current application, except that this provision shall not apply with respect to an applicant who is a federally defined eligible individual;

(3) any person who has received accumulated benefits from the plan equal to or in excess of the lifetime maximum benefits under the plan prescribed by K.S.A. 40-2124, and amendments thereto;

(4) any person having access to accident and health insurance through an employer-sponsored group or self-insured plan, including coverage under the consolidated omnibus budget reconciliation act (COBRA), except that the requirement for exhaustion of any available COBRA or state continuation is waived whenever such person:

(A) Is eligible for the credit for health care costs under section 35 of the internal revenue code of 1986; and

(B) has three months of prior creditable coverage as described in subsection (c) of K.S.A. 40-2124, and amendments thereto; or

(5) any person who is eligible for any other public or private program that provides or indemnifies for health services.

(e) Any person who ceases to meet the eligibility requirements of this section may be terminated at the end of a policy period.

(f) All plan members, insurers and insurance arrangements shall notify in writing persons denied health insurance coverage, for any reason, of the availability of coverage through the Kansas health insurance association.

Sec. 7. K.S.A. 2010 Supp. 40-2124 is hereby amended to read as follows: 40-2124.

(a) Coverage under the plan shall be subject to both deductible and coinsurance provisions set by the board. The plan shall offer to current participants and new enrollees no fewer than four choices of deductible and copayment options. Coverage shall contain a coinsurance provision for each service covered by the plan, and such copayment requirement shall not be subject to a stop-loss provision. Such coverage may provide for a percentage or dollar amount of coinsurance reduction at specific thresholds of copayment expenditures by the insured.

(b) Coverage under the plan shall be subject to a maximum lifetime benefit of ~~\$2,000,000~~ \$3,000,000 per covered individual.

(c) Coverage under the plan shall exclude charges or expenses incurred during the first 90 days following the effective date of coverage as to any condition: (1) Which manifested itself during the six-month period immediately prior to the application for coverage in such manner as would cause an ordinarily prudent person to seek diagnosis, care or treatment; or (2) for which medical advice, care or treatment was recommended or received in the six-month period immediately prior to the application for coverage. In succeeding years of operation of the plan, coverage of preexisting conditions may be excluded as determined by the board, except that no such exclusion shall exceed 180 calendar days, and no exclusion shall be applied to *either* a federally defined eligible individual provided that application for coverage is made not later than 63 days following the applicant's most recent prior creditable coverage *or an individual under the age of 19 years who is eligible for enrollment in the plan under paragraph (3) of subsection (b) of K.S.A. 40-2122, and amendments thereto.* For any individual who is eligible for the credit for health insurance costs under section 35 of the internal revenue code of 1986, the preexisting conditions limitation will not apply whenever such individual has maintained creditable health insurance coverage for an aggregate period of three months, not counting any period prior to a 63-day break in coverage, as of the date on which such individual seeks to enroll in coverage provided by this act.

(d) (1) Benefits otherwise payable under plan coverage shall be reduced by all amounts paid or payable through any other health insurance, or insurance arrangement, and by all hospital and medical expense benefits paid or payable under any workers compensation coverage, automobile medical payment or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program.

(2) The association shall have a cause of action against an eligible person for the recovery of the amount of benefits paid which are not covered expenses. Benefits due from the plan may be reduced or refused as a set-off against any amount recoverable under this section.

New Sec. 8. (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization, municipal group-funded pool and the state employee health care benefits plan which is delivered, issued for delivery, amended or renewed on or after July 1, 2011, shall exclude coverage for elective abortions, unless the procedure is necessary to preserve the life of the mother. Coverage for abortions may be obtained through an optional rider for which an additional premium is paid. The premium for the optional rider shall be calculated so that it fully covers the estimated cost of covering elective abortions per enrollee as determined on an average actuarial basis.

(b) No health insurance exchange established within this state or any health insurance exchange administered by the federal government or its agencies within this state shall offer health insurance contracts, plans, or policies that provide coverage for elective abortions, nor shall any health insurance exchange operating within this state offer coverage for elective abortions through the purchase of an optional rider.

(c) For the purposes of this section:

(1) "Abortion" means the use or prescription of any instrument, medicine, drug or

any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child and which causes the premature termination of the pregnancy.

(2) "Elective" means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which will result in her death.

(d) The provisions of this section shall be effective from and after July 1, 2011.

Sec. 9. From and after July 1, 2011, K.S.A. 2010 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b ~~and~~ 40-2,184 *and section 8*, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 10. From and after July 1, 2011, K.S.A. 2010 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, *and amendments thereto*, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2010 Supp. 40-2,105a, 40-2,105b ~~and~~ 40-2,184 *and section 8*, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

New Sec. 11. From and after July 1, 2011, any provisions of section 8 and amendments thereto, or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of such section which can be given effect without the invalid provisions or application, and to this end, the provisions of section 8, and amendments thereto, are severable.

Sec. 12. From and after July, 1, 2011, K.S.A. 40-22a13, 40-22a14, 40-22a15 and

40-22a16 and K.S.A. 2010 Supp. 40-433, 40-2,103 and 40-19c09 are hereby repealed.

Sec. 13. K.S.A. 40-2122 and 40-2124 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.";

On page 1, in the title, by striking all in lines 3 through 7 and inserting:

"AN ACT concerning insurance; pertaining to review of healthcare decisions; pertaining to group life insurance; excluding insurance coverage for certain abortions; pertaining to the Kansas uninsurable health plan act; amending K.S.A. 40-22a13, 40-22a14, 40-22a15 and 40-22a16 and K.S.A. 2010 Supp. 40-2,103, 40-433, 40-19c09, 40-2122 and 40-2124 and repealing the existing sections.";

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

RUTH TIECHMAN

TY MASTERSON

ALLEN C. SCHMIDT

Conferees on part of Senate

CLARK SHULTZ

PHIL HERMANSON

BOB GRANT

Conferees on part of House

The subject matter of the conference committee report on **HB 2075** was questioned.

The chair ruled the subject matter failed to comply with Joint Rule 3(f).

The ruling of the chair was challenged.

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

On roll call, the vote was: Yeas 18, Nays 21, Present and Passing 0, Absent or Not Voting 1.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Vratil.

Nays: Abrams, Apple, Bruce, Kelsey, King, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson, Ostmeier, Petersen, Pilcher-Cook, Pyle, Schmidt A, Taddiken, Teichman, Umbarger, Wagle.

Absent or Not Voting: Donovan.

The chair was overruled.

Senator Masterson moved the Senate adopt the Conference Committee Report on **HB 2075**.

On roll call, the vote was: Yeas 28, Nays 10, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Schmidt V, Schodorf, Vratil.

Present and Passing: Huntington.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "NO" on the conference committee report for **HB 2075**. When it passed the Senate, **SB 65** amended provisions dealing with the rules for group health plans relating to internal claims and appeals, added the definition of an emergency medical condition and reduced the time for an expedited external review from within seven business days to not more than 72 hours after the date of the receipt of the request. The Committee on Insurance in the House added the provisions of **HB 2292** to exclude insurance coverage for "elective abortions" to the bill and recommended on March 16th that the bill be passed. **SB 65** was not debated on the House floor, and the reported status of the bill is that it was stricken from the calendar Monday, March 28th by Rule 1507. It would have been appropriate to add the contents of **SB 65** as it passed the Senate to this conference committee report. I object to adding the additional wording from **HB 2292** in violation of our joint rule to include in the report only subject matters which have been passed or adopted in either one or both houses during the current biennium of the legislature. — MARCI FRANCISCO

Senator Hensley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **HB 2075**.

MR. PRESIDENT: I vote "NO" on the conference committee report to **HB 2075**, time-honored rules of the Kansas Legislature; specifically Joint Rule 3, Section F, of the Joint Rules of the House and Senate to, in this instance, insert new language (on abortion based insurance policy riders) which has never passed either chamber is foul.....and cheats our honor. Sure, twenty-one of us can make a new rule here as we go along. But the eyes and ears of all law-abiding Kansans are watching and listening. Perverting the rules of the Senate to subsidize any political agenda or issue cheapens the respect that each of us should demand of this body and this process. A "YES" vote on this measure dims the light in the chamber; tarnishes the gild. —DAVID HALEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2139** submits the following report:

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

On page 2, by striking all in lines 17 through 43;

By striking all on pages 3 through 5;

On page 6, by striking all in lines 1 through 9, and inserting:

"Sec. 2. K.S.A. 2010 Supp. 40-955, as amended by section 1 of 2011 House Bill No. 2074, is hereby amended to read as follows: 40-955. (a) Every insurer shall file with the commissioner, except as to inland marine risks where general custom of the industry is not to use manual rates or rating plans, every manual of classifications, rules and rates, every rating plan, policy form and every modification of any of the foregoing which it proposes to use. Every such filing shall indicate the proposed effective date and the character and extent of the coverage contemplated and shall be accompanied by the information upon which the insurer supports the filings. A filing and any supporting

information shall be open to public inspection after it is filed with the commissioner, except that disclosure shall not be required for any information contained in a filing or in any supporting documentation for the filing when such information is either a trade secret or copyrighted. For the purposes of this section, the term "trade secret" shall have the meaning ascribed to it in K.S.A. 60-3320, and amendments thereto. An insurer may satisfy its obligations to make such filings by authorizing the commissioner to accept on its behalf the filings made by a licensed rating organization or another insurer. Nothing contained in this act shall be construed to require any insurer to become a member or subscriber of any rating organization.

(b) Certificate of insurance forms must be filed with the commissioner of insurance and approved prior to use. Notwithstanding the "large risk" filing exemption in subsection (j), a certificate of insurance cannot be used to modify, alter or amend the insurance policy it describes. The certificate of insurance shall contain the following or similar language: The certificate of insurance neither affirmatively nor negatively amends, extends or alters the coverage afforded by the policies listed thereon. An industry standard setting organization may be authorized by the commissioner of insurance to file certificate of insurance forms on behalf of authorized insurers.

(c) Any rate filing for the basic coverage required by K.S.A. 40-3401 et seq. and amendments thereto, loss costs filings for workers compensation, and rates for assigned risk plans established by article 21 of chapter 40 of the Kansas Statutes Annotated or rules and regulations established by the commissioner shall require approval by the commissioner before its use by the insurer in this state. As soon as reasonably possible after such filing has been made, the commissioner shall in writing approve or disapprove the same, except that any filing shall be deemed approved unless disapproved within 30 days of receipt of the filing.

(d) Any other rate filing, except personal lines filings, shall become effective on filing or any prospective date selected by the insurer, subject to the commissioner disapproving the same if the rates are determined to be inadequate, excessive, unfairly discriminatory or otherwise fails to meet the requirements of this act. Personal lines rate filings shall be on file for a waiting period of 30 days before becoming effective, subject to the commissioner disapproving the same if the rates are determined to be inadequate, excessive, unfairly discriminatory or otherwise fail to meet requirements of this act. The term "personal lines" shall mean insurance for noncommercial automobile, homeowners, dwelling fire-and-renters insurance policies, as defined by the commissioner by rules and regulations. A filing complies with this act unless it is disapproved by the commissioner within the waiting period or pursuant to subsection (f).

(e) In reviewing any rate filing the commissioner may require the insurer or rating organization to provide, at the insurer's or rating organization's expense, all information necessary to evaluate the reasonableness of the filing, to include payment of the cost of an actuary selected by the commissioner to review any rate filing, if the department of insurance does not have a staff actuary in its employ.

(f) (1) (A) If a filing is not accompanied by the information required by this act, the commissioner shall promptly inform the company or organization making the filing. The filing shall be deemed to be complete when the required information is received by the commissioner or the company or organization certifies to the commissioner the information requested is not maintained by the company or organization and cannot be

obtained.

(B) If the commissioner finds a filing does not meet the requirements of this act, the commissioner shall send to the insurer or rating organization that made the filing, written notice of disapproval of the filing, specifying in what respects the filing fails to comply and stating the filing shall not become effective.

(C) If at any time after a filing becomes effective, the commissioner finds a filing does not comply with this act, the commissioner shall after a hearing held on not less than 10 days' written notice to every insurer and rating organization that made the filing issue an order specifying in what respects the filing failed to comply with the act, and stating when, within a reasonable period thereafter, the filing shall be no longer effective. Copies of the order shall be sent to such insurer or rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

(2) (A) In the event an insurer or organization has no legally effective rate because of an order disapproving rates, the commissioner shall specify an interim rate at the time the order is issued. The interim rate may be modified by the commissioner on the commissioner's own motion or upon motion of an insurer or organization.

(B) The interim rate or any modification thereof shall take effect prospectively in contracts of insurance written or renewed 15 days after the commissioner's decision setting interim rates.

(C) When the rates are finally determined, the commissioner shall order any overcharge in the interim rates to be distributed appropriately, except refunds to policyholders the commissioner determines are de minimis may not be required.

(3) (A) Any person or organization aggrieved with respect to any filing that is in effect may make written application to the commissioner for a hearing thereon, except that the insurer or rating organization that made the filing may not proceed under this subsection. The application shall specify the grounds to be relied on by the applicant.

(B) If the commissioner finds the application is made in good faith, that the applicant would be so aggrieved if the applicant's grounds are established, and that such grounds otherwise justify holding such a hearing, the commissioner shall, within 30 days after receipt of the application, hold a hearing on not less than 10 days' written notice to the applicant and every insurer and rating organization that made such filing.

(C) Every rating organization receiving a notice of hearing or copy of an order under this section, shall promptly notify all its members or subscribers affected by the hearing or order. Notice to a rating organization of a hearing or order shall be deemed notice to its members or subscribers.

(g) No insurer shall make or issue a contract or policy except in accordance with filings which have been filed or approved for such insurer as provided in this act.

(1) On an application for personal motor vehicle insurance where the applicant has applied for collision or comprehensive coverage, the applicant shall be allowed to identify a lienholder listed on the certificate of title for the motor vehicle described in the application.

(2) On an application for property insurance on real property, the applicant shall be allowed to identify a mortgagee listed on a mortgage for the real property described in the application.

(h) The commissioner may adopt rules and regulations to allow suspension or modification of the requirement of filing and approval of rates as to any kind of

insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used.

(i) Except for workers compensation and employer's liability line, the following categories of commercial lines risks are considered special risks which are exempt from the filing requirements in this section: (1) Risks that are written on an excess or umbrella basis; (2) commercial risks, or portions thereof, that are not rated according to manuals, rating plans, or schedules including "a" rates; (3) large risks; and (4) special risks designated by the commissioner, including but not limited to risks insured under highly protected risks rating plans, commercial aviation, credit insurance, boiler and machinery, inland marine, fidelity, surety and guarantee bond insurance risks.

(j) For the purposes of this subsection, "large risk" means: (1) An insured that has total insured property values of \$5,000,000 or more; (2) an insured that has total annual gross revenues of \$10,000,000 or more; or (3) an insured that has in the preceding calendar year a total paid premium of \$50,000 or more for property insurance, \$50,000 or more for general liability insurance, or \$100,000 or more for multiple lines policies.

(k) The exemption for any large risk contained in subsection (h) shall not apply to workers compensation and employer's liability insurance, insurance purchasing groups, and the basic coverage required by K.S.A. 40-3401 et seq., and amendments thereto.

(l) Underwriting files, premium, loss and expense statistics, financial and other records pertaining to special risks written by any insurer shall be maintained by the insurer and shall be subject to examination by the commissioner.

(m) (1) Any entity that purchases a workers compensation policy for the covered employees of more than one employer pursuant to a shared employment relationship with each employer must purchase the workers compensation policy on a separate multiple coordinate policy basis. Such workers compensation policies must be issued pursuant to K.S.A. 44-501 et seq., and amendments thereto, from an insurer holding a certificate of authority to do business in this state and providing workers compensation coverage.

(2) The commissioner of insurance may allow an insurer to issue coverage through a master policy if the commissioner is satisfied that the insurer is able to track and report individual client experience to the advisory organization in an acceptable fashion. All such master policies must be filed with the commissioner for prior approval.

(3) The commissioner of insurance shall be authorized to adopt such rules and regulations as are reasonable and necessary to carry out the purpose and the provisions of this subsection."

On page 9, in line 13, following "40-955" by inserting: ", as amended by section 1 of 2011 House Bill No. 2074,";

On page 1, in the title, in line 4 following "40-955" by inserting: ", as amended by section 1 of 2011 House Bill No. 2074";

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

RUTH TEICHMAN

TY MASTERTON

ALLEN C. SCHMIDT

Conferees on part of Senate

CLARK SHULTZ
 PHIL HERMANSON
 BOB GRANT

Conferees on part of House

Senator Teichman moved the Senate adopt the Conference Committee Report on **HB 2139**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

On motion of Senator Emler the Senate stood at ease until 9:00 p.m.

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

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2014** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2014, as follows:

On page 1 by striking all in lines 8 through 36;

By striking all on pages 2 through 24, and by inserting the following:

"Section 1. (a) For the fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2011 and shall constitute the omnibus reconciliation spending limit bill for the 2011 regular session of the legislature for purposes of subsection (a) of K.S.A. 75-6702, and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458, and amendments

thereto, to the following claimants:

AGCO Corporation PO Box 4000 Hesston, KS 67062.....	\$7,801.70
America Jet 2010 Rogers Ct Salina, KS 67401.....	\$218.16
Armstrong, Harold 8920 Parallel Rd Frankfort, KS 66427.....	\$81.00
Bailey, Leland E 4747 NW 86th St Topeka, KS 66618.....	\$125.16
Barton County Highway Dept PO Box 518 Great Bend, KS 67530.....	\$360.58
Boden, Ignatz 958 Hwy 128 Mankato, KS 66956.....	\$530.93
Bretton, Darrell 2037 E 1300 Rd Kensington, KS 66951.....	\$78.36
Buller, Elizabeth 328 Rd 370 Council Grove, KS 66846.....	\$182.52
Carter, Calvin 1072 Road 26 Sedan, KS 67361.....	\$57.00
City of Concordia 701 Washington Concordia, KS 66901.....	\$3,030.79
City of Eldorado PO Box 792 El Dorado, KS 67042.....	\$957.29
Decatur County Feed Yard LLC 2361 Hwy 83 Oberlin, KS 67749.....	\$218.59
Dreier, Robert A 3328 W Dutch Ave Hesston, KS 67062.....	\$42.60
Elliott, Blake 787 Paint Rd Hope, KS 67451.....	\$613.22
Ford County Feed Yard Inc 12466 US Hwy 400 Ford, KS 67842.....	\$380.16

Fraze, Dennis R 2325 US Hwy 36 Sabetha, KS 66534.....	\$43.32
Gering, Martin F 1729 Rawlins Rd Atchison, KS 66002.....	\$33.00
Hambelton, Paul 14619 Edgerton Rd Gardner, KS 66030.....	\$45.72
J & G Inc 10200 E Road 170 Scott City, KS 67871.....	\$122.76
Jirak Farms Inc 1476 320th Tampa, KS 67483.....	\$33.00
Kinsley Country Club 510 E 7th Kinsley, KS 67547.....	\$21.24
Marlatt Construction Co Inc 17588 274th Rd Atchison, KS 66002.....	\$1,150.11
Meisinger, Richard 1522 260th Marion, KS 66861.....	\$102.36
Norton Co Road & Bridge Dept 15590 Washington Rd Norton, KS 67654.....	\$11,264.76
Peterson Farms & Livestock Inc 10729 S Simpson Rd Assaria, KS 67416.....	\$138.10
Preston, Fred PO Box 353 Howard, KS 67349.....	\$45.00
Rau Farms Partnership 13901 E 47th S Derby, KS 67037.....	\$19.56
Solomon Corp PO Box 245 Solomon, KS 67480.....	\$243.00
Talkington, Phyllis 423 A R Road Matfield Green, KS 66862.....	\$86.04
Troyer, Neal L 1577 40th Rd Yates Center, KS 66783.....	\$128.76
True, Lynn M 120 West 3rd St	

Smith Center, KS 66967.....	\$335.88
TWP Inc	
922 Crazy Horse Rd	
Hutchinson, KS 67502.....	\$602.21
USD 231 Gardner Edgerton	
PO Box 97	
Gardner, KS 66030.....	\$3,935.11
USD 489 Hays	
323 West 12th	
Hays, KS 67601.....	\$823.45
Wildcat Concrete Serv Inc	
PO Box 750075	
Topeka, KS 66675.....	\$339.52
Sec. 3. (a) 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 loss of a television set, to the following claimant:	
Sherman L. Galloway #34138	
PO Box 2	
Lansing, KS 66043.....	\$108.00
(b) The department of corrections is hereby authorized and directed to pay the following amount from the El Dorado facility — facilities operations account of the state general fund for audiocassettes lost by staff, to the following claimant:	
Nasif Gadelkarim #48278	
PO Box 1568	
Hutchinson, KS 67504.....	\$130.00
(c) The department of corrections is hereby authorized and directed to pay the following amount from the Winfield facility — facilities operations account of the state general fund for damage to a television set, to the following claimant:	
Eugene Jackson #66395	
PO Box 311	
El Dorado, KS 67042.....	\$80.68
(d) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing facility — facilities operations account of the state general fund for a pair of boots lost while in the custody of staff, to the following claimant:	
Joseph Carlos Jones #59134	
PO Box 2	
Lansing, KS 66043.....	\$59.90
(e) The department of corrections is hereby authorized and directed to pay the following amount from the Larned correctional mental health facility – facilities operations account of the state general fund for a pair of sweat shorts lost while in the custody of staff, to the following claimant:	
Jorge Jovel #85033	
LCMHF	
1318 Ks Hwy 264	
Larned, KS 67550.....	\$7.77

(f) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility – facilities operations account of the state general fund for a picture destroyed by staff, to the following claimant:

Austin T. Mason #80464
PO Box 2

Lansing, KS 66043.....\$18.00

(g) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility – facilities operations account of the state general fund for lost property while in the custody of staff, to the following claimant:

Michael P O'Neill #81296
PO Box 2

Lansing, KS 66043.....\$18.23

(h) The department of corrections is hereby authorized and directed to pay the following amount from the Norton correctional facility – facilities operations account of the state general fund for magazines confiscated by staff, to the following claimant:

Micky Don Owens #94516
PO Box 546

Norton, KS 67654.....\$6.00

(i) The department of corrections is hereby authorized and directed to pay the following amount from the Winfield correctional facility — facilities operations account of the state general fund for lost property in the custody of staff, to the following claimant:

Adrian M. Requena #48877
PO Box 1568

Hutchinson, KS 67504.....\$24.19

(j) The department of corrections is hereby authorized and directed to pay the following amount from the Lansing correctional facility — facilities operations account of the state general fund for a radio lost while in the custody of staff, to the following claimant:

Antonio Toro #91574
PO Box 2

Lansing, KS 66043.....\$13.50

Sec. 4. The Kansas department of wildlife and parks is hereby authorized and directed to pay the following amount from the wildlife fee fund for bobcat skins damaged while in the custody of the department, to the following claimant:

Dan Barrow
Dan Barrow Trading Co. Inc.
204 Central Ave
PO Box 93

Denison, KS 66419.....\$5,280.00

Sec. 5. (a) The Kansas highway patrol is hereby authorized and directed to pay the following amount from the Kansas highway patrol operations fund for payment of medical expenses of a prisoner in custody, to the following claimant:

Kansas University Physicians Inc
c/o E. Lou Bjorgaard Probasco
Attorney and Agent

615 SW Topeka Blvd
Topeka, KS 66603.....\$12,477.14

(b) The Kansas highway patrol is hereby authorized and directed to pay the following amount from the Kansas highway patrol operations fund for payment of medical expenses of two prisoners in custody, to the following claimant:

University of Kansas Hospital Authority
c/o E. Lou Bjorgaard Probasco
Attorney and Agent

615 SW Topeka Blvd
Topeka, KS 66603.....\$112,938.90

Sec. 6. The department of revenue is hereby authorized and directed to pay the following amount from the sales tax refund fund for reimbursement of the overpayment of sales taxes from 2007 through mid 2010, to the following claimant:

Saunge, Inc
PO Box 553

Inman, KS 67546.....\$7,064.10

Sec. 7. The department of health and environment is hereby authorized and directed to pay the following amount from the underground petroleum storage tank release trust fund for reimbursement of expenses incurred for tests required by the department on a gasoline storage tank, to the following claimant:

Marlin Carson
66 Food Mart, Inc
733 Village Court

Girard, KS 66743.....\$2,694.00

Sec. 8. The university of Kansas is hereby authorized and directed to pay the following amount from the general fees fund for reimbursement of overpayment of tuition due to an error in the determination of the residency status of a student, to the following claimant:

Fred H. Fishman
3006 Wildwood Court

North Newton, KS 67117.....\$12,302.40

Sec. 9. (a) Except as otherwise provided by sections 2 through 8, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 2 as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by sections 2 through 8, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 10.

ATTORNEY GENERAL – KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Meth lab cleanup.....\$150,000

Provided, That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Project safe neighborhoods fund.....	\$114,408
Social security administration reimbursement – federal fund.....	No limit

ABSTRACTERS' BOARD OF EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the abstracters' fee fund of the abstracters' board of examiners is hereby decreased from \$24,088 to \$23,419.

Sec. 12.

GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the governmental ethics commission fee fund of the governmental ethics commission is hereby decreased from \$291,764 to \$263,176.

Sec. 13.

KANSAS HOME INSPECTORS REGISTRATION BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 11(b) of chapter 165 of the 2010 Session Laws of Kansas on the home inspectors registration fee fund of the Kansas home inspectors registration board is hereby decreased from \$35,750 to \$16,800.

Sec. 14.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the board of nursing fee fund of the board of nursing is hereby increased from \$1,904,365 to \$1,952,425.

Sec. 15.

STATE BOARD OF PHARMACY

(a) On the effective date of this act, there is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Harold Rogers prescription federal fund.....	No limit
NASPER grant federal fund.....	No limit
Non-federal gifts and grants fund.....	No limit

Provided, That the state board of pharmacy is authorized to apply for and to accept grants and may accept donations, bequests or gifts from any non-federal source: *Provided, however*; That all moneys received for such grants, donations, bequests or gifts shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided further*; That, upon receipt of each such

remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: *And provided further*, That all expenditures from this fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

State board of pharmacy litigation 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 \$150,000 from the state board of pharmacy fee fund to the state board of pharmacy litigation fund.

Sec. 16.

KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the real estate fee fund of the Kansas real estate commission is hereby decreased from \$1,123,206 to \$1,028,342.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the real estate recovery revolving fund to the real estate fee fund.

Sec. 17.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 17-12a601, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$800,000 from the investor education fund of the office of the securities commissioner of Kansas to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the investor education fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the investor education fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the office of the securities commissioner of Kansas by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 18.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the technical professions fee fund of the state board of technical professions is hereby increased from \$589,122 to \$609,122.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 25(a) of chapter 124 of the 2009 Session Laws of Kansas on expenditures for official hospitality from the technical professions fee fund of the state board of technical professions is hereby increased from \$500 to \$1,000.

Sec. 19.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 16(b) of chapter 165 of the 2010 Session

Laws of Kansas on the veterinary examiners fee fund of the state board of veterinary examiners is hereby decreased from \$268,382 to \$265,522.

Sec. 20.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,350,937 from the Kansas endowment for youth fund to the children's initiatives fund.

Sec. 21.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) In addition to the other purposes for which expenditures may be made by the office of administrative hearings from moneys appropriated in the administrative hearings office fund for fiscal year 2011 for the office of administrative hearings as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the office of administrative hearings from moneys appropriated in the administrative hearings office fund for fiscal year 2011 for official hospitality: *Provided*, That expenditures from the administrative hearings office fund for fiscal year 2011 for official hospitality shall not exceed \$100.

Sec. 22.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$307,050 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 67(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the strong military bases program account, the sum of \$61,410 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 67(b) of chapter 165 of the 2010 Session Laws of Kansas on the state affordable airfare fund of the department of commerce is hereby increased from \$5,000,000 to \$5,125,000.

(c) On the effective date of this act, the amount directed by section 67(e) of chapter 165 of the 2010 Session Laws of Kansas to be transferred from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on December 15, 2010, or as soon thereafter as moneys are available, is hereby decreased from \$625,000 to \$232,482: *Provided*, That, on the effective date of this act, any moneys transferred from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on or after December 15, 2010, pursuant to section 67(e) of chapter 165 of the 2010 Session Laws of Kansas, shall be transferred from the Kansas economic opportunity initiatives fund of the department of commerce to the state economic development initiatives fund by the director of accounts and reports.

Sec. 23.

CITIZENS' UTILITY RATEPAYER BOARD

(a) (1) On and after the effective date of this act, notwithstanding the provisions of section 47(c) of chapter 124 of the 2009 Session Laws of Kansas or any other statute, no expenditures shall be made for fiscal year 2011 from the utility regulatory fee fund by the citizens' utility ratepayer board of the amount equal to the final aggregate amount of unexpended and unencumbered expenditure authority for fiscal year 2010, pursuant to and as authorized for expenditure for fiscal year 2011 as provided by section 47(c) of chapter 124 of the 2009 Session Laws of Kansas, and, on the effective date of this act,

the provisions of section 47(c) of chapter 124 of the 2009 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(2) On and after the effective date of this act, during the fiscal year ending June 30, 2011, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund for fiscal year 2011 as authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute, if the total expenditures authorized to be expended on contracts for professional services by the citizens' utility ratepayer board by the expenditure limitation prescribed by section 47(a) of chapter 124 of the 2009 Session Laws of Kansas are not expended or encumbered for fiscal year 2010, then the amount equal to the amount of such expenditure authority for fiscal year 2010 remaining may be expended from the utility regulatory fee fund for fiscal year 2011 pursuant to contracts for professional services and any such expenditure for fiscal year 2011 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2011.

Sec. 24.

STATE CORPORATION COMMISSION

(a) On the effective date of this act, the aggregate expenditure limitation established for the fiscal year ending June 30, 2011, by section 59(b) of chapter 165 of the 2010 Session Laws of Kansas on expenditures from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund, in the aggregate, is hereby increased from \$16,468,621 to \$16,628,381.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Compressed air energy storage fee fund.....No limit
- ARRA state electricity regulators assistance – federal fund.....No limit

(c) On the effective date of this act, the base state registration clearing fund of the state corporation commission is hereby redesignated as the unified carrier registration clearing fund of the state corporation commission, in accordance with K.S.A. 66-1,139a, and amendments thereto.

(d) On the effective date of this act, the pipeline damage prevention grant program – federal fund of the state corporation commission is hereby redesignated as the one call – federal fund.

Sec. 25.

KANSAS, INC.

(a) On the effective date of this act, of the \$346,904 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 68(a) of chapter 165 of the 2010 Session Laws of Kansas from the state economic development initiatives fund in the operations (including official hospitality) account, the sum of \$88,756 is hereby lapsed.

Sec. 26.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2011, the following:

Operations, assistance and grants (including official hospitality).....\$71,426
Sec. 27.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 65(b) of chapter 165 of the 2010 Session Laws of Kansas to be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2011, is hereby decreased from \$70,400,000 to \$68,800,000.

Sec. 28.

KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Illegal gambling enforcement fund..... No limit
Provided, That expenditures may be made from the illegal gambling enforcement fund for direct or indirect operating expenditures incurred for investigatory activities, including, but not limited to, (1) conducting investigations of illegal gambling operations or activities, (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations, and (3) acquiring information or making contacts leading to illegal gaming activities: *Provided, however*, That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$5,000 from the state racing fund of the Kansas racing and gaming commission to the illegal gambling enforcement fund of the Kansas racing and gaming commission.

(c) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing reimbursable expense fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.

(d) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing investigative expense fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.

(e) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the horse fair racing benefit fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.

(f) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the racing applicant deposit fund of the Kansas racing and gaming commission to the state racing fund of the Kansas racing and gaming commission.

(g) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the horse purse fund to the Kansas horse breeding development fund. On June 30, 2011, all liabilities of the horse purse fund are hereby transferred to and imposed on the Kansas horse breeding development fund and the horse purse fund is hereby abolished.

(h) On June 30, 2011, the director of accounts and reports shall transfer all moneys in the gaming machine examination fund to the expanded lottery act regulation fund. On June 30, 2011, all liabilities of the gaming machine examination fund are hereby

transferred to and imposed on the expanded lottery act regulation fund and the gaming machine examination fund is hereby abolished.

Sec. 29.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$124,265 from the Kansas qualified biodiesel fuel producer incentive fund of the department of revenue to the state economic development initiatives fund.

Sec. 30.

SECRETARY OF STATE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$82,010 from the HAVA ELVIS fund of the secretary of state to the democracy fund of the secretary of state to provide matching funds to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

Sec. 31.

STATE TREASURER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 51(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas postsecondary education savings program trust fund of the state treasurer is hereby increased from \$265,000 to no limit.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 51(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas postsecondary education savings expense fund of the state treasurer is hereby increased from \$346,043 to no limit.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Learjet bond fund.....No limit
Provided, That, on the 15th day of each month that commences during fiscal year 2011, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the learjet bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the learjet bond fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the learjet bond fund interest earnings based on: (1) The average daily balance of moneys in the learjet bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the learjet bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the learjet bond fund to the appropriate account

of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Siemens bond fund.....No limit
Provided, That, on the 15th day of each month that commences during fiscal year 2011, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: Provided further, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: And provided further, That, on or before the 10th day of each month commencing during fiscal year 2011, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: And provided further, That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Special economic revitalization fund.....No limit

Bioscience development and investment fund.....No limit
Sec. 32.

LEGISLATIVE COORDINATING COUNCIL

(a) On the effective date of this act, of the \$727,436 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the legislative coordinating council – operations account, the sum of \$20 is hereby lapsed.

(b) On the effective date of this act, of the \$3,215,664 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the office of revisor of statutes – operations account, the sum of \$2,425 is hereby lapsed.

(c) On the effective date of this act, of the \$3,684,673 appropriated for the above agency for the fiscal year ending June 30, 2011 by section 44(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the legislative research department – operations account, the sum of \$12,223 is hereby lapsed.

Sec. 33.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the \$2,136,995 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 46(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account, the sum of \$4,413 is hereby lapsed.

Sec. 34.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Other medical assistance.....	\$5,444,990
Community based services.....	\$4,263,900
Mental health and retardation services aid and assistance.....	\$5,350,166
Youth services aid and assistance.....	\$4,413,425

(b) On the effective date of this act, of the \$541,802 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the children’s cabinet accountability fund account, the sum of \$250,000 is hereby lapsed.

(c) On the effective date of this act, of the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the family centered system of care account, the sum of \$150,000 is hereby lapsed.

(d) On the effective date of this act, of the \$1,400,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the child care account, the sum of \$163 is hereby lapsed.

(e) On the effective date of this act, of the \$8,443,161 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the children’s cabinet early childhood discretionary grant program account, the sum of \$251,003 is hereby lapsed.

(f) On the effective date of this act, of the \$3,452,779 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the early headstart account, the sum of \$306 is hereby lapsed.

(g) On the effective date of this act, of the \$11,099,830 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the early childhood block grant account, the sum of \$1,062,207 is hereby lapsed.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 77(b) of chapter 165 of the 2010 Session Laws of Kansas on the social welfare fund of the department of social and rehabilitation services is hereby decreased from \$39,303,198 to \$39,186,535.

(i) On the effective date of this act, of the \$3,822,570 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 117(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service – new state security hospital account, the sum of \$839,561 is hereby lapsed.

(j) On the effective date of this act, of the \$2,584,371 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 117(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service – state hospitals rehabilitation and repair account, the sum of \$7,161 is hereby lapsed.

(k) On the effective date of this act, of the \$14,342,009 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the

2010 Session Laws of Kansas from the state general fund in the Osawatomie state hospital – operating expenditures account, the sum of \$500,000 is hereby lapsed.

(l) On the effective date of this act, of the \$4,524,298 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Rainbow mental health facility – operating expenditures account, the sum of \$250,000 is hereby lapsed.

(m) On the effective date of this act, of the \$10,447,821 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 77(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center – operating expenditures account, the sum of \$63,618 is hereby lapsed.

(n) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, the following:

Energy conservation improvement debt service.....	\$63,618
Sec. 35.	

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

LTC – medicaid assistance – TCM/FE.....	\$25,169
LTC – medicaid assistance – HCBS/FE.....	\$2,263,079
LTC – medicaid assistance – NF.....	\$10,142,156

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 75(b) of chapter 165 of the 2010 Session Laws of Kansas on the state licensure fee fund of the department on aging is hereby decreased from \$1,144,569 to \$1,115,927.

(c) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Health policy nursing facility quality care fund.....	\$19,501,789
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Provided, That the secretary of aging, acting as the agent of the Kansas health policy authority, is hereby authorized to collect the quality care assessment under K.S.A. 2010 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2010 Supp. 75-7435, and amendments thereto, all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the health policy nursing facility quality care fund: *Provided further*, That all moneys in the health policy nursing facility quality care fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 2010 Supp 75-7435, and amendments thereto.

Sec. 36.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Other medical assistance.....	\$30,526,618
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(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the medical programs fee fund of the Kansas health policy authority

is hereby increased from \$54,284,610 to \$54,480,402.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the other state fees fund of the Kansas health policy authority is hereby increased from \$0 to \$502,180.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the health care access improvement fund of the Kansas health policy authority is hereby decreased from \$37,390,236 to \$34,700,000.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 76(b) of chapter 165 of the 2010 Session Laws of Kansas on the preventive health care program fund of the Kansas health policy authority is hereby increased from \$519,240 to \$656,100.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 17(b) of chapter 165 of the 2010 Session Laws of Kansas on the health committee insurance fund of the Kansas health policy authority is hereby increased from \$248,575 to \$290,117.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the state workers compensation self-insurance fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$3,724,910 to \$3,785,193: *Provided*, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the state workers compensation self-insurance fund: *Provided further*, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the state workers compensation self-insurance fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the cafeteria benefits fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$2,324,247 to \$2,324,908: *Provided*, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for salaries and wages and other operating expenditures from the cafeteria benefits fund: *Provided further*, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the cafeteria benefits fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on expenditures from the dependent care assistance program fund of the Kansas health policy authority for salaries and wages and other operating expenditures is hereby increased from \$226,327 to \$429,628: *Provided*, That no expenditures shall be made for salaries and wages from the increased expenditure authority provided by this subsection for expenditures for

salaries and wages and other operating expenditures from the dependent care assistance program fund: *Provided further*, That, on and after the effective date of this act, during fiscal year 2011, no expenditures shall be made by the Kansas health policy authority from the dependent care assistance program fund to convert and appoint persons performing contractual services for the Kansas health policy authority to be state employees of the Kansas health policy authority.

(j) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Quality care fund.....\$0
Sec. 37.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Maternity centers and child care facilities licensing fee fund.....No limit

(b) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Teen pregnancy prevention activities.....\$100,000
Pregnancy maintenance initiative.....\$100,000
Sec. 38.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Healthy watershed initiative – federal fund.....No limit
Sec. 39.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Scratch lotto – veteran services.....\$2,972
Veterans claim assistance program – service grants.....\$22,894

(b) On the effective date of this act, of the \$457,394 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 72(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures – administration account, the sum of \$15,241 is hereby lapsed.

(c) On the effective date of this act, of the \$1,173,050 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 72(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures – veteran services account, the sum of \$26,050 is hereby lapsed.

(d) In addition to the other purposes for which expenditures may be made by the Kansas commission on veterans affairs from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2011 for the Kansas

commission on veterans affairs as authorized by section 72 of chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the Kansas commission on veterans affairs from the state general fund or any special revenue fund or funds for fiscal year 2010 or fiscal year 2011 for medicare billing software: *Provided*, That the aggregate amount of such expenditures for fiscal year 2011 for medicare billing software shall not exceed \$20,000.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the soldiers' home medicare fund of the Kansas commission on veterans affairs is hereby increased from \$288,000 to no limit.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the soldiers' home medicaid fund of the Kansas commission on veterans affairs is hereby increased from \$270,000 to no limit.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterans' home medicare fund of the Kansas commission on veterans affairs is hereby increased from \$188,000 to no limit.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 72(b) of chapter 165 of the 2010 Session Laws of Kansas on the veterans' home medicaid fund of the Kansas commission on veterans affairs is hereby increased from \$360,000 to no limit.

Sec. 40.

DEPARTMENT OF EDUCATION

(a)(1) During the fiscal year ending June 30, 2011, on or before June 1, 2011, the commissioner of education, the director of legislative research and the director of the budget shall jointly determine the amount of moneys that are required to satisfy the maintenance of state financial support provisions of the federal individuals with disabilities education act, as amended, for the fiscal year ending June 30, 2011, based on recent estimates and other available information pertaining thereto, and shall jointly certify the amount so determined to the director of accounts and reports.

(2) On June 1, 2011, if the amount certified by joint certification pursuant to subsection (a)(1) is more than \$21,240,000, the director of accounts and reports shall determine the difference between \$21,240,000 and the amount so certified and, on June 1, 2011, shall transfer the amount of such difference from the KPERS – employer contributions account of the state general fund of the above agency to the special education services aid account of the state general fund of the above agency.

(3)(A) On June 3, 2011, of the \$291,602,545 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the KPERS – employer contributions account, the sum determined by the director of accounts and reports as prescribed in subsection (a)(3)(B) is hereby lapsed.

(B) On or before June 3, 2011, the director of accounts and reports shall determine the sum equal to \$69,201,035 reduced by the amount equal to the amount transferred on June 3, 2011, from the KPERS – employer contributions account of the state general fund of the above agency to the special education services aid account of the state

general fund of the above agency pursuant to subsection (a)(2), if any amount is so transferred by the director of accounts and reports.

(4) (A) On June 1, 2011, if the amount certified by joint certification pursuant to subsection (a)(1) is less than \$21,240,000, the director of accounts and reports shall determine the difference between \$21,240,000 and the amount so certified and, on June 1, 2011, shall transfer the amount of such difference from the special education services aid account of the state general fund of the above agency to the general state aid account of the state general fund of the above agency.

(B) On July 1, 2011, there is appropriated for the above agency for the fiscal year ending June 30, 2012, from the state general fund in the general state aid account, the amount equal to the sum determined by the director of accounts and reports as prescribed in subsection (a)(4)(A).

(5) At the same time that such joint certification is transmitted to the director of accounts and reports pursuant to subsection (a)(1), the commissioner of education, the director of legislative research and the director of the budget shall jointly transmit a copy of such certification to the speaker of the house of representatives, the speaker pro tem of the house of representatives, the majority leader of the house of representatives, the minority leader of the house of representatives, the chairperson of the committee on appropriations of the house of representatives, the chief clerk of the house of representatives, the president of the senate, the vice-president of the senate, the majority leader of the senate, the minority leader of the senate, the chairperson of the committee on ways and means of the senate and the secretary of the senate.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Special education services aid.....\$21,240,000

(c) On the effective date of this act, of the \$1,961,339,680 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$85,089,248 is hereby lapsed.

(d) On the effective date of this act, of the \$7,539,500 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the parent education program account, the sum of \$180,370 is hereby lapsed.

(e) On the effective date of this act, of the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 79(c) of chapter 165 of the 2010 Session Laws of Kansas from the children’s initiatives fund in the Pre-K program account, the sum of \$119,630 is hereby lapsed.

(f) During the fiscal year ending June 30, 2011, in addition to other purposes for which expenditures may be made by the department of education from the special education services aid account of the state general fund for fiscal year 2011 for special education services aid as authorized by section 79(a) of chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, and notwithstanding the provisions of K.S.A. 2010 Supp. 72-998, and amendments thereto, or any other statute, the department of education shall make expenditures from the special education services aid account of the state general fund for fiscal year 2011 for a payment to each school district, as defined by K.S.A. 72-962, and amendments thereto, that received an amount of medicaid replacement state aid for

the 2010-2011 school year that was more than \$300,000 less than the amount of medicaid replacement state aid received for the 2009-2010 school year due to the loss of attendant care medicaid revenue from the Kansas health policy authority for school year 2010-2011: *Provided*, That the amount of such payment shall be equal to (1) the amount by which the medicaid replacement state aid received by the school district for the 2009-2010 school year is greater than the total of the medicaid replacement state aid for the 2010-2011 school year plus \$300,000, minus (2) the total received by the school district for increases in other medicaid reimbursements for the 2010-2011 school year: *Provided further*, That each such payment shall be made from the amount designated by the state board of education pursuant to K.S.A. 2010 Supp. 72-998, and amendments thereto, for medicaid replacement state aid for the 2010-2011 school year.

(g) On April 1, 2012, of the amount appropriated for the department of education for the fiscal year ending June 30, 2012, by this act from the state general fund in the KPERS – employer contributions account, the amount equal to the amount certified by joint certification pursuant to subsection (a)(1) is hereby lapsed.

(h) On July 1, 2012, there is appropriated for the department of education for the fiscal year ending June 30, 2013, from the state general fund in the KPERS – employer contributions account the amount equal to the amount certified by joint certification pursuant to subsection (a)(1).

Sec. 41.

UNIVERSITY OF KANSAS

(a) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$300,000 from the standardized water data repository fund to the state water plan fund.

Sec. 42.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2011, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

SJI grant fundNo limit
Sec. 43.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On the effective date of this act, of the \$5,385,207 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 82(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$30,509 is hereby lapsed.

Sec. 44.

KANSAS STATE SCHOOL FOR THE DEAF

(a) On the effective date of this act, of the \$8,890,257 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 83(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$63,850 is hereby lapsed.

Sec. 45.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

Operating expenditures.....\$472,709

(b) On the effective date of this act, of the \$13,700,482 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the facilities operations account, the sum of \$3,500,000 is hereby lapsed.

(c) On the effective date of this act, of the \$13,084,057 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Topeka correctional facility – facilities operations account, the sum of \$200 is hereby lapsed.

(d) On the effective date of this act, of the \$8,308,154 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Hutchinson correctional facility – facilities operations account, the sum of \$500 is hereby lapsed.

(e) On the effective date of this act, of the \$38,326,136 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Lansing correctional facility – facilities operations account, the sum of \$500 is hereby lapsed.

(f) On the effective date of this act, of the \$12,936,609 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Ellsworth correctional facility – facilities operations account, the sum of \$442 is hereby lapsed.

(g) On the effective date of this act, of the \$5,301,602 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 95(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the Norton correctional facility – facilities operations account, the sum of \$991 is hereby lapsed.

(h) On the effective date of this act, of the \$3,088,303 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 132(b) of chapter 165 of the 2010 Session Laws of Kansas from the correctional institutions building fund in the capital improvements – rehabilitation and repair of correctional institutions account, the sum of \$374,471 is hereby lapsed.

Sec. 46.

JUVENILE JUSTICE AUTHORITY

(a) On the effective date of this act, of the \$23,331,916 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 96(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of \$3,336,312 is hereby lapsed.

(b) On the effective date of this act, of the \$4,000,013 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 133(a) of chapter 165 of the 2010 Session Laws of Kansas from the state institutions building fund in the debt service – Topeka complex and Larned juvenile correctional facility account, the sum of \$2,411 is hereby lapsed.

(c) On the effective date of this act, of the \$87,682 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 157(a) of chapter 131 of the 2008 Session Laws of Kansas from the state institutions building fund in the raze Atchison juvenile correctional facility maintenance building account, the sum of \$3,148 is hereby lapsed.

Sec. 47.

ADJUTANT GENERAL

(a) On the effective date of this act, of the \$2,478,091 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 135(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the debt service – rehabilitation and repair of the statewide armories account, the sum of \$3,960 is hereby lapsed.

Sec. 48.

EMERGENCY MEDICAL SERVICES BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the emergency medical services operating fund of the emergency medical services board is hereby increased from \$1,393,582 to \$1,518,582.

Sec. 49.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by the state finance council on the fire marshal fee fund of the state fire marshal is hereby decreased from \$3,629,360 to \$3,626,625.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$52,509 from the hazardous material program fund of the state fire marshal to the fire marshal fee fund of the state fire marshal.

Sec. 50.

KANSAS PAROLE BOARD

(a) On the effective date of this act, of the \$510,135 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 99(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the parole from adult correctional institutions account, the sum of \$982 is hereby lapsed.

Sec. 51.

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

(a) On June 30, 2011, the director of accounts and reports shall transfer \$500,000 from the Kansas commission on peace officers' standards and training fund of the Kansas commission on peace officers' standards and training to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas commission on peace officers' standards and training fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the Kansas commission on peace officers' standards and training fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas commission on peace officers' standards and training by other state agencies which receive appropriations from the state general fund to provide such services.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 104(a) of chapter 165 of the 2010 Session Laws of Kansas on the Kansas commission on peace officers' standards and training fund of the Kansas commission on peace officers' standards and training is hereby decreased from \$650,005 to \$549,246.

Sec. 52.

KANSAS DEPARTMENT OF AGRICULTURE

(a) On the effective date of this act, the director of accounts and reports shall transfer \$3,081 from the state highway fund of the department of transportation to the water structures – state highway fund of the Kansas department of agriculture.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 105(b) of chapter 165 of the 2010 Session Laws of Kansas on the water structures – state highway fund of the Kansas department of agriculture is hereby increased from \$104,832 to no limit.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 105(b) of chapter 165 of the 2010 Session Laws of Kansas on the water appropriation certification fund of the Kansas department of agriculture is hereby increased from \$553,868 to no limit.

Sec. 53.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

(a) On the effective date of this act, of the \$74,264 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to Kansas disabled veterans account, the sum of \$20,938 is hereby lapsed.

(b) On the effective date of this act, of the \$36,500 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to national guard members account, the sum of \$7,000 is hereby lapsed.

(c) On the effective date of this act, of the \$18,000 appropriated for the above agency for the fiscal year ending June 30, 2011, by section 110(a) of chapter 165 of the 2010 Session Laws of Kansas from the state general fund in the reimbursement for annual park permits issued to national guard members account, the sum of \$4,000 is hereby lapsed.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt operations office sewer line upgrade.....\$70,950

(e) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt operations office sewer line upgrade.....\$378,400

(f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt operations office sewer line upgrade.....\$23,650

(g) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2011, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2011 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair.....\$260,000
Sec. 54.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2011, the following:

Neosho river basin issues..... \$464,630
Sec. 55.

STATE CONSERVATION COMMISSION

(a) On the effective date of this act, the appropriation for the above agency for the fiscal year ending June 30, 2011, by section 108(d) of chapter 165 of the 2010 Session Laws of Kansas of any unencumbered balance in the conservation reserve enhancement program account of the state water plan fund is hereby lapsed.

Sec. 56. (a) (1) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(2) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state economic development initiatives fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined

is hereby lapsed.

(3) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2011, in each account of the state water plan fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(b) On the effective date of this act, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903, 75-6301, 75-7001, 76-714 and 76-715 and K.S.A. 2010 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer, as defined by this section, is hereby reduced by 7.5% for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2011, and shall not be increased for any payroll period chargeable to fiscal year 2011: *Provided*, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state officers subject to the provisions of this section for the fiscal year 2011 have been implemented: *And provided further*, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further*, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2011.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to 7.5% of the aggregate amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to

K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state officers, as defined by this section, for all payroll periods commencing on or after the effective date of this act which are chargeable to fiscal year 2011 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.

(d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;

(2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas, and in any case "state officer" includes all salaried officers of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the constitution of the state of Kansas;

(3) "compensation" means any salary or per diem compensation provided by law for a state officer.

Sec. 57. (a) During the fiscal year ending June 30, 2011, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by any state agency for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and if any moneys remain then; second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services.

(b) As used in this section "hospitals" shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and "federally qualified health center" shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.

Sec. 58.

ABSTRACTERS' BOARD OF EXAMINERS

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

Abstracters' fee fund

For the fiscal year ending June 30, 2012.....	\$23,291
For the fiscal year ending June 30, 2013.....	\$24,742

Sec. 59.

BOARD OF ACCOUNTANCY

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

Board of accountancy fee fund

For the fiscal year ending June 30, 2012.....\$340,227

Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2013.....\$346,732

Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$1,000.

Special litigation reserve fund

For the fiscal year ending June 30, 2012.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2012, 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.

For the fiscal year ending June 30, 2013.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2013, 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.

(b) During the fiscal year ending June 30, 2012, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund to the special litigation reserve fund of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2012, shall not exceed \$15,000: *Provided further*, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) During the fiscal year ending June 30, 2013, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund to the special litigation reserve fund of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year

ending June 30, 2013, shall not exceed \$15,000: *Provided further*, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 60.

STATE BANK COMMISSIONER

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

Bank commissioner fee fund

For the fiscal year ending June 30, 2012.....\$9,264,905

Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2012, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2012, for official hospitality for the division of banking shall not exceed \$1,000.

For the fiscal year ending June 30, 2013.....\$9,742,902

Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2013, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2013, for official hospitality for the division of banking shall not exceed \$1,000.

Bank examination and investigation fund

For the fiscal year ending June 30, 2012.....No limit

For the fiscal year ending June 30, 2013.....No limit

Consumer education settlement fund

For the fiscal year ending June 30, 2012.....No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2012, for consumer education purposes, which may be in accordance with contracts for such activities which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

For the fiscal year ending June 30, 2013.....No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2013, for consumer education purposes, which may be in accordance with contracts for such activities which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

(b) During the fiscal years ending June 30, 2012, and June 30, 2013, notwithstanding the provisions of K.S.A. 9-2209, 9-2218, 16a-2-302 and 16a-6-104, and amendments thereto, or any other statute, all moneys received under the Kansas mortgage business act or the uniform consumer credit code for fines or settlement moneys designated for consumer education shall be deposited in the state treasury to the credit of the consumer education settlement fund.

Sec. 61.

KANSAS BOARD OF BARBERING

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

Board of barbering fee fund

For the fiscal year ending June 30, 2012.....\$156,554

For the fiscal year ending June 30, 2013.....\$144,892

Sec. 62.

BEHAVIORAL SCIENCES REGULATORY BOARD

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

Behavioral sciences regulatory board fee fund

For the fiscal year ending June 30, 2012.....\$618,640

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$500: *Provided further*, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2012, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$636,586

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$500: *Provided further*, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2013, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2013.

Sec. 63.

STATE BOARD OF HEALING ARTS

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

Healing arts fee fund

For the fiscal year ending June 30, 2012.....\$4,205,308

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$1,000: *Provided further*, That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2012, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$4,321,859

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$1,000: *Provided further*, That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2013, for

disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2013.

Sec. 64.

KANSAS STATE BOARD OF COSMETOLOGY

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

Cosmetology fee fund

For the fiscal year ending June 30, 2012.....\$828,391

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2013.....\$816,055

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$500.

Sec. 65.

STATE DEPARTMENT OF CREDIT UNIONS

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

Credit union fee fund

For the fiscal year ending June 30, 2012.....\$1,008,142

Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$300.

For the fiscal year ending June 30, 2013.....\$1,038,452

Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$300.

Sec. 66.

KANSAS DENTAL BOARD

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

Dental board fee fund

For the fiscal year ending June 30, 2012.....\$372,181

Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2013.....\$374,145

Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$500.

Special litigation reserve fund

For the fiscal year ending June 30, 2012.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2012, 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.

For the fiscal year ending June 30, 2013.....No limit
Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2013, 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.

(b) During the fiscal year ending June 30, 2012, the executive director of the Kansas dental board, with the approval of the director of the budget, may transfer moneys from the dental board fee fund to the special litigation reserve fund of the Kansas dental board: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2012, shall not exceed \$50,000: *Provided further*, That the executive director of the Kansas dental board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) During the fiscal year ending June 30, 2013, the executive director of the Kansas dental board, with the approval of the director of the budget, may transfer moneys from the dental board fee fund to the special litigation reserve fund of the Kansas dental board: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2013, shall not exceed \$50,000: *Provided further*, That the executive director of the Kansas dental board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 67.

STATE BOARD OF MORTUARY ARTS

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

Mortuary arts fee fund

For the fiscal year ending June 30, 2012.....	\$273,993
For the fiscal year ending June 30, 2013.....	\$282,648

Sec. 68.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Hearing instrument board fee fund

For the fiscal year ending June 30, 2012.....\$29,636
 For the fiscal year ending June 30, 2013.....\$29,181

Sec. 69.

BOARD OF NURSING

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

Board of nursing fee fund

For the fiscal year ending June 30, 2012.....\$2,046,215
Provided, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2013.....\$2,109,810
Provided, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$500.

Gifts and grants fund

For the fiscal year ending June 30, 2012.....No limit
 For the fiscal year ending June 30, 2013.....No limit

Education conference fund

For the fiscal year ending June 30, 2012.....No limit
 For the fiscal year ending June 30, 2013.....No limit

Criminal background and fingerprinting fund

For the fiscal year ending June 30, 2012.....No limit
 For the fiscal year ending June 30, 2013.....No limit

Sec. 70.

BOARD OF EXAMINERS IN OPTOMETRY

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

Optometry fee fund

For the fiscal year ending June 30, 2012.....\$121,252
Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$300.

For the fiscal year ending June 30, 2013.....\$111,631
Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$300.

Sec. 71.

STATE BOARD OF PHARMACY

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

State board of pharmacy fee fund

For the fiscal year ending June 30, 2012.....\$792,007
Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$1,500.

For the fiscal year ending June 30, 2013.....\$839,771
Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$1,500.

State board of pharmacy litigation fund

For the fiscal year ending June 30, 2012.....No limit

For the fiscal year ending June 30, 2013.....No limit

Harold Rogers prescription federal fund

For the fiscal year ending June 30, 2012.....No limit

For the fiscal year ending June 30, 2013.....No limit

NASPER grant federal fund

For the fiscal year ending June 30, 2012.....No limit

For the fiscal year ending June 30, 2013.....No limit

Non-federal gifts and grants fund

For the fiscal year ending June 30, 2012.....No limit

Provided, That the state board of pharmacy is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts during fiscal year 2012: *Provided, however*, That the board shall remit all moneys received under this proviso to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided further*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: *And provided further*, That all expenditures from the non-federal gifts and grants fund for fiscal year 2012 shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

For the fiscal year ending June 30, 2013.....No limit

Provided, That the state board of pharmacy is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts during fiscal year 2013: *Provided, however*, That the board shall remit all moneys received under this proviso to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided further*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: *And provided further*, That all expenditures from the non-federal gifts and grants fund for fiscal year 2013 shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

Sec. 72.

REAL ESTATE APPRAISAL BOARD

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

Appraiser fee fund

For the fiscal year ending June 30, 2012.....\$302,559
Provided, That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$500.
 For the fiscal year ending June 30, 2013.....\$314,607
Provided, That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$500.
 Federal registry clearing fund
 For the fiscal year ending June 30, 2012.....No limit
 For the fiscal year ending June 30, 2013.....No limit
 Sec. 73.

KANSAS REAL ESTATE COMMISSION

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

Real estate fee fund
 For the fiscal year ending June 30, 2012.....\$1,131,554
Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$200.
 For the fiscal year ending June 30, 2013.....\$1,133,094
Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$200.
 Real Estate recovery revolving fund
 For the fiscal year ending June 30, 2012.....No limit
 For the fiscal year ending June 30, 2013.....No limit
 Background investigation fee fund
 For the fiscal year ending June 30, 2012.....No limit
Provided, That notwithstanding the provisions of K.S.A. 58-3039, and amendments thereto, or any other statute, moneys collected for the purpose of reimbursing the Kansas real estate commission for the cost of fingerprinting and the criminal history record check shall be deposited in the state treasury and credited to the background investigation fee fund.
 For the fiscal year ending June 30, 2013.....No limit
Provided, That notwithstanding the provisions of K.S.A. 58-3039, and amendments thereto, or any other statute, moneys collected for the purpose of reimbursing the Kansas real estate commission for the cost of fingerprinting and the criminal history record check shall be deposited in the state treasury and credited to the background investigation fee fund.
 Sec. 74.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

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

Securities act fee fund
 For the fiscal year ending June 30, 2012.....\$2,875,392
Provided, That, in the discretion of the securities commissioner, one or more transfers

of money may be made from the securities act fee fund for the fiscal year ending June 30, 2012, to the appropriate account of the restricted fees fund of Wichita state university for the Kansas council on economic education to conduct an investor education program: *Provided further*, That the total amount of such transfers for the fiscal year ending June 30, 2012, shall not exceed \$20,000: *And provided further*, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2013.....\$2,923,867
Provided, That, in the discretion of the securities commissioner, one or more transfers of money may be made from the securities act fee fund for the fiscal year ending June 30, 2013, to the appropriate account of the restricted fees fund of Wichita state university for the Kansas council on economic education to conduct an investor education program: *Provided further*, That the total amount of such transfers for the fiscal year ending June 30, 2013, shall not exceed \$20,000: *And provided further*, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$2,000.

Investor education fund

For the fiscal year ending June 30, 2012.....No limit
Provided, That expenditures from the investor education fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$5,000.

For the fiscal year ending June 30, 2013.....No limit
Provided, That expenditures from the investor education fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$5,000.

Sec. 75.

STATE BOARD OF TECHNICAL PROFESSIONS

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

Technical professions fee fund

For the fiscal year ending June 30, 2012.....\$605,232
Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2013.....\$589,122
Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2013, for official hospitality shall not exceed \$1,000.

Special litigation reserve fund

For the fiscal year ending June 30, 2012.....No limit
Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2012, 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.

For the fiscal year ending June 30, 2013.....No limit
Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2013, 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.

Sec. 76.

STATE BOARD OF VETERINARY EXAMINERS

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

Veterinary examiners fee fund

For the fiscal year ending June 30, 2012.....\$266,942
For the fiscal year ending June 30, 2013.....\$268,132

Sec. 77.

GOVERNMENTAL ETHICS COMMISSION

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

Operating expenditures

For the fiscal year ending June 30, 2012.....\$407,276

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during the 2011 regular session and enacted into law, then on July 1, 2011, of the \$407,276 appropriated for the above agency for the fiscal year ending June 30, 2012, by this section from the state general fund in the office of the operating expenditures account, the sum of \$230,000 is hereby lapsed.

For the fiscal year ending June 30, 2013.....\$421,567

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further*, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during the 2011 regular session and enacted into law, then on July 1, 2012, of the \$421,567 appropriated for the above agency for the fiscal year ending June 30, 2013, by this section from the state general fund in the office of the operating expenditures account, the sum of \$220,000 is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Governmental ethics commission fee fund

For the fiscal year ending June 30, 2012.....	\$486,532
For the fiscal year ending June 30, 2013.....	\$489,566

(c) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2012, by subsection (b) on the governmental ethics commission fee fund of the above agency is hereby decreased from \$486,532 to \$256,532: *Provided*, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during the 2011 regular session and enacted into law, then, (1) the expenditure limitation on the governmental ethics commission fee fund shall not be decreased pursuant to this subsection, and (2) on July 1, 2011, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

(d) On July 1, 2012, the expenditure limitation established for the fiscal year ending June 30, 2013, by subsection (b) on the governmental ethics commission fee fund of the above agency is hereby decreased from \$489,566 to \$269,566: *Provided*, That, if 2011 Senate Substitute for House Bill No. 2080 or any other legislation which provides for an increase in filing fees in an amount not less than the amount specified in 2011 Senate Substitute for House Bill No. 2080 is not passed by the legislature during the 2011 regular session and enacted into law, then, (1) the expenditure limitation on the governmental ethics commission fee fund shall not be decreased pursuant to this subsection, and (2) on July 1, 2012, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

Sec. 78.

KANSAS HOME INSPECTORS REGISTRATION BOARD

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

Home inspectors registration fee fund

For the fiscal year ending June 30, 2012.....	\$16,740
For the fiscal year ending June 30, 2013.....	\$16,800

Sec. 79. *Position limitations.* The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years specified made in this or other appropriation act of the 2011 or 2012 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council:

Abstracters' Board of Examiners

For the fiscal year ending June 30, 2012.....	0.00
For the fiscal year ending June 30, 2013.....	0.00

Board of Accountancy

For the fiscal year ending June 30, 2012.....	3.00
For the fiscal year ending June 30, 2013.....	3.00

State Bank Commissioner

For the fiscal year ending June 30, 2012.....	99.00
For the fiscal year ending June 30, 2013.....	99.00
Kansas Board of Barbering	
For the fiscal year ending June 30, 2012.....	1.50
For the fiscal year ending June 30, 2013.....	1.50
Behavioral Sciences Regulatory Board	
For the fiscal year ending June 30, 2012.....	8.00
For the fiscal year ending June 30, 2013.....	8.00
State Board of Healing Arts	
For the fiscal year ending June 30, 2012.....	45.00
For the fiscal year ending June 30, 2013.....	45.00
Kansas State Board of Cosmetology	
For the fiscal year ending June 30, 2012.....	11.00
For the fiscal year ending June 30, 2013.....	11.00
State Department of Credit Unions	
For the fiscal year ending June 30, 2012.....	12.00
For the fiscal year ending June 30, 2013.....	12.00
Kansas Dental Board	
For the fiscal year ending June 30, 2012.....	3.00
For the fiscal year ending June 30, 2013.....	3.00
State Board of Mortuary Arts	
For the fiscal year ending June 30, 2012.....	3.00
For the fiscal year ending June 30, 2013.....	3.00
Board of Nursing	
For the fiscal year ending June 30, 2012.....	24.00
For the fiscal year ending June 30, 2013.....	24.00
Board of Examiners in Optometry	
For the fiscal year ending June 30, 2012.....	0.80
For the fiscal year ending June 30, 2013.....	0.80
State Board of Pharmacy	
For the fiscal year ending June 30, 2012.....	8.00
For the fiscal year ending June 30, 2013.....	8.00
Real Estate Appraisal Board	
For the fiscal year ending June 30, 2012.....	2.00
For the fiscal year ending June 30, 2013.....	2.00
Kansas Real Estate Commission	
For the fiscal year ending June 30, 2012.....	13.00
For the fiscal year ending June 30, 2013.....	13.00
Office of the Securities Commissioner of Kansas	
For the fiscal year ending June 30, 2012.....	32.13
For the fiscal year ending June 30, 2013.....	32.13
State Board of Technical Professions	
For the fiscal year ending June 30, 2012.....	5.00
For the fiscal year ending June 30, 2013.....	5.00
State Board of Veterinary Examiners	
For the fiscal year ending June 30, 2012.....	3.00
For the fiscal year ending June 30, 2013.....	3.00

Governmental Ethics Commission	
For the fiscal year ending June 30, 2012.....	9.00
For the fiscal year ending June 30, 2013.....	9.00
Kansas Home Inspectors Registration Board	
For the fiscal year ending June 30, 2012.....	0.00
For the fiscal year ending June 30, 2013.....	0.00
Sec. 80.	

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Legislative coordinating council – operations.....\$749,822

Provided, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Legislative research department – operations.....\$3,549,398

Provided, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Office of revisor of statutes – operations.....\$3,049,313

Provided, That any unencumbered balance in the office of revisor of statutes – operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special revenue fund.....No limit

Sec. 81.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operations (including official hospitality).....\$14,768,065

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that

organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *And provided further*; That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*; That no expenditures shall be made from this account for any meeting of any joint committee, or of any subcommittee of any joint committee, chargeable to fiscal year 2012 unless such meeting is approved by the legislative coordinating council: *And provided further*; That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2012: *And provided further*; That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2012: *And provided further*; That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2012: *And provided further*; That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2012: *And provided further*; That in addition to the other purposes for which expenditures may be made from moneys appropriated from the operations (including official hospitality) account for fiscal year 2012 for the legislature as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the legislature from the operations (including official hospitality) account for fiscal year 2012 for the expenses of the state employee pay plan oversight committee to, in addition to the committee's other duties pursuant to K.S.A. 46-3601, and amendments thereto, study the effects of the classified salary market adjustments (including fringe benefits) for fiscal years 2010, and 2011: *And provided further*; That, such study shall be designed to: (1) review the classified salary market adjustments (including fringe benefits) for fiscal years 2010 and 2011; and (2) evaluate whether such adjustments accomplished the goal of having classified state employees paid comparable salaries and fringe benefits when compared to the private sector employees: *And provided further*; That, the study shall be completed no later than December 31, 2011, and the findings and recommendations shall be made available to the house of representatives committee on appropriations and the senate committee on ways and means no later than the first day of the 2012 regular legislative session.

Legislative redistricting.....\$8,667

Provided, That any unencumbered balance in the legislative redistricting account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Legislative information system.....\$1,347,498

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative special revenue fund.....No limit

Provided, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *Provided further*, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: *And provided further*, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: *And provided further*, That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: *And provided further*, That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: *And provided further*, That no expenditures shall be made from this fund for any meeting of any joint committee, or of any subcommittee of any joint committee, during fiscal year 2012 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2012: *And provided further*, That, notwithstanding the

provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2012: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2012: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2012.

Capitol restoration – gifts and donations fund.....No limit

(c) As used in this section, "joint committee" includes the joint committee on rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, legislative educational planning committee, joint committee on economic development, joint committee on state building construction, joint committee on the arts and cultural resources, joint committee on information technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, workers compensation fund oversight committee, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, joint committee on children's issues, compensation commission, joint committee on Kansas security, joint committee on health policy oversight, state employee pay plan oversight committee, joint committee on energy and environmental policy, joint committee on home and community based services oversight, capitol restoration commission, Kansas criminal code recodification commission, Kansas DUI commission, redistricting advisory group, capitol preservation committee and any other committee, commission or other body for which expenditures are to be paid from moneys appropriated for the legislature for the expenses of any meeting of any such body or for the expenses of any member thereof.

Sec. 82.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operations (including legislative post audit committee).....\$2,020,838

Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That the division of post audit shall conduct a performance audit, on approval of the legislative post audit committee, on the KAN-ED program, pursuant to K.S.A. 2010 Supp. 75-7221 through 75-7228, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Audit services fund.....No limit
Provided, That the division of post audit is hereby authorized to fix, charge and collect fees for copies of public records of the division, including distribution of such copies: *Provided further*; That such fees shall be fixed to recover all or part of the expenses incurred for reproducing and distributing such copies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: *And provided further*; That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the audit services fund.
 Conversion of materials and equipment fund.....No limit
 State agency audits fund.....No limit
 Sec. 83.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Governor's department.....\$2,283,429

Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

Domestic violence prevention grants.....\$3,560,350

Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at the discretion of the governor.

Child advocacy centers.....\$833,549

Provided, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2012, by subsection (a) from the state general fund in the governor's department account.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Special programs fund.....No limit

Provided, That expenditures may be made from the special programs fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*; That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*; That fees for such conferences

shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*; That all fees received for such conferences 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 special programs fund.

Hispanic and Latino American affairs fee fund.....No limit
Miscellaneous projects fund.....No limit

Provided, That expenditures may be made from the miscellaneous projects fund for operating expenditures for the governor’s department, including conferences and official hospitality: *Provided further*; That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*; That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*; That all fees received for such conferences and all fees received by the governor’s department under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the miscellaneous projects fund.

Intragovernmental service fund.....No limit
Provided, That expenditures may be made from the intragovernmental service fund for operating expenditures for the governor’s department, including conferences and official hospitality: *Provided further*; That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*; That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*; That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the intragovernmental service fund.

Conversion of materials and equipment fund.....No limit
Federal grants fund.....No limit

Justice assistance grant – federal fund.....No limit

Hispanic and Latino American affairs commission – donations fund.....No limit

Advisory commission on African-American affairs – donations fund.....No limit

Kansas commission on disability concerns fee fund.....No limit

Kansas commission on disability concerns – gifts, grants and donations fund.....No limit

Sec. 84.

LIEUTENANT GOVERNOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operations.....\$181,866

Provided, That any unencumbered balance in the operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Special programs fund.....No limit
Provided, That expenditures may be made from the special programs fund for operating expenditures for the lieutenant governor, including conferences and official hospitality: *Provided further*, That the lieutenant governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the lieutenant governor under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor on official state business and for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor on official state business from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2012, in the operations account.

(d) Expenditures may be made by the above agency for official hospitality and contingencies from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2012, in the operations account without limit at the discretion of the lieutenant governor.

Sec. 85.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$904,066

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000.

Litigation costs.....\$78,484

Provided, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Internet training education for Kansas kids.....\$288,507

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the internet training education for Kansas kids account is hereby reappropriated for fiscal year 2012.

Abuse, neglect and exploitation unit.....\$107,870

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the abuse, neglect and exploitation unit account is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures may be made by the attorney general from the abuse, neglect and exploitation unit account pursuant to contracts with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation.

Domestic violence prevention grants.....\$200,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Court cost fund.....No limit
- Bond transcript review fee fund.....No limit
- Conversion of materials and equipment fund.....No limit
- Attorney general’s antitrust special revenue fund.....No limit
- Private gifts fund.....No limit
- Medicaid fraud reimbursement fund.....No limit
- Attorney general’s antitrust suspense fund.....No limit
- Attorney general’s consumer protection clearing fund.....No limit
- Attorney general’s committee on crime prevention fee fund.....No limit
- Provided*, That expenditures may be made from the attorney general’s committee on crime prevention fee fund for operating expenditures directly or indirectly related to conducting training seminars organized by the attorney general’s committee on crime prevention, including official hospitality: *Provided further*, That the attorney general is hereby authorized to fix, charge and collect fees for conducting training seminars organized by the attorney general’s committee on crime prevention: *And provided further*, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: *And provided further*, That all fees received for conducting such seminars shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general’s committee on crime prevention fee fund.
- Tort claims fund.....No limit
- Crime victims compensation fund.....No limit
- Provided*, That expenditures from the crime victims compensation fund for state operations shall not exceed \$454,058: *Provided further*, That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.
- Crime victims assistance fund.....No limit
- Protection from abuse fund.....No limit
- Crime victims grants and gifts fund.....No limit
- Provided*, That all private grants and gifts received by the crime victims compensation board shall be deposited to the credit of the crime victims grants and gifts fund.
- Debt collection administration cost recovery fund.....No limit
- Provided*, That the attorney general shall deposit in the state treasury to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to K.S.A. 75-719, and amendments thereto.
- Medicaid fraud prosecution revolving fund.....No limit
- Provided*, That all moneys recovered by the medicaid fraud and abuse division of the attorney general’s office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the medicaid fraud prosecution revolving fund: *Provided*

further, That, notwithstanding the provisions of K.S.A. 21-3851, and amendments thereto, or any other statute, expenditures may be made from the medicaid fraud prosecution revolving fund for other operating expenditures of the attorney general's office other than for medicaid fraud prosecution costs.

Interstate water litigation fund.....No limit

Provided, That, in addition to the other purposes authorized by K.S.A. 82a-1802, and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of *Kansas v. Colorado No. 105*, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.

Suspense fund.....No limit

Children's advocacy center fund.....No limit

Abuse, neglect and exploitation of people with disabilities unit grant acceptance fund.....No limit

Concealed weapon licensure fund.....No limit

Tobacco master settlement agreement compliance fund.....No limit

Sexually violent predator expense fund.....No limit

County law enforcement equipment fund.....No limit

Child exchange and visiting centers fund.....No limit

State medicaid fraud control unit – federal fund.....No limit

Com def sol – violence against women federal fund.....No limit

Crime victims compensation federal fund.....No limit

Ed Byrne state/local law enforcement federal fund.....No limit

Violence against women – ARRA federal fund.....No limit

Comm prsct/project safe neighborhood federal fund.....No limit

Public safety prntn/comm pol fund.....No limit

Anti-gang initiative federal fund.....No limit

Alcohol impaired driving cntrmsr federal fund.....No limit

Children's justice grant federal fund.....No limit

Corr research/evaluation/policy firearms federal fund.....No limit

Ed Byrne memorial JAG – ARRA federal fund.....No limit

State victims compensation formula grant federal funds.....No limit

Medicaid indirect cost federal fund.....No limit

Federal forfeiture fund.....No limit

False claims litigation revolving fund.....No limit

Provided, That expenditures may be made from the false claims litigation revolving fund for costs associated with litigation under the Kansas false claims act, K.S.A. 2010 Supp. 75-7501 et seq., and amendments thereto.

GTEAP federal fund.....No limit

Ed Byrne memorial justice assistance grant federal fund.....No limit

911 state maintenance fund.....No limit

911 federal grant fund.....No limit

(c) During the fiscal year ending June 30, 2012, grants made pursuant to K.S.A. 74-

7325, and amendments thereto, from the protection from abuse fund and grants made pursuant to K.S.A. 74-7334, and amendments thereto, from the crime victims assistance fund shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.

(d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$485,593 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund of the attorney general.

(e) During the fiscal year ending June 30, 2012, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state general fund for the attorney general to another item of appropriation for fiscal year 2012 from the state general fund for the attorney general. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$125,000 from the court cost fund of the attorney general to the state general fund.

(g) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$450,000 from the medicaid fraud prosecution revolving fund of the attorney general to the state general fund.

(h) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 House Bill No. 2035: *Provided*, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 House Bill No. 2035 shall not exceed \$220,000.

(i) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 Senate Bill No. 93: *Provided*, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 Senate Bill No. 93 shall not exceed

\$82,000: *Provided further*, That, if 2011 House Substitute for Senate Bill No. 93 is not passed by the legislature during the 2011 regular session and enacted into law, then no expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to carry out and administer the provisions of 2011 Senate Bill No. 93.

Sec. 86.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Cemetery and funeral audit fee fund.....No limit
- HAVA ELVIS fund.....No limit
- Conversion of materials and equipment fund.....No limit
- Information and services fee fund.....No limit

Provided, That expenditures from the information and services fee fund for official hospitality shall not exceed \$2,500.

- State register fee fund.....No limit
- Uniform commercial code fee fund.....No limit
- State flag and banner fund.....No limit
- Secretary of state fee refund fund.....No limit
- Electronic voting machine examination fund.....No limit
- Credit card clearing fund.....No limit
- Suspense fund.....No limit
- Prepaid services fund.....No limit
- Athlete agent registration fee fund.....No limit
- Democracy fund.....No limit

Provided, That all expenditures from the democracy fund shall be to provide matching funds to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

- Technology communication fee fund.....No limit
- Help America Vote Act federal fund.....No limit
- HAVA title I federal fund.....No limit
- Voting access – disabled individuals federal fund.....No limit
- Cemetery maintenance and merchandise fee fund.....No limit

(b) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the costs of publication in a newspaper in each county pursuant to K.S.A. 64-103, and amendments thereto, of any constitutional amendment that is introduced by the legislature during the 2012 regular session of the legislature.

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the uniform commercial code fee

fund of the secretary of state to the state general fund.
Sec. 87.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State treasurer operating fund.....\$1,547,986

Provided, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2012, the state treasurer is hereby authorized and directed to credit the first \$1,547,986 received and deposited in the state treasury to the state treasurer operating fund: *Provided further*, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2012 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: *And provided further*, That all moneys credited to the state treasurer operating fund during fiscal year 2012 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

Fiscal agency fund.....No limit

Bond services fee fund.....No limit

City bond finance fund.....No limit

Local ad valorem tax reduction fund.....No limit

County and city revenue sharing fund.....No limit

Suspense fund.....No limit

County and city retailers' sales tax fund.....No limit

County and city compensating use tax fund.....No limit

Local alcoholic liquor fund.....No limit

Local alcoholic liquor equalization fund.....No limit

Unclaimed property claims fund.....No limit

Unclaimed property expense fund.....No limit

Provided, That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000.

County and city transient guest tax fund.....No limit

Racing admissions tax fund.....No limit

Rental motor vehicle excise tax fund.....No limit

Transportation development district sales tax fund.....No limit

Redevelopment bond fund.....No limit

Municipal investment pool fund.....No limit

Pooled money investment portfolio fee fund.....No limit

Provided, That, on or before the fifth day of each month of the fiscal year ending June 30, 2012, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second

preceding month that are attributable to the investment of the pooled money investment portfolio during such month: *Provided further*, That, prior to the 10th day of each month during the fiscal year ending June 30, 2012, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board: *And provided further*, That expenditures from the pooled money investment portfolio fee fund for official hospitality shall not exceed \$800.

Special qualified industrial manufacturer fund.....No limit
Provided, That, notwithstanding the provisions of K.S.A. 2010 Supp. 74-50,122, and amendments thereto, or any other statute, the special qualified industrial manufacturer fund shall be maintained in the state treasury and shall be administered by the state treasurer for the purposes of the qualified industrial manufacturer act: *Provided further*, That on the 15th day of each month that commences during fiscal year 2012, the secretary of commerce and the secretary of revenue shall consult and determine the amount of revenue received by the state from withholding taxes paid by each taxpayer that is a qualified industrial manufacturer during the preceding month and then, jointly, shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *And provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the special qualified industrial manufacturer fund established by this subsection: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the special qualified industrial manufacturer fund interest earnings based on: (1) The average daily balance of moneys in the special qualified industrial manufacturer fund established by this subsection for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the special qualified industrial manufacturer fund from the withholding taxes paid by a qualified industrial manufacturer shall be paid by the state treasurer to such qualified industrial manufacturer on such dates as are mutually agreed to by the secretary of commerce and the state treasurer, serving as paying agent in accordance with the terms of the agreement entered into pursuant to K.S.A. 2010 Supp. 74-50,122, and amendments thereto, by the secretary of commerce and such qualified industrial manufacturer: *And provided further*, That not more than \$2,000,000 shall be paid from the special qualified industrial manufacturer fund established by this subsection by the state treasurer to a qualified industrial manufacturer: *And provided further*, That the words and phrases used in these provisos to appropriation of moneys in the special qualified industrial manufacturer fund shall have the meanings respectively ascribed thereto by K.S.A. 2010 Supp. 74-50,121, and amendments thereto, unless the context requires otherwise.
 Kansas postsecondary education savings program trust fund.....No limit
Provided, That notwithstanding the provisions of subsection (f) of K.S.A. 2010 Supp. 75-650, and amendments thereto, or any other statute, moneys are hereby appropriated

for the fiscal year ending June 30, 2012, for the purpose of matching contributions of qualified applicants.

- Kansas postsecondary education savings expense fund.....No limit
- Conversion of materials and equipment fund.....No limit
- Tax increment financing revenue replacement fund.....No limit
- Spirit bonds fund.....No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2012, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the spirit bonds fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the spirit bonds fund interest earnings based on: (1) The average daily balance of moneys in the spirit bonds fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the spirit bonds fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the spirit bonds fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

- Learjet bond fund.....No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2012, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the learjet bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the learjet bond fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the learjet bond fund interest earnings based on: (1) The average daily balance of moneys in the learjet bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the learjet bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the learjet bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in

accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Siemens bond fund.....No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2012, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2010 Supp. 74-50,136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2012, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2010 Supp. 74-50,136, and amendments thereto.

Business machinery and equipment tax reduction assistance fund.....\$0

Telecommunications and railroad machinery and equipment tax

reduction assistance fund.....\$0

Community improvement district sales tax fund.....No limit

Special economic revitalization fund.....No limit

Bioscience development and investment fund.....No limit

(b) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 75-1514, and amendments thereto, or any other statute, the commissioner of insurance shall remit all moneys received by the commissioner under K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury: *Provided, however*, That, for each such remittance deposited in the state treasury during fiscal year 2012, the state treasurer shall not credit such deposit pursuant to K.S.A. 75-1514, and amendments thereto, but shall credit such deposit in accordance with the provisions of this subsection: *Provided further*, That the state treasurer shall credit 10% of each such deposit to the state general fund and the state treasurer shall credit the remainder of each such deposit as follows: (1) The amount equal to 64% of the remainder of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (2) the amount equal to 20% of the remainder of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board; and (3) the amount equal to 16% of the remainder of such deposit shall be credited to the fire service training program fund of the university of Kansas: *And provided further*, That the amount of each such deposit that is credited to the state

general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state fire marshal, the emergency medical services board, and the fire service training program of the university of Kansas by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That, whenever in fiscal year 2012 the aggregate amount that the 10% credit to the state general fund prescribed by this subsection is equal to \$100,000, then (1) the provisions of this subsection prescribing the 10% credit to the state general fund no longer shall apply to moneys received pursuant to K.S.A. 75-1508, and amendments thereto, and (2) for the remainder of fiscal year 2012, the state treasurer shall credit the full 100% so received of each such deposit as follows: (A) The amount equal to 64% of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (B) the amount equal to 20% of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board; and (C) the amount equal to 16% of such deposit shall be credited to the fire service training program fund of the university of Kansas.

Sec. 88.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Insurance department service regulation fund.....No limit
Provided, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,500: *Provided further*, That transfers may be made from this fund to the insurance department rehabilitation and repair fund of the insurance department.
- Insurance company examination fund.....No limit
Provided, That transfers may be made from the insurance company examination fund to the insurance department rehabilitation and repair fund of the insurance department.
- Insurance company annual statement examination fund.....No limit
- Insurance company examiner training fund.....No limit
- Conversion of materials and equipment fund.....No limit
- Commissioner’s travel reimbursement fund.....No limit
Provided, That expenditures may be made from the commissioner's travel reimbursement fund only to reimburse the commissioner of insurance, or any designated employee, for expenses incurred for in-state or out-of-state travel for official purposes, including travel to meetings of public or private associations: *Provided further*, That all moneys received by the commissioner of insurance for such travel from any non-state agency source shall be deposited in the state treasury to the credit of this fund.
- Workers compensation fund.....No limit
Provided, That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made.
- State firefighters relief fund.....No limit

Provided, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, transfers may be made from the state firefighters relief fund to the insurance department rehabilitation and repair fund of the insurance department: *Provided further*, That, pursuant to provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, one or more transfers may be made during fiscal year 2012 from the state firefighters relief fund to the insurance department service regulation fund to repay the amount that was borrowed for the special distribution in FY 2008 pursuant to section 34(a) of chapter 131 of the 2008 Session Laws of Kansas, relating to the overpayment to the firefighters relief association for Manhattan, KS: *And provided further*, That, as used in this proviso, (1) “2012 formula amount” means the amount determined in accordance with the formula and other provisions of K.S.A. 40-1706, and amendments thereto, for the firefighters relief association for Manhattan, KS, for fiscal year 2012, (2) “2008 payment amount” means the amount actually paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2008, and (3) “2012 repayment amount” means the difference between the 2012 formula amount and the 2008 payment amount: *And provided further*, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, the amount of the distribution to be paid to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund for fiscal year 2012 shall not exceed the 2008 payment amount: *And provided further*, That the commissioner of insurance shall certify the 2012 repayment amount to the director of accounts and reports and the outstanding amount that remains to be repaid to the insurance department service regulation fund pursuant to provisions of section 34(a) of chapter 131 of the 2008 Session Laws of Kansas after the transfer to the insurance department service regulation fund pursuant to this proviso: *And provided further*, That, upon receipt of such certification, the director of accounts and reports shall transfer the amount equal to the 2012 repayment amount from the state firefighters relief fund to the insurance department service regulation fund: *And provided further*, That, at the same time that the commissioner of insurance transmits such certification to the director of accounts and reports, the commissioner of insurance shall transmit a copy of such certification to the director of the budget and to the director of legislative research.

Insurance company tax and fee refund fund.....No limit

Group-funded workers’ compensation pools fee fund.....No limit

Provided, That transfers may be made from the group-funded workers’ compensation pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.

Municipal group-funded pools fee fund.....No limit

Provided, That transfers may be made from the municipal group-funded pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.

Uninsurable health insurance plan fund.....No limit

Insurance education and training fundNo limit

Provided, That expenditures may be made from the insurance education and training fund for training programs and official hospitality: *Provided further*, That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs shall be fixed in order to collect all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such

training 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 insurance education and training fund.

Monumental life settlement fund.....No limit
Provided, That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: *Provided further*, That the scholarship recipients shall be African-American students who are currently enrolled and are attending an accredited higher education institution in the state of Kansas and who have designated a major in mathematics, computer science or business.

Fines and penalties fund.....\$10,000
Provided, That, notwithstanding the provisions of K.S.A. 40-2606, and amendments thereto, or any other statute, all moneys received during fiscal year 2012 for penalties imposed pursuant to K.S.A. 40-2606, 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 fines and penalties fund.

Settlements fund.....No limit
Provided, That moneys may be transferred or otherwise credited to the settlements fund as the result of or pursuant to court orders under K.S.A. 40-3644, and amendments thereto, court-ordered settlements, or legislative authority: *Provided further*, That expenditures from the settlements fund shall be made for the purpose of providing consumer education and outreach or for costs that the insurance department may incur in closeout of any troubled insurance company matters.

Emergency management performance grant – federal fund.....No limit
Affordable care act – federal fund.....No limit
HHS consumer assistance grant – federal fund.....No limit
HHS exchange planning & establishment grant – federal fund.....No limit
HHS rate review grant – federal fund.....No limit
Exchange – KMED early innovator federal grant.....No limit

(b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2012 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223 or 75-3721, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2012 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

Sec. 89.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Health care stabilization fund.....No limit
Conference fee fund.....No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending

June 30, 2012, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures.....	\$1,666,312
<i>Provided</i> , That expenditures may be made from the operating expenditures account for official hospitality.	
Legal services and other claims expenses.....	No limit
Claims and benefits.....	No limit
Sec. 90.	

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial council fund.....	No limit
Grants and gifts fund.....	No limit
<i>Provided</i> , That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.	
Publications fee fund.....	No limit
Judicial performance fund.....	No limit

(b) On June 30, 2012, notwithstanding the provisions of K.S.A. 20-2207, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the publications fee fund as of June 30, 2012, in excess of \$175,000 from the publications fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the publications fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the publications fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the judicial council by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That when the judicial council must expend moneys for unforeseen and unbudgeted items, that such moneys shall be paid first from the judicial council fund and then from the publication fees fund.

(c) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2010 Supp. 20-3207, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$778,518 from the judicial performance fund of the judicial council to the judicial branch surcharge fund of the judicial branch: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the judicial performance fund as prescribed by law.

Sec. 91.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....	\$11,479,801
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in	

excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however,* That expenditures for indigents' defense services are authorized to be made from the operating expenditures account regardless of when services were rendered: *Provided further,* That expenditures may be made from the operating expenditures account for negotiated contracts for malpractice insurance for public defenders and deputy or assistant public defenders: *And provided further,* That all contracts for malpractice insurance for public defenders and deputy or assistant public defenders shall be negotiated and purchased by the state board of indigents' defense services, shall not be subject to approval or purchase by the committee on surety bonds and insurance under K.S.A. 75-4114 and 75-6111, and amendments thereto, and shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

Assigned counsel expenditures.....\$7,904,990

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2012: *Provided further,* That expenditures for indigents' defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered.

Capital defense operations.....\$1,431,887

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the capital defense operations account is hereby reappropriated for fiscal year 2012: *Provided further,* That expenditures for indigents' defense services are authorized to be made from the capital defense operations account regardless of when services were rendered.

Legal services for prisoners.....\$289,592

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Indigents' defense services fund.....No limit

Provided, That expenditures may be made from the indigents' defense services fund for the purpose of assigned counsel and other professional services related to contract cases.

Inservice education workshop fee fund.....No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further,* That the state board of indigents' defense services is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further,* That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further,* That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Edward Byrne memorial JAG – ARRA fund.....No limit

Grant server backup/recovery – JAG fund.....No limit

Edward Byrne memorial JAG – defender position fund.....No limit

(c) During the fiscal year ending June 30, 2012, the executive director of the state

board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2012 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 92.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Judiciary operations.....\$102,095,188

Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto: *And provided further*; That expenditures may be made from the judicial operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*; That expenditures from the judicial operations account for such contingencies shall not exceed \$25,000: *And provided further*; That expenditures from the judicial operations account for official hospitality shall not exceed \$4,000: *And provided further*; That expenditures shall be made from the judicial operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases: *And provided further*; That for the fiscal year ending June 30, 2012, the costs of printing advance sheets and bound volumes of opinions of the supreme court and the court of appeals shall first be paid from the fees collected for the sale of advance sheets and the bound volumes of opinions and after all such fees are expended for such purpose, any remaining costs of printing shall be paid from moneys appropriated in the judiciary operations account of the state general fund for fiscal year ending June 30, 2012: *And provided further*; That expenditures made from the judiciary operations account for information technology projects, as defined by K.S.A. 2010 Supp. 75-7201, and amendments thereto, and as set forth in the information technology project budget estimates reported pursuant to K.S.A. 2010 Supp. 75-7209, and amendments thereto, for such information technology projects, shall be reduced by \$62,242 for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Library report fee fund.....No limit

Judiciary technology fund.....No limit

Provided, That expenditures made from the judiciary technology fund for information technology projects, as defined by K.S.A. 2010 Supp. 75-7201, and amendments thereto, and as set forth in the information technology project budget estimates reported pursuant to K.S.A. 2010 Supp. 75-7209, and amendments thereto, for such information technology projects, shall be reduced by \$12,047 for fiscal year 2012.

Judicial branch gifts fund.....No limit

Dispute resolution fund.....No limit
Judicial branch education fund.....No limit
Provided, That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: *Provided further*, That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*, That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.
Conversion of materials and equipment fundNo limit
Child welfare federal grant fund.....No limit
Child support enforcement contractual agreement fund.....No limit
Bar admission fee fund.....No limit
Permanent families account – family and children investment fund.....No limit
Duplicate law book fund.....No limit
Court reporter fund.....No limit
Access to justice fund.....No limit
Judicial technology and building and grounds fund.....No limit
Judicial branch nonjudicial salary initiative fund.....No limit
Judicial branch nonjudicial salary adjustment fund.....No limit
Federal grants fund.....No limit
District magistrate judge supplemental compensation fund.....No limit
Judicial branch surcharge fund.....No limit
Correctional supervision fund.....No limit
Edward Byrne memorial justice assistance fundNo limit
Community defense solutions – violence against women fund.....No limit
Edward Byrne justice assistance grant fund – ARRA.....No limit
S.T.O.P. violence against women act fund – ARRANo limit
Violence against women grant fund – ARRANo limit
Edward Byrne memorial justice assistance grant – ARRA.....No limit
State court improvement program fundNo limit
Sec. 93.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

13th retirement check – debt service.....\$3,210,092

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

Kansas public employees retirement fund.....	No limit
<i>Provided</i> , That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds authorized by law, and other purposes specifically authorized by this or other appropriation act.	
Kansas public employees deferred compensation fees fund.....	No limit
Group insurance reserve fund.....	No limit
Optional death benefit plan reserve fund.....	No limit
Kansas endowment for youth fund.....	No limit
Senior services trust fund.....	No limit

Family and children endowment account – family and children investment fund..... No limit

Non-retirement administration fund..... No limit

Provided, That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amount of moneys to transfer from the Kansas endowment for youth fund, the senior services trust fund, the family and children endowment account – family and children investment fund, and the unclaimed property account of the state general fund for the purpose of reimbursing the costs of non-retirement related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 74-4909b, and amendments thereto.

KDFA series 2003H bond debt service fund No limit

Provided, That notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments thereto, any employer contributions remitted in accordance with the provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939, and amendments thereto, and K.S.A. 74-4967, and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be deposited in the KDFA series 2003H bond debt service fund: *Provided further*; That the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2012: *And provided further*; That the director of accounts and reports shall transfer to the state general fund such amount certified as provided by the executive director no later than June 30, 2012.

(c) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2012, for the following specified purposes:

Agency operations.....\$8,517,600

Provided, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses..... No limit

KPERS technology project..... No limit

(d) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2012, for the following specified purposes:

Agency operations.....\$75,603

Investment-related expenses..... No limit

(e) On July 1, 2011, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, the amount prescribed by subsection (d)(4) of K.S.A. 38-2102,

and amendments thereto, to be transferred on July 1, 2011, by the director of accounts and reports from the Kansas endowment for youth fund to the children’s initiatives fund is hereby increased to \$54,611,593.

Sec. 94.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures\$1,242,018

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$150: *Provided further*, That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Federal fundNo limit

Conversion of materials and equipment fundNo limit

Annual banquet fundNo limit

Provided, That expenditures may be made from the annual banquet fund for operating expenditures for the commission’s annual banquet, including official hospitality: *Provided further*, That the executive director is hereby authorized to fix, charge and collect fees for such banquet: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such banquet, including official hospitality: *And provided further*, That all fees received for such banquet shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the annual banquet fund.

Education and training fundNo limit

Provided, That expenditures may be made from the education and training fund for operating expenditures for the commission’s education and training programs for the general public, including official hospitality: *Provided further*, That the executive director is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, shall be credited to the education and training fund.

Sec. 95.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

- Public service regulation fund.....No limit
- Motor carrier license fees fund.....No limit
- Conservation fee fund.....No limit

Provided, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: *Provided further*; That expenditures may be made from this fund for debt collection and set-off administration: *And provided further*; That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund of the department of administration for services rendered in collection efforts: *And provided further*; That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: *And provided further*; That the state corporation commission shall include as part of the fiscal year 2013 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717, and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2013, 2014 and 2015.

- Energy grants management federal fund – ARRA.....No limit

Provided, That the state corporation commission is hereby designated as the state agency to receive moneys from federal agencies for energy conservation and other energy related activities under the federal American recovery and reinvestment act of 2009, as amended: *Provided further*; That, whenever moneys are received by the state corporation commission from federal agencies for energy conservation and other energy-related activities under the federal American recovery and reinvestment act of 2009, as amended, such moneys shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy grants management federal fund – ARRA.

- State electricity regulators assistance – ARRA federal fund.....No limit
- Energy efficiency revolving loan program – ARRA federal fund.....No limit

Provided, That expenditures may be made from the energy efficiency revolving loan program – ARRA federal fund for the energy efficiency revolving loan program pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by the chairperson: *Provided further*; That the state corporation commission is hereby authorized to establish the energy efficiency revolving loan program for the purpose of making loans for energy conservation and other energy-related activities: *And provided further*; That loans under such program shall be made at an interest rate established by the state corporation commission: *And provided further*; That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons as may be necessary to administer the energy efficiency revolving loan program: *And provided further*; That any person who agrees to receive money from the energy efficiency revolving loan program – ARRA federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency revolving loan program – ARRA federal fund: *And provided further*; That moneys repaid to the energy efficiency revolving loan program moneys shall be

deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy efficiency revolving loan program – ARRA federal fund: *And provided further*; That, on or before the tenth day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency revolving loan program – ARRA federal fund interest earnings based on: (1) The average daily balance of repaid moneys in the energy efficiency revolving loan program – ARRA federal fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Natural gas underground storage fee fund.....	No limit
Gas pipeline inspection fee fund.....	No limit
Special one-call – federal fund.....	No limit
Compressed air energy storage fee fund.....	No limit
Abandoned oil and gas well fund.....	No limit
Well plugging assurance fund.....	No limit
Facility conservation improvement program fund.....	No limit
Gas pipeline safety program – federal fund.....	No limit
Carbon dioxide injection well and underground storage fund.....	No limit
Energy related grants – federal fund.....	No limit
Energy grants management fund.....	No limit
Energy conservation plan – federal fund.....	No limit
Vehicle information systems network – federal fund.....	No limit
Underground injection control class II – federal fund.....	No limit
One call – federal fund.....	No limit
Inservice education workshop fee fund.....	No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: *Provided further*; That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for conducting such inservice workshops and conferences: *And provided further*; That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Unified carrier registration clearing fund.....	No limit
Credit card clearing fund.....	No limit
Suspense fund.....	No limit
KETA development fund.....	No limit

(b) Expenditures for the fiscal year ending June 30, 2012, by the state corporation commission from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund shall not exceed, in the aggregate, \$16,844,081: *Provided*, That, within such limitation on the aggregate of expenditures, expenditures made for fiscal year 2012 from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund for official hospitality shall not exceed, in the aggregate, \$2,000.

(c) Expenditures for the fiscal year ending June 30, 2012, by the state corporation commission from the conservation fee fund or the abandoned oil and gas well fund may be made for the service of independent on-site supervision of well plugging contracts: *Provided*, That all expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells shall be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto, and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

(d) During the fiscal year ending June 30, 2012, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer additional moneys from the conservation fee fund of the state corporation commission, which are in excess of \$400,000 prescribed by K.S.A. 55-193, and amendments thereto, to the abandoned oil and gas well plugging fund of the state corporation commission: *Provided*, That the executive director of the state corporation commission shall certify each such transfer of additional moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer funds from any special revenue fund or funds of the state corporation commission to any other special revenue fund or funds of the state corporation commission. The executive director of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) (1) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2012 for the state corporation commission as authorized by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority: *Provided*, That expenditures from the public service regulation fund for the expenses of the Kansas electric transmission authority for fiscal year 2012 shall not exceed \$100,000.

(2) In addition to other purposes for which expenditures may be made by the state corporation commission from the public service regulation fund for fiscal year 2012 for the state corporation commission as authorized by this or other appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the state corporation commission may make expenditures from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority, if the total expenditures for such purpose authorized by the expenditure limitation prescribed by subsection (f)(1) of section 59 of chapter 165 of the 2010 Session Laws of Kansas for fiscal year 2011 are not expended or encumbered for fiscal year 2011, then the amount equal to the remaining amount of such unexpended or encumbered expenditure authority for fiscal year 2011 may be expended by the state corporation commission from the public service regulation fund for fiscal year 2012 for expenses incurred by the Kansas electric transmission authority and any such expenditures for fiscal year 2012 shall be in addition to any expenditure limitation imposed on the public service regulation fund for expenses incurred by the

Kansas electric transmission authority for fiscal year 2012.

(g) Notwithstanding the provisions of K.S.A. 66-1,142b, and amendments thereto, or any other statute, to the contrary, all moneys received from civil penalties related to the Kansas highway patrol civil assessment program charged and collected by the state corporation commission under the motor carrier act and other laws relevant to motor carriers shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, deposited in the state treasury and shall be credited to the state general fund.

Sec. 96.

CITIZENS' UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund.....\$824,640

(b) During the fiscal year ending June 30, 2012, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund for fiscal year 2012 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, if the total expenditures authorized to be expended on contracts for professional services by the citizens' utility ratepayer board by the expenditure limitation prescribed by subsection (a) are not expended or encumbered for fiscal year 2011, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2011 may be expended from the utility regulatory fee fund for fiscal year 2012 pursuant to contracts for professional services and any such expenditure for fiscal year 2012 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2012.

(c) On and after the effective date of this act, during the fiscal years ending June 30, 2011, and June 30, 2012, no expenditures shall be made by the above agency from the utility regulatory fee fund for the review or other oversight of proposed administrative rules and regulations or any other duties pursuant to executive order no. 11-02.

Sec. 97.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

General administration\$881,688

Provided, That any unencumbered balance in the general administration account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the general administration account for three employees in the unclassified service under the Kansas civil service act: *And provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000: *And provided further*, That in addition to the other purposes for which expenditures may be made by the above

agency from the general administration account for fiscal year 2012, expenditures shall be made by the above agency from the general administration account for fiscal year 2012 for the secretary of administration, or the secretary's designee, to issue a request for proposal for a study and analysis to review the potential costs savings related to the use of private sector printing service providers in lieu of the state printer: *And provided further*, That such study and analysis shall investigate the feasibility of selling the assets of the state printer, including real estate and any improvements thereon: *And provided further*, That the secretary of administration shall present the findings of this study to the legislative budget committee on or before November 1, 2011.

Department of administration systems.....\$393,479

Provided, That any unencumbered balance in the department of administration systems account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures from the department of administration systems account for official hospitality shall not exceed \$1,000.

Personnel services.....\$1,682,853

Provided, That any unencumbered balance in the personnel services account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Purchasing.....\$456,969

Provided, That any unencumbered balance in the purchasing account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Budget analysis.....\$1,491,469

Provided, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for eight employees in the unclassified service under the Kansas civil service act: *And provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Facilities management.....\$47,792

Provided, That any unencumbered balance in the facilities management account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Accounts and reports.....\$1,701,982

Provided, That any unencumbered balance in the accounts and reports account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

KPERS bonds debt service.....\$36,142,328

Public broadcasting council grants.....\$1,484,995

Provided, That any unencumbered balance in the public broadcasting council grants account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That all expenditures from the public broadcasting council grants account for capital equipment shall be made to provide matching funds for federal capital equipment grants awarded to eligible public broadcasting stations: *And provided further*, That expenditures from this account may be made to provide matching funds for capital equipment projects funded from any nonstate source in the event federal capital equipment grants are not awarded: *And provided further*, That in the event the federal facility programs cease to exist or fail to conduct grant solicitations, expenditures may be made from this account to provide matching funds for capital equipment projects funded from any nonstate source without first applying for federal

capital equipment grants.

Public broadcasting digital conversion debt service.....\$624,544
Long-term care ombudsman.....\$249,294

Provided, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Federal cash management fund.....No limit
State leave payment reserve fund.....No limit
Building and ground fund.....No limit

Provided, That expenditures may be made from the building and ground fund for operating and other expenses for the Hiram Price Dillon House.

General fees fund.....No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality: *Provided further*, That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further*, That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: *And provided further*, That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Human resource information systems cost recovery fund.....No limit

Budget fees fund.....No limit

Provided, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: *Provided further*, That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: *And provided further*, That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Purchasing fees fund.....No limit

Provided, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further*, That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and

disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*; That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further*; That all fees received for such operating expenses 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 purchasing fees fund.

Architectural services fee fund.....No limit
Provided, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*; That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further*; That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services fee fund.

Budget equipment conversion fund.....No limit
 Conversion of materials and equipment fund.....No limit
 Architectural services equipment conversion fund.....No limit
 Property contingency fund.....No limit
 Flood control emergency – federal fund.....No limit
 INK special revenue fundNo limit
 CJIS Byrne Grant – federal fund.....No limit
 FICA reimbursements medical residents fund.....No limit
 Information technology fund.....No limit

Provided, That any moneys collected from a fee increase for information services recommended by the governor 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 information technology fund.

Information technology reserve fund.....No limit
Provided, That, on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$159,180 from the information technology reserve fund of the department of administration to the state general fund: *Provided further*; That the transfer of such amount shall be in addition to any other transfer from the information technology reserve fund to the state general fund as prescribed by law: *And provided further*; That the amount transferred from the information technology reserve fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services.

State buildings operating fund.....No limit
Provided, That expenditures may be made from the state buildings operating fund for operating and other expenses for the Hiram Price Dillon House: *Provided further*; That the secretary of administration is hereby authorized to fix, charge and collect fees for

use of the rooms and other facilities of the Hiram Price Dillon House in accordance with policies adopted by the legislative coordinating council under K.S.A. 75-3682, and amendments thereto, for approving the use of such property: *And provided further*; That fees for approved use of such property shall be reasonable and directly related to the costs of such use and shall be fixed in order to recover all or part of the operating expenses incurred for such use: *And provided further*; That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*; That the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3739, and amendments thereto, to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: *And provided further*; That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3739, and amendments thereto, shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: *And provided further*; That all moneys received for real estate property leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*; That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by subsection (a) of K.S.A. 2010 Supp. 75-37,123, and amendments thereto, shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*; That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee County including both state-owned and privately-owned buildings: *And provided further*; That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*; That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$931,815 from the state buildings operating fund of the department of administration to the state general fund: *And provided further*; That the transfer of such amount shall be in addition to any other transfer from the state buildings operating fund to the state general fund as prescribed by law: *And provided further*; That the amount transferred from the state buildings operating fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services.

Accounting services recovery fund.....No limit

Provided, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: *Provided further*; That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration which are not specifically authorized by any other statute: *And provided further*; That all fees received for such services or sales 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 accounting services recovery fund.

Architectural services recovery fund.....No limit

Provided, That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: *Provided further*; That the director of facilities management is hereby authorized to charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: *And provided further*; That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund: *And provided further*; That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$51,794 from the architectural services recovery fund of the department of administration to the state general fund: *And provided further*; That the transfer of such amount shall be in addition to any other transfer from the architectural services recovery fund to the state general fund as prescribed by law: *And provided further*; That the amount transferred from the architectural services recovery fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services.

Motor pool service fund.....No limit

Intragovernmental printing service fund.....No limit

Intragovernmental printing service depreciation reserve fund.....No limit

Municipal accounting and training services recovery fund.....No limit

Provided, That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: *Provided further*; That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*; That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*; That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the municipal accounting and training services recovery fund.

Canceled warrants payment fund.....No limit

State emergency fund.....No limit

Bid and contract deposit fund.....No limit

Federal withholding tax clearing fund.....	No limit
Financial management system development fund.....	No limit
<i>Provided</i> , That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: <i>Provided further</i> , That all moneys received for such fees and special assessments 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 financial management system development fund.	
State gaming revenues fund.....	No limit
Financial management system development fund – on budget.....	No limit
Construction defects recovery fund.....	No limit
Facilities conservation improvement fund.....	No limit
State revolving fund services fee fund.....	No limit
Conversion of materials and equipment – recycling program fund.....	No limit
Curtis office building maintenance reserve fund.....	No limit
Equipment lease purchase program administration clearing fund.....	No limit
Suspense fund.....	No limit
Electronic funds transfer suspense fund.....	No limit
Surplus property program fund – on budget.....	No limit
Surplus property program fund – off budget.....	No limit
Older Americans act long-term care ombudsman federal fund.....	No limit
Long-term care ombudsman gift and grant fund.....	No limit
Title XIX – long-term care ombudsman medicaid federal grant fund.....	No limit
Wireless enhanced 911 grant fund.....	No limit
Landon state office building repair expense fund.....	No limit
MacVicar avenue assessment expense fund.....	No limit
Governor's economic council private operations fund.....	No limit

(c) On July 1, 2011, the director of accounts and reports shall transfer \$210,000 from the state highway fund to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.

(d) During the fiscal year ending June 30, 2012, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto.

(e) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or in any capital improvement account of the state general fund for the above agency for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or any such capital improvement account of the state general fund for fiscal year 2012 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to

the director of the budget and the director of legislative research.

(f) (1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget, which shall be equal to 65% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2012, except that such amount shall be proportionally adjusted during fiscal year 2012 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2012. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2011 and fiscal year 2012 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2012 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2012.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (i) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.

(g) (1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2012, except that such amount shall be proportionally adjusted during fiscal year 2012 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2012. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2012 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2012, the director of accounts and reports shall adjust the amounts

debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2012.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.

(h) (1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget which shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2012, except that such amount shall be proportionally adjusted during fiscal year 2012 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2012. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2012 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2012.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

(i) (1) On July 1, 2011, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the budget which shall be equal to 80% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2012, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2012 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas endowment for youth fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2012.

(3) The director of accounts and reports shall notify the state treasurer of all

amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (f) for the children’s initiatives fund to account for moneys actually received that are to be transferred and credited to the children’s initiatives fund.

(j) During the fiscal year ending June 30, 2012, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the department of administration to another item of appropriation for fiscal year 2012 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, the following:

SIBF – state building insurance\$110,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the SIBF – state building insurance account of the state institutions building fund for state building insurance premiums.

(l) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2012, the following:

CIBF – state building insurance.....\$100,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b09, and amendments thereto, expenditures may be made by the above agency from the CIBF – state building insurance account of the correctional institutions building fund for state building insurance premiums.

(m) On July 1, 2011, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the department on aging to the older Americans act long-term care ombudsman federal fund of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2012 shall be equal to and shall not exceed the older Americans act Title VII: ombudsman award and 4.38% of the Kansas older Americans act Title III: part B supportive services award.

(n) (1) On July 1, 2011, notwithstanding the provisions of any other statute, the director of accounts and reports shall record a debit to the state treasurer’s receivables for the state general fund and shall record a corresponding credit to the state general fund in the net amount equal to \$32,689,900 minus the amount credited and debited on

or before June 30, 2011, pursuant to section 61(n)(9)(D) of chapter 165 of the 2010 Session Laws of Kansas, to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006, for state agencies.

(2) On or before September 1, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2012.

(3) (A) (i) Prior to August 15, 2011, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has a specific expenditure limitation prescribed for fiscal year 2012 and that is in excess of the amount authorized under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2012.

(ii) On or before June 30, 2012, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has no specific expenditure limitation prescribed for the fiscal year, that is in excess of the amount estimated under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2012, and that is determined by the director of the budget not to be needed for the purpose for which such amount was originally budgeted, including, but not limited to, actual or projected cost savings as a result of completed, canceled or modified projects, programs or operations.

(iii) As used in paragraphs (i) and (ii) of this subsection (n)(3)(A), "specific expenditure limitation prescribed for the fiscal year" includes any case in which no expenditures may be made from such reappropriated balance except upon approval by the state finance council.

(B) Prior to August 15, 2011, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all unanticipated lapses of moneys which were appropriated or reappropriated from the state general fund for fiscal year 2011 and which were not reappropriated for fiscal year 2012, as determined by the director of the budget: *Provided*, That, as used in this subsection (n)(3)(B), "unanticipated lapses of moneys" shall not include any amount lapsed from the state general fund pursuant to explicit language in an appropriation act of the 2011 regular session of the legislature or any amount lapsed from the state general fund for which specific reappropriation language was deliberately not included in any appropriation act of the 2011 regular session of the legislature.

(C) Prior to August 15, 2011, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all amounts of unencumbered balances in accounts of the state general fund that were first encumbered during a fiscal year commencing prior to July 1, 2010, that were released during fiscal year 2011, and that were not specifically reappropriated by an appropriation act of the 2011 regular session of the legislature.

(4) (A) On August 15, 2011, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3)(A)(i), the appropriation for fiscal year 2012 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2012, by

this or other appropriation act of the 2011 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3)(A)(i).

(B) On June 30, 2012, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (n)(3)(A)(ii), the appropriation for fiscal year 2012 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (n)(3)(A)(ii).

(5) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to subsection (n)(3), the director of the budget shall transmit a copy of such certification to the director of legislative research.

(6) (A) Prior to August 15, 2011, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (n): *Provided*, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection (n). At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2011, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (n)(6), the appropriation for fiscal year 2012 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (n)(6).

(7) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection (n), the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2012.

(8) (A) On or before September 1, 2011, after receipt of each certification by the

director of the budget pursuant to this subsection (n), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (n)(3) and subsection (n)(6) in accordance with such certifications.

(B) On September 1, 2011, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.

(C) On September 1, 2011, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) during fiscal year 2012.

(D) On or before June 30, 2012, after receipt of each certification by the director of the budget pursuant to subsection (n)(3)(A)(ii), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (n)(3)(A)(ii) in accordance with such certifications.

(E) On June 30, 2012, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.

(F) On June 30, 2012, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) during fiscal year 2012.

(G) On June 30, 2012, the director of accounts and reports shall record a credit to the state treasurer's receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006.

(H) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (n) and all reductions and adjustments thereto made pursuant to this subsection (n). The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state general fund by the state treasurer in accordance with the notice thereof.

(9) As used in this subsection (n), "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas,

university of Kansas medical center, and Wichita state university.

(10) The provisions of this subsection (n) shall not apply to:

(A) The health care stabilization fund of the health care stabilization fund board of governors;

(B) any money held in trust in a trust fund or held in trust in any other special revenue fund of any state agency;

(C) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (n);

(D) any account of the Kansas educational building fund or the state institutions building fund; or

(E) any fund in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection (n), including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

(11) Each amount transferred from any special revenue fund of any state agency, including any regents agency, to the state general fund pursuant to this subsection (n), is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(12) On or after July 1, 2011, notwithstanding the provisions of K.S.A. 75-4209, and amendments thereto, or any other statute, upon specific authorization in an appropriation act of the legislature, the pooled money investment board is authorized and directed to loan an amount of not more than \$6,000,000 to the state general fund to provide financing for any additional amounts required above the moneys otherwise provided by law to repay amounts provided by law to finance the cost of the 27th payroll chargeable to the fiscal year 2006 and to provide for an adequate reserve in the 27th payroll adjustment account. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan. Such loan shall not bear interest and shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Any such loan shall be repaid from the state general fund and any appropriate special revenue funds in the state treasury.

(o) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2012, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of

regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto, for which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: *Provided*, That such fees for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 75-1269, and amendments thereto, to the contrary: *Provided further*, That all such fees received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

(p) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any statute or any rules and regulations to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2012, for the secretary of administration to provide parking for state employees on state-owned parking lots located within the state capitol area, as defined by subsection (c) of K.S.A. 75-2240a, and amendments thereto, without charge or cost to such employees for such parking: *Provided*, That this subsection shall not apply to parking garages or other parking structures in such state capitol area or to any state-owned parking lots for which revenues have been pledged to repay bonds issued for the construction of any of such parking garages, structures or lots: *Provided further*, That the secretary of administration shall continue otherwise to administer access to state-owned parking lots in accordance with policies and procedures adopted as provided by law, including use of hang tags and waiting lists for specific parking lots, in order to ensure orderly parking procedures: *And provided further*, That the secretary of administration shall make expenditures from moneys appropriated from the state buildings operating fund or any other special revenue funds for the purpose of maintaining the state-owned parking lots.

(q) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:
Governor's economic council.....\$197,614

(r) (1) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2011 for the department of administration, as authorized by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of administration for fiscal year 2011 to review the state real property inventory prepared pursuant to section 61(r) of chapter 165 of the 2010 Session Laws of Kansas, evaluate the state real property, and prepare from such inventory and other information a prioritized report of 10% of state real property that could be sold, subject to existing restrictions: *Provided*, That, on or before September 1, 2011, the secretary of administration shall provide a copy of such prioritized report to the governor, the chief clerk of the house of representatives, the secretary of the senate, and the chairs of the committee on appropriations of the house of representatives and the committee on ways and means of the senate.

(2) As used in this subsection, "state real property" includes each tract of real property owned by the state of Kansas, or any state agency, as defined by K.S.A. 75-3701, and amendments thereto, and includes all buildings, facilities and other improvements thereon.

(s) On July 1, 2011, the Kansas, Inc., private operations fund of the department of administration is hereby redesignated as the governor's economic council private operations fund of the department of administration.

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

Bioscience development fund

For the fiscal year ending June 30, 2011.....No limit

For the fiscal year ending June 30, 2012.....No limit

Sec. 98.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Administrative hearings office fund.....No limit

Provided, That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$100.

Sec. 99.

STATE COURT OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$964,388

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund.....\$4,964

COTA filing fee fund.....\$1,333,050

(c) In addition to the other purposes for which expenditures may be made by the state court of tax appeals, from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the state court of tax appeals from the state general fund or from any special revenue fund or funds for fiscal year 2012 for the purpose of studying the necessary statutory changes needed to raise filing fees. The court shall report the findings of the study to the senate committee on ways and means and the house of representatives committee on appropriations on or before December 1, 2011.

Sec. 100.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$16,115,669

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund.....No limit

Division of vehicles operating fund.....\$46,589,987

Provided, That all receipts collected under authority of K.S.A. 74-2012, and amendments thereto, shall be credited to the division of vehicles operating fund: *Provided further*, That any expenditure from the division of vehicles operating fund of the department of revenue to reimburse the audit services fund of the division of post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the division of vehicles operating fund for the fiscal year ending June 30, 2012: *And provided further*, That, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or of any other statute, expenditures may be made from this fund for the administration and operation of the department of revenue.

Vehicle dealers and manufacturers fee fund.....No limit

Kansas qualified agricultural ethyl alcohol producer incentive fund.....No limit

Kansas qualified biodiesel fuel producer incentive fund.....No limit

Division of vehicles modernization fund.....No limit

Kansas retail dealer incentive fund.....No limit

Local report fee fund.....No limit

Military retirees income tax refund fund.....No limit

Conversion of materials and equipment fund.....No limit

Forfeited property fee fund.....No limit

Setoff services revenue fund.....No limit

Publications fee fund.....No limit

State bingo regulation fund.....No limit

Child support enforcement contractual agreement fund.....No limit

County treasurers' vehicle licensing fee fund.....No limit

Tax amnesty recovery fund.....No limit

Reappraisal reimbursement fund.....No limit

Provided, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: *Provided further*, That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the court of tax appeals under K.S.A. 79-1479, and amendments thereto.

Special training fund.....No limit

Provided, That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars,

workshops and examinations: *Provided further*; That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: *And provided further*; That all fees received for conferences, training seminars, workshops and examinations 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 special training fund.

Recovery fund for enforcement actions and attorney fees..... No limit
 Federal commercial motor vehicle safety fund..... No limit
 State homeland security program federal fund..... No limit
 Earned income tax credits – TANF – federal fund..... No limit
 Central stores fund..... No limit

Provided, That expenditures may be made from the central stores fund to operate and maintain a central stores activity to sell supplies to other state agencies: *Provided further*; That all moneys received for such supplies 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 central stores fund.

Performance/registration information systems management federal fund..... No limit
 Commercial vehicle information systems/network federal fund..... No limit
 Temporary assistance – needy families federal fund..... No limit
 Highway planning construction federal fund..... No limit
 Immigration MOU federal fund..... No limit
 Commercial drivers licensing state program federal fund..... No limit
 Real ID program federal fund..... No limit
 Microfilming fund..... No limit

Provided, That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: *Provided further*; That all moneys received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilming fund.

Miscellaneous trust bonds fund..... No limit
 Liquor excise tax guarantee bond fund..... No limit
 Non-resident contractors cash bond fund..... No limit
 Bond guaranty fund..... No limit
 Interstate motor fuel user cash bond fund..... No limit
 Motor fuel distributor cash bond fund..... No limit
 Special county mineral production tax fund..... No limit
 County drug tax fund..... No limit
 Escheat proceeds suspense fund..... No limit
 Privilege tax refund fund..... No limit
 Suspense fund..... No limit
 Cigarette tax refund fund..... No limit
 Motor-vehicle fuel tax refund fund..... No limit
 Cereal malt beverage tax refund fund..... No limit

Income tax refund fund.....	No limit
Sales tax refund fund.....	No limit
Compensating tax refund fund.....	No limit
Alcoholic liquor tax refund fund.....	No limit
Cigarette/tobacco products regulation fund.....	No limit
Motor carrier tax refund fund.....	No limit
Car company tax fund.....	No limit
Protested motor carrier taxes fund.....	No limit
Tobacco products refund fund.....	No limit
Transient guest tax refund fund established by K.S.A. 12-1694a.....	No limit
Interstate motor fuel taxes clearing fund.....	No limit
Bingo refund fund.....	No limit
Transient guest tax refund fund established by K.S.A. 12-16,100.....	No limit
Interstate motor fuel taxes refund fund.....	No limit
Interfund clearing fund.....	No limit
Local alcoholic liquor clearing fund.....	No limit
International registration plan distribution clearing fund.....	No limit
Rental motor vehicle excise tax refund fund.....	No limit
International fuel tax agreement clearing fund.....	No limit
Mineral production tax refund fund.....	No limit
Special fuels tax refund fund.....	No limit
LP-gas motor fuels refund fund.....	No limit
Local alcoholic liquor refund fund.....	No limit
Sales tax clearing fund.....	No limit
Rental motor vehicle excise tax clearing fund.....	No limit
VIPS/CAMA technology hardware fund.....	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.</i>	
County and city retailers sales tax clearing fund – county and city sales tax.....	No limit
City and county compensating use tax clearing fund.....	No limit
County and city transient guest tax clearing fund.....	No limit
Automated tax systems fund.....	No limit
Dyed diesel fuel fee fund.....	No limit
Electronic databases fee fund.....	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or of any other statute, expenditures may be made from electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems and for the administration and operation of the department of revenue.</i>	
Photo fee fund.....	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 2010 Supp. 8-299, and</i>	

amendments thereto, or any other statute, expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of administering the provisions of K.S.A. 8-240, 8-243, 8-267, 8-1324 and 8-1325, and amendments thereto, relating to drivers licenses, instruction permits and identification cards.

Estate tax abatement refund fund.....	No limit
Distinctive license plate fund.....	No limit
Repossessed certificates of title fee fund.....	No limit
Hazmat fee fund.....	No limit
Intra-governmental service fund.....	No limit
Community improvement district sales tax administration fund.....	No limit
Community improvement district sales tax refund fund.....	No limit
Community improvement district sales tax clearing fund.....	No limit
Drivers license first responders indicator federal fund.....	No limit

(c) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, the director of accounts and reports shall transfer \$11,376,597 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(d) On August 1, 2011, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund of the department of administration to the setoff services revenue fund of the department of revenue for reimbursing costs of recovering amounts owed state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) On August 1, 2011, the director of accounts and reports shall transfer \$20,400 from the social welfare fund and \$39,600 from the federal child support enforcement fund of the department of social and rehabilitation services to the child support enforcement contractual agreement fund of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.

Sec. 101.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund.....	No limit
Lottery operating fund.....	No limit
<i>Provided</i> , That expenditures from the lottery operating fund for official hospitality shall not exceed \$5,000.	
Expanded lottery receipts fund.....	No limit
Lottery gaming facility manager fund.....	No limit
Expanded lottery act revenues fund.....	\$0

(b) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, and subject to the provisions of this subsection, an amount of not less than \$4,500,000 shall be certified by the executive director of the Kansas lottery to the director of

accounts and reports on or before July 15, 2011, and on or before the 15th of each month thereafter through June 15, 2012: *Provided*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund to the state gaming revenues fund and shall credit such amount to the state gaming revenues fund for the fiscal year ending June 30, 2012: *Provided, however*; That, after the date that an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2012 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through June 15, 2012, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,500,000: *Provided further*; That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2012 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2012 is equal to or more than \$70,800,000: *And provided further*; That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2012 pursuant to this subsection shall be equal to or more than \$70,800,000: *And provided further*; That the transfers prescribed by this subsection shall be made in lieu of transfers under subsection (d) of K.S.A. 74-8711, and amendments thereto, for fiscal year 2012.

(c) Notwithstanding the provisions of K.S.A. 79-4801, and amendments thereto, or any other statute and in addition to the requirements of subsection (b) of this section, on or after June 15, 2012, upon certification by the executive director of the lottery, the director of accounts and reports shall transfer from the lottery operating fund to the state gaming revenues fund the amount of total profit attributed to the special veterans benefits game under K.S.A. 2010 Supp. 74-8724, and amendments thereto, during fiscal year 2012: *Provided*, That the director of accounts and reports shall transfer immediately thereafter such amount of total profit attributed to the special veterans benefits game from the state gaming revenues fund to the state general fund: *Provided further*; That, on or before June 25, 2012, the executive director of the lottery shall certify to the director of accounts and reports the amount equal to the amount of total profit attributed to the special veterans benefits game under K.S.A. 2010 Supp. 74-8724, and amendments thereto, during fiscal year 2012: *And provided further*; That, at the same time as such certification is transmitted to the director of accounts and reports, the executive director of the lottery shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(d) In addition to the purposes for which expenditures of moneys in the lottery operating fund may be made, as authorized by provisions of K.S.A. 74-8711, and amendments thereto, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act, and the Kansas expanded lottery act.

(e) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer all moneys that are credited to the expanded lottery act revenues fund from the expanded lottery act revenues fund to the state general fund

within 10 days after such moneys are credited to the expanded lottery act revenues fund: *Provided*, That the transfer of such amounts shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law: *Provided further*, That the moneys transferred from the expanded lottery act revenues fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of revenue, and other state agencies, by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 102.

KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund.....No limit

Provided, That expenditures from the state racing fund for official hospitality shall not exceed \$2,500.

Racing reimbursable expense fund.....No limit

Racing applicant deposit fund.....No limit

Kansas horse breeding development fund.....No limit

Kansas greyhound breeding development fund.....No limit

Provided, That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to subsection (b) of K.S.A. 2010 Supp. 74-8767, and amendments thereto, shall be deposited to a separate account established for the purpose described herein and moneys in this account shall be expended only to supplement special stake races and to enhance the amount per point paid to owners of Kansas-whelped greyhounds which win live races at Kansas greyhound tracks and pursuant to rules and regulations adopted by the Kansas racing and gaming commission: *Provided further*, That transfers from this account to the live greyhound racing purse supplement fund may be made in accordance with subsection (b) of K.S.A. 2010 Supp. 74-8767, and amendments thereto.

Racing investigative expense fund.....No limit

Horse fair racing benefit fund.....No limit

Tribal gaming fund.....No limit

Provided, That expenditures from the tribal gaming fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$1,500.

Expanded lottery regulation fund.....No limit

Provided, That expenditures from the expanded lottery regulation fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$2,500.

Live horse racing purse supplement fund.....No limit

Live greyhound racing purse supplement fund.....No limit

Greyhound promotion and development fund.....No limit

Gaming background investigation fund.....No limit

Education and training fund.....No limit

Provided, That expenditures may be made from the education and training fund for

operating expenditures, including official hospitality, incurred for hosting or providing training, in-service workshops and conferences: *Provided further*; That the Kansas racing and gaming commission is hereby authorized to fix, charge and collect fees for hosting or providing training, in-service workshops and conferences: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for hosting or providing such training, in-service workshops and conferences: *And provided further*; That all fees received for hosting or providing such training, in-service workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Illegal gambling enforcement fund.....No limit

Provided, That expenditures may be made from the illegal gambling enforcement fund for direct or indirect operating expenditures incurred for investigatory activities, including, but not limited to, (1) conducting investigations of illegal gambling operations or activities, (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations, and (3) acquiring information or making contacts leading to illegal gaming activities: *Provided, however*; That all moneys which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund: *Provided further*; That any moneys received or awarded to the Kansas racing and gaming commission for such enforcement activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

(b) On July 1, 2011, the director of accounts and reports shall transfer \$450,000 from the state general fund to the tribal gaming fund of the Kansas racing and gaming commission.

(c) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2012 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund of the Kansas racing and gaming commission during fiscal year 2012 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(d) During the fiscal year ending June 30, 2012, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with subsection (b) of K.S.A. 75-5516, and amendments thereto, pursuant to bills which are presented in a timely manner by the Kansas bureau of investigation for services rendered.

(e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund for fiscal year 2012 for the Kansas racing and gaming commission by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2012 for the state gaming agency regulatory oversight of class III gaming, including but not limited to the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, background investigations of applicants and vendors and investigations of other criminal activities related to tribal gaming, which are hereby authorized.

(f) Notwithstanding the provisions of K.S.A. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports (1) shall not make the transfer from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to the greyhound tourism fund of the department of commerce that is directed to be made on or before June 30, 2012, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and (2) shall transfer on or before June 30, 2012, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2012, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund of the Kansas racing and gaming commission.

(g) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, the Kansas racing and gaming commission is hereby authorized to fix, charge and collect additional fees to recover all or part of the direct and indirect costs or operating expenses incurred by the Kansas racing and gaming commission for the regulation of racing activities that are not otherwise recovered from the parimutuel facility licensee under authority of any other statute: *Provided*, That such fees shall be in addition to all taxes and other fees authorized by law: *Provided further*, That such costs or operating expenses shall include all or part of any auditing, drug testing, accounting, security and law enforcement, licensing of any office or other facility for use by a parimutuel facility licensee, projects to update and upgrade information technology software or facilities of the commission and shall specifically include any general operating expenses that are associated with regulatory activities attributable to the entity upon which any such fee is imposed and all expenses related to reopening any race track or other racing facility: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state racing fund.

(h) On July 1, 2011, the expanded lottery act regulation fund of the Kansas racing and gaming commission is hereby redesignated as the expanded lottery regulation fund of the Kansas racing and gaming commission.

Sec. 103.

DEPARTMENT OF COMMERCE

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

For the fiscal year ending June 30, 2012.....\$5,000,000
Provided, That all moneys in the animal health research grant account for fiscal year

2012 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: *Provided, however;* That no fees shall be charged or collected for administering and awarding the animal health research grant: *Provided further;* That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: *And provided further;* That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$5,000,000

Provided, That any unencumbered balance in the animal health research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further;* That all moneys in the animal health research grant account for fiscal year 2013 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: *Provided, however;* That no fees shall be charged or collected for administering and awarding the animal health research grant: *And provided further;* That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: *And provided further;* That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

Provided, That any unencumbered balance in the animal health research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further;* That all moneys in the animal health research grant account for fiscal year 2014 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: *Provided, however;* That no fees shall be charged or collected for administering and awarding the animal health research grant: *And provided further;* That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: *And provided further;* That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2014.

Aviation research grant

For the fiscal year ending June 30, 2012.....\$5,000,000

Provided, That all moneys in the aviation research grant account for fiscal year 2012 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: *Provided, however;* That no fees shall be charged or collected for administering and awarding the aviation research grant: *Provided further;* That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: *And provided further;* That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$5,000,000

Provided, That any unencumbered balance in the aviation research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further*, That all moneys in the aviation research grant account for fiscal year 2013 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: *Provided, however*, That no fees shall be charged or collected for administering and awarding the aviation research grant: *And provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: *And provided further*, That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

Provided, That any unencumbered balance in the aviation research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, That all moneys in the aviation research grant account for fiscal year 2014 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: *Provided, however*, That no fees shall be charged or collected for administering and awarding the aviation research grant: *And provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: *And provided further*, That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2014.

Cancer center research grant

For the fiscal year ending June 30, 2012.....\$5,000,000

Provided, That all moneys in the cancer center research grant account for fiscal year 2012 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *Provided, however*, That no fees shall be charged or collected for administering and awarding the cancer research grant: *Provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further*, That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$5,000,000

Provided, That any unencumbered balance in the cancer center research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further*, That all moneys in the cancer center research grant account for fiscal year 2013 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *Provided, however*, That no fees shall be charged or collected for administering and awarding the cancer research grant: *And provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by university of Kansas medical

center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further*; That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

Provided, That any unencumbered balance in the cancer center research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*; That all moneys in the cancer center research grant account for fiscal year 2014 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *Provided, however*; That no fees shall be charged or collected for administering and awarding the cancer research grant: *And provided further*; That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further*; That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2014.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

Older Kansans employment program.....\$293,226

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the older Kansans employment program account is hereby reappropriated for fiscal year 2012.

Rural opportunity zones program.....\$2,203,172

Senior community service employment program.....\$131,486

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the senior community service employment program account is hereby reappropriated for fiscal year 2012.

Senior community service employment program – ARRA match.....\$8,935

Strong military bases program.....\$100,000

Small technology pilot program.....\$100,000

Entrepreneurial centers.....\$968,023

Centers of excellence.....\$1,358,581

MAMTC.....\$1,025,000

Operating grant (including official hospitality).....\$9,744,888

Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce.

Engineering expansion grants.....\$1,000,000

Provided, That all moneys in the engineering expansion grants account shall be for a

grant program developed and administered by the secretary of commerce for the purposes of expansion of the state’s professional engineer training programs to address needs for engineers in industries that are not being met with the current levels of graduating students: *Provided further*, That all moneys in the engineering expansion grants account shall be for grants awarded under a competitive grant program administered by the secretary of commerce: *And provided further*, That all engineering expansion grant amounts authorized by the secretary of commerce shall be matched by the recipient institution on a \$3 for \$1 basis from other moneys of the recipient institution for the purpose for which the engineering expansion grant is awarded.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Job creation program fund.....	No limit
Publication and other sales fund.....	No limit
Conversion of equipment and materials fund.....	No limit
Conference registration and disbursement fund	No limit
Greyhound tourism fund.....	No limit
Reimbursement and recovery fund.....	No limit
Community development block grant – federal fund.....	No limit
Community development block grant – federal fund – revolving loan account .	No limit
National main street center fund.....	No limit
IMPACT program services fund.....	No limit
IMPACT program repayment fund.....	No limit
Kansas partnership fund.....	No limit
<i>Provided</i> , That the interest rate on any loan made from the Kansas partnership fund shall be annually indexed to the federal discount rate.	
General fees fund.....	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.	
Kansas economic opportunity initiatives fund.....	No limit
Kansas existing industry expansion fund.....	No limit
<i>Provided</i> , That expenditures may be made from the Kansas existing industry expansion fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the Kansas existing industry expansion program: <i>Provided further</i> , That all moneys received by the department of commerce for repayment of loans made under the Kansas existing industry expansion program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas existing industry expansion fund.	
Athletic fee fund.....	No limit
WIA adult – federal fund.....	No limit
WIA youth activities – federal fund.....	No limit
WIA dislocated workers – federal fund.....	No limit

Trade adjustment assistance – federal fund.....	No limit
Veterans assistance program – federal fund.....	No limit
Local veterans employment representative program – federal fund.....	No limit
Wagner Peyser employment services – federal fund.....	No limit
Senior community service employment program – federal fund.....	No limit
Indirect cost – federal fund.....	No limit
State affordable airfare fund.....	\$5,000,000

Provided, That, the regional economic area partnership, hereinafter referred to as "REAP", shall submit an annual report to the legislature on or before May 1, 2012: *Provided further*, That the annual report shall be delivered and REAP shall appear in person to the house committee on economic development, the house committee on appropriations, the senate committee on commerce and the senate committee on ways and means regarding such annual report: *And provided further*, That the secretary of commerce shall conduct an independent review of the financial reports submitted by REAP as well as an analysis of the data used by REAP: *And provided further*, That the secretary of commerce shall submit a report and appear in person to the house committee on economic development, the house committee on appropriations, the senate committee on commerce and the senate committee on ways and means regarding these matters: *And provided further*, That the secretary of commerce shall develop and implement the necessary procedures to conduct such a review.

Temporary labor certification foreign workers – federal fund.....	No limit
USDA cooperative – federal fund.....	No limit
Work opportunity tax credit – federal fund.....	No limit
American job link alliance – federal fund.....	No limit
American job link alliance job corps – federal fund.....	No limit
Early childhood associate apprenticeship program – federal fund.....	No limit
Modernization apprentice – federal fund.....	No limit
Work incentive grant – federal fund.....	No limit
Registered apprenticeship works – federal fund.....	No limit
Neighborhood stabilization program – federal fund.....	No limit
Green jobs grant ARRA – federal fund.....	No limit
Enterprise facilitation fund.....	No limit
State broadband data development – federal fund.....	No limit
Transition assistance program – federal fund.....	No limit
Veteran workforce investment program – federal fund.....	No limit
Health profession opportunity – federal fund.....	No limit
Health care workforce planning – federal fund.....	No limit
MAMTC – federal fund.....	No limit

(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2012, for (1) the provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not specifically prescribed by statute, (2) sale of publications of the department of commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute, and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce: *Provided*, That such fees shall be fixed in order to recover all

or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: *Provided further*, That all such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to one or more special revenue funds of the department of commerce as specified by the secretary of commerce: *And provided further*, That expenditures may be made from such special revenue funds of the department of commerce for fiscal year 2012, in accordance with the provisions of this or other appropriation act of the 2011 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

(e) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2012 for the department of commerce as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2012 for official hospitality.

(f) On August 15, 2011, and December 15, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$625,000 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce.

(g) On or after July 1, 2011, the secretary of commerce shall certify to the director of the budget and to the director of accounts and reports a report of the activities of the regional economic area partnership (REAP) and the progress attained by REAP during the fiscal year 2011 to develop and implement the program to provide more air flight options, more competition for air travel and affordable air fares for Kansas, including a regional airport in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state economic development initiatives fund to the state affordable airfare fund of the department of commerce.

Sec. 104.

KANSAS HOUSING RESOURCES CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State housing trust fund.....No limit
Provided, That all expenditures from the state housing trust fund shall be made by the Kansas housing resources corporation pursuant to K.S.A. 12-5242 and 12-5246 and K.S.A. 2010 Supp. 12-5252 through 12-5258, and amendments thereto: *Provided*

furthur, That, notwithstanding the provisions of K.S.A. 74-8959, and amendments thereto, or any other statute, the Kansas housing resources corporation may make expenditures from the state housing trust fund for the purposes of implementing and administering the provisions of K.S.A. 2010 Supp. 12-5252 through 12-5258, and amendments thereto, the Kansas rural housing incentive district act.

Sec. 105.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$409,271

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided furthur, That in addition to the other purposes for which expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2012, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-5413 et seq., and 75-4321 et seq., and amendments thereto: And provided furthur, That expenditures from this account for official hospitality by the secretary of labor shall not exceed \$2,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen’s compensation fee fund.....\$13,901,253

Occupational health and safety – federal fund.....No limit

Boiler inspection fee fund.....No limit

General fees fund.....No limit

Employment security interest assessment fund.....No limit

Special employment security fund.....No limit

Provided, That expenditures may be made from the special employment security fund for payment of communications costs: Provided furthur, That expenditures from this fund for payment of communications costs shall not exceed \$10,000.

Employment security administration fund.....No limit

State workplace health and safety fund.....No limit

Wage claims assignment fee fund.....No limit

Employment security computer systems institute fund.....No limit

Department of labor special projects fund.....No limit

Federal indirect cost offset fund.....\$404,834

Dispute resolution fund.....No limit

Provided, That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-5427, and amendments thereto, and for fact-finding under K.S.A. 72-5428, and amendments thereto, shall be deposited in the state treasury and credited to the dispute resolution fund: Provided furthur, That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-5427, and amendments thereto, and for fact-finding under K.S.A. 72-5428, and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees' organization involved in such mediation and fact-finding procedures.

Employment security fund.....No limit

(c) In addition to the other purposes for which expenditures may be made by the department of labor from the employment security fund for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2012 from the employment security fund from moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of debt service on a bond issued for the rewrite of the unemployment insurance benefit system: *Provided*, That expenditures from the employment security fund during fiscal year 2012 of moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of such debt service shall not exceed \$2,646,150.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2012, expenditures may be made by the above agency from the special employment security fund for fiscal year 2012 for the following capital improvement purposes: Payment on the master lease agreement for the renovation of the Eastman building on the Topeka west complex: *Provided*, That expenditures from this fund for fiscal year 2012 for such capital improvement purposes shall not exceed \$99,625: *Provided further*, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2012.

Sec. 106.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures – veteran services.....\$1,200,598

Provided, That any unencumbered balance in the operating expenditures – veterans services account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Operations – state veterans cemeteries\$554,971

Provided, That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,200.

Operating expenditures – Kansas soldiers’ home.....\$1,917,108

Provided, That any unencumbered balance in the operating expenditures – Kansas soldiers’ home account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Operating expenditures – Kansas veterans’ home.....\$2,494,684

Provided, That any unencumbered balance in the operating expenditures – Kansas veterans’ home account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Scratch lotto – Kansas veterans’ home.....\$101,507

Scratch lotto – veterans services.....\$328,003

Scratch lotto – Kansas soldiers’ home.....\$74,444

Scratch lotto – veterans cemeteries.....\$159,458

Operating expenditures – administration.....\$426,485

Provided, That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Veterans claim assistance program – service grants.....\$469,321

Provided, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures from the veterans claim assistance program – service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: *Provided, however*, That no expenditures shall be made by the Kansas commission on veterans affairs from the veterans claim assistance program – service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of K.S.A. 73-1234, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Soldiers’ home fee fund.....	\$1,719,521
Soldiers’ home benefit fund.....	No limit
Soldiers’ home work therapy fund.....	No limit
Soldiers’ home medicare fund.....	No limit
Soldiers’ home medicaid fund.....	No limit
Soldiers’ home canteen fund.....	No limit
Veterans’ home medicare fund.....	No limit
Veterans’ home medicaid fund.....	No limit
Veterans’ home fee fund.....	\$3,000,003
Veterans’ home canteen fund.....	No limit
Veterans’ home benefit fund.....	No limit
Soldiers’ home outpatient clinic fund.....	No limit
State veterans cemeteries fee fund.....	No limit
State veterans cemeteries donations and contributions fund.....	No limit
Outpatient clinic patient federal reimbursement fund – federal.....	No limit
VA burial reimbursement fund – federal.....	\$80,538
Veterans home federal fund.....	\$2,924,231
Soldiers home federal fund.....	\$2,254,408
Commission on veterans affairs federal fund.....	\$208,961
Kansas veterans memorials fund.....	No limit
Vietnam war era veterans’ recognition award fund.....	No limit
Kansas hometown heroes fund.....	No limit

(c) On the effective date of this act, the director of accounts and reports shall transfer \$25,000 from the scratch lotto – veterans services account of the state general fund to the Vietnam war era veterans' recognition award fund of the Kansas commission on veterans affairs: *Provided*, That, in addition to the other purposes for which expenditures may be made by the above agency from the Vietnam war era veterans' recognition award fund for fiscal year 2011, expenditures shall be made by the above agency from the Vietnam war era veterans' recognition award fund for fiscal year 2011,

to acquire and send the appropriate medallions and certificates to all qualifying veterans whose applications for such medallions and certificates have been received by June 1, 2011.

(d) (1) During the fiscal year ending June 30, 2011, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2010 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2010 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(3) As used in this subsection (d), “special revenue fund” means the soldiers’ home fee fund, veterans’ home fee fund, soldiers’ home outpatient clinic fund, soldiers’ home benefit fund, soldiers’ home work therapy fund, veterans’ home canteen fund, soldiers’ home canteen fund, veterans’ home benefit fund, Persian Gulf War veterans health initiative fund, state veterans cemeteries fee fund, state veterans cemeteries donations and contributions fund, and Kansas veterans memorials fund.

(e) During the fiscal year ending June 30, 2011, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2011, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision of management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2011 from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) During the fiscal year ending June 30, 2012, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision of management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2012

from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 107.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$3,545,224

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment – division of health in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Operating expenditures (including official hospitality) – health.....\$4,038,071

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Vaccine purchases.....\$732,897

Provided, That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Aid to local units.....\$4,805,709

Provided, That any unencumbered balance in the aid to local units account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246, and amendments thereto.

Aid to local units – primary health projects.....\$7,243,065

Provided, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That prescription support expenditures shall be made from the aid to local units – primary health projects account for: (1) Purchase of drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2) increasing access to prescription drugs by subsidizing a portion of the costs for the benefit of patients at section 340B participating clinics on a sliding fee scale; and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs at not-for-profit or publicly-funded primary care clinics, including federally qualified community health centers and federally qualified community health center look-alikes, as defined by 42 U.S.C. § 330, that provide comprehensive primary health care services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay: *And provided further*; That policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted.

Aid to local units – women’s wellness.....\$94,296

Provided, That any unencumbered balance in the aid to local units – family planning account in excess of \$100 as of June 30, 2011, is hereby reappropriated to the aid to local units – women’s wellness account for fiscal year 2012: *Provided further*, That all expenditures from the aid to local units – women’s wellness account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients.

Immunization programs.....\$447,418

Provided, That any unencumbered balance in the immunization programs account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Breast cancer screening program.....\$219,336

Provided, That any unencumbered balance in the breast cancer screening program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Ryan White matching funds.....\$47,682

Provided, That any unencumbered balance in the Ryan White matching funds account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Pregnancy maintenance initiative.....\$338,846

Provided, That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Cerebral palsy posture seating.....\$105,537

Provided, That any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

PKU treatment.....\$249,274

Provided, That any unencumbered balance in the PKU treatment account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Teen pregnancy prevention activities.....\$338,846

Provided, That any unencumbered balance in the teen pregnancy prevention activities account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Medical assistance – federal fund.....No limit

Substance abuse and mental health services administration – federal fund.....No limit

Breast and cervical cancer program and detection – federal fund.....No limit

Health and environment training fee fund – health.....No limit

Provided, That expenditures may be made from the health and environment training fee fund – health for acquisition and distribution of division of health program literature and films and for participation in or conducting training seminars for training employees of the division of health of the department of health and environment, for training recipients of state aid from the division of health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of health: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such

acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – health: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of health from moneys appropriated from the health and environment training fee fund – health for fiscal year 2012, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2012 for agency operations for the division of health.

Health facilities review fund.....	No limit
Insurance statistical plan fund.....	No limit
Health and environment publication fee fund – health.....	No limit
<i>Provided</i> , That expenditures from the health and environment publication fee fund – health shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.	
District coroners fund.....	No limit
Sponsored project overhead fund – health.....	No limit
Tuberculosis elimination and laboratory – federal fund.....	No limit
Maternity centers and child care facilities licensing fee fund.....	No limit
Child care and development block grant – federal fund.....	No limit
Office of rural health – federal fund.....	No limit
Emergency medical services for children – federal fund.....	No limit
Primary care offices – federal fund.....	No limit
Injury intervention – federal fund.....	No limit
Oral health workforce activities – federal fund.....	No limit
Rural hospital flex program – federal fund.....	No limit
Hospital bioterrorism preparedness – federal fund.....	No limit
Kansas coalition against sexual and domestic violence – federal fund.....	No limit
ARRA migrant health – federal fund.....	No limit
ARRA child care development – federal fund.....	No limit
ARRA Kansas health information exchange project – federal fund.....	No limit
ARRA epidemiology and lab capacity – federal fund.....	No limit
ARRA immunization and vaccines for children – federal fund.....	No limit
ARRA women infants and children – federal fund.....	No limit
ARRA infant & toddlers Title 1 – federal fund.....	No limit
ARRA primary care offices – federal fund.....	No limit
ARRA collaborative component I – federal fund.....	No limit
ARRA collaborative component III – federal fund.....	No limit
ARRA ambulatory surgical center ASC/HAI medicare – federal fund.....	No limit
ARRA prevention of healthcare associated infections – federal fund.....	No limit
Medicare – federal fund.....	No limit

Provided, That transfers of moneys from the medicare – federal fund to the state fire marshal may be made during fiscal year 2012 pursuant to a contract which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.

Migrant health program – federal fund.....	No limit
Refugee health – federal fund.....	No limit
United states department of agriculture – federal fund.....	No limit
Children’s mercy hospital lead program – federal fund.....	No limit
Women, infants and children health program – federal fund.....	No limit
WIC health program fund – senior farmer’s market – federal.....	No limit
Assistance for firefighters grant program – federal fund.....	No limit
Immunization and vaccines for children grants – federal fund.....	No limit
Home visiting grant – federal fund.....	No limit
Preventive health block grant – federal fund.....	No limit
Maternal and child health block grant – federal fund.....	No limit
National center for health statistics – federal fund.....	No limit
Title X family planning services program – federal fund.....	No limit
Comprehensive STD prevention systems – federal fund.....	No limit
Children with special health care needs – federal fund.....	No limit
Make a difference information network – federal fund.....	No limit
Ryan White Title II – federal fund.....	No limit
Bicycle helmet distribution – federal fund.....	No limit
Bicycle helmet revolving fund.....	No limit
SSA fee fund.....	No limit
Lead certification cooperation agreement – federal fund.....	No limit
Childhood lead poisoning prevention program – federal fund.....	No limit
State implementation projects for prevention of secondary conditions – federal fund.....	No limit
Title IV-E – federal fund.....	No limit
HIV prevention projects – federal fund.....	No limit
HIV/AIDS surveillance – federal fund.....	No limit
Infants & toddlers Title 1 – federal fund.....	No limit
Universal newborn hearing screening – federal fund.....	No limit
State loan repayment program – federal fund.....	No limit
Opt-out testing initiative – federal fund.....	No limit
Kansas system for early registration of volunteers – federal fund.....	No limit
Cardiovascular health programs – federal fund.....	No limit
Adult lead surveillance data – federal fund.....	No limit
Medical reserve corps contract – federal fund.....	No limit
Trauma fund.....	No limit
<i>Provided</i> , That expenditures may be made by the department of health and environment for fiscal year 2012 from the trauma fund of the division of health of the department of health and environment for the stroke prevention project: <i>Provided further</i> , That expenditures from the trauma fund for official hospitality shall not exceed \$2,000.	
Homeland security – federal fund.....	No limit
Homeland security real ID – federal fund.....	No limit
Special education state grants – federal fund.....	No limit
Refugee assistance – federal fund.....	No limit
Personal responsibility education program – federal fund.....	No limit
Mammography quality standards act – federal fund.....	No limit
Education, training, and enhanced services to end violence	

against and abuse of women with disabilities – federal fund	No limit
State surplus revenues – special revenue fund	No limit
HRSA small hospital improvement grant program – federal fund	No limit
State indoor radon grant – federal fund	No limit
HUD lead hazard control program of Kansas City – federal fund.....	No limit
Gifts, grants and donations fund – health.....	No limit
Special bequest fund – health.....	No limit
Civil registration and health statistics fee fund.....	No limit
Vital statistics system project fund	No limit
Power generating facility fee fund	No limit
Nuclear safety emergency preparedness special revenue fund.....	No limit
<i>Provided</i> , That all moneys received by the division of health of the department of health and environment from the adjutant general from the nuclear safety emergency management fee fund of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the division of health of the department of health and environment.	
Radiation control operations fee fund.....	No limit
Lead-based paint hazard fee fund.....	No limit
Strengthening public health infrastructure – federal fund.....	No limit
Improving minority health – federal fund	No limit
Abstinence education – federal fund.....	No limit
Affordable care act – federal fund	No limit
Carbon monoxide detector/fire injury prevention – federal fund.....	No limit
Health information exchange – federal fund.....	No limit

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2012, the following:

Healthy start.....	\$237,914
<i>Provided</i> , That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Infants and toddlers program.....	\$5,700,000
<i>Provided</i> , That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Smoking prevention.....	\$1,000,000
<i>Provided</i> , That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Newborn hearing aid loaner program.....	\$47,161
<i>Provided</i> , That any unencumbered balance in the newborn hearing aid loaner program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
SIDS network grant.....	\$71,374
<i>Provided</i> , That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Newborn screening.....	\$247,114
<i>Provided</i> , That any unencumbered balance in the newborn screening account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	

(d) On July 1, 2011, and on other occasions during fiscal year 2012 when necessary as determined by the secretary of health and environment, the director of accounts and

reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment – division of health or of the department of health and environment – division of environment, to the sponsored project overhead fund – health of the department of health and environment – division of health.

(e) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$559,307 from the child care and development federal fund of the department of social and rehabilitation services to the child care and development block grant – federal fund of the department of health and environment.

(f) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment – division of health, which have available moneys, to the sponsored project overhead fund – health of the department of health and environment – division of health for expenditures, as the case may be, for administrative expenses.

(g) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of health and environment from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act: *Provided*, That all such additional full-time equivalent positions in the unclassified service under the Kansas civil service act shall be in addition to other positions within the department of health and environment in the unclassified service as prescribed by law and shall be established by the secretary of health and environment within the position limitation established for the department of health and environment on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2012 made by this or other appropriation act of the 2011 regular session of the legislature: *Provided, however*; That the authority to establish such additional positions in the unclassified service shall not affect the classified service status of any person who is an employee of the department of health and environment in the classified service under the Kansas civil service act.

(h) During the fiscal year ending June 30, 2012, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of health to the sponsored project overhead fund – health of the department of health and environment – division of health pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(i) During the fiscal year ending June 30, 2012, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment – division of health or the department of health and

environment – division of environment to another item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment – division of health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(j) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of health from moneys appropriated from the district coroners fund for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245, and amendments thereto, or any other statute, expenditures may be made by the department of health and environment – division of health from such moneys appropriated from the district coroners fund for fiscal year 2012 pursuant to K.S.A. 22a-242, and amendments thereto.

(k) On July 1, 2011, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department of health and environment for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.

(l) During the fiscal year ending June 30, 2012, subject to any applicable requirements of federal statutes, rules, regulations or guidelines, any expenditures or grants of money by the department of health and environment – division of health for family planning services financed in whole or in part from federal title X moneys shall be made subject to the following two priorities: First priority to public entities (state, county, local health departments and health clinics) and, if any moneys remain, then, Second priority to non-public entities which are hospitals or federally qualified health centers that provide comprehensive primary and preventative care in addition to family planning services: *Provided*, That, as used in this subsection “hospitals” shall have the same meaning as defined in K.S.A. 65-425, and amendments thereto, and “federally qualified health center” shall have the same meaning as defined in K.S.A. 65-1669, and amendments thereto.

(m) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 House Bill No. 2035: *Provided*, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 House Bill No. 2035 shall not exceed \$70,380.

(n) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by the above agency by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to provide funding to carry out and administer the provisions of 2011 House Substitute for Senate Bill No. 36: *Provided*, That the aggregate amount of expenditures during fiscal year 2012 by the above agency of moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any special revenue fund or funds to carry out and administer the provisions of 2011 House Substitute for Senate Bill No. 36 shall not exceed \$67,165: *Provided further*, That, if 2011 House Substitute for Senate Bill No. 36 is not passed by the legislature during the 2011 regular session and enacted into law, then no expenditures shall be made by the above agency from moneys appropriated by this or other appropriation act of the 2011 regular session of the legislature from the state general fund or from any such special revenue fund or funds to carry out and administer the provisions of 2011 House Substitute for Senate Bill No. 36.

Sec. 108.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION
OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Health policy operating expenditures\$14,482,995

Provided, That any unencumbered balance in the operating expenditures account of the Kansas health policy authority in excess of \$100 as of June 30, 2011, is hereby reappropriated to the health policy operating expenditures account of the above agency for fiscal year 2012: *Provided further*, That expenditures shall be made from the health policy operating expenditures account of the above agency for the drug utilization review board to perform an annual review of the approved exemptions to the current single source limit by program.

Office of the inspector general \$78,219

Provided, That any unencumbered balance in the office of the inspector general account of the Kansas health policy authority in excess of \$100 as of June 30, 2011, is hereby reappropriated to the office of the inspector general account of the above agency for fiscal year 2012.

Other medical assistance \$539,392,132

Provided, That any unencumbered balance in the other medical assistance account of the Kansas health policy authority in excess of \$100 as of June 30, 2011, is hereby reappropriated to the other medical assistance account of the above agency for fiscal year 2012: *Provided further*, That expenditures may be made from the other medical assistance account by the above agency for the purpose of implementing or expanding any prior authorization project: *And provided further*, That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the joint committee on health policy oversight prior to the start of the regular session of the legislature in 2012.

Children’s health insurance program.....\$17,293,612
Provided, That any unencumbered balance in the children’s health insurance program account of the Kansas health policy authority in excess of \$100 as of June 30, 2011, is hereby reappropriated to the children’s health insurance program account of the above agency for fiscal year 2012: *Provided further*, That no increases shall be made to monthly premium payments for the state children’s health insurance program until approval of the increase is received by the division of health care finance of the department of health and environment from the federal centers for medicare and medicaid services.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Preventive health care program fund\$667,947
 Cafeteria benefits fundNo limit

Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed \$1,979,603.

State workers compensation self-insurance fund..... No limit

Provided, That expenditures from the state workers compensation self-insurance fund for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed \$3,512,791.

Dependent care assistance program fund No limit

Provided, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed \$430,915.

Non-state employer group benefit fund\$163,931

Division of health care finance special revenue fund No limit

Provided, That expenditures from the division of health care finance special revenue fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$1,000.

Health committee insurance fund..... \$287,939

Health care database fee fund \$76,938

Medical programs fee fund \$50,529,602

Health benefits administration clearing fund – remit admin service orgNo limit

Provided, That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2012, for salaries and wages and other operating expenditures shall not exceed \$7,854,305.

Health insurance premium reserve fund.....No limit

Other state fees fund \$627,912

Health care access improvement fund.....\$33,300,000

Children’s health insurance program federal fundNo limit

State planning – health care – uninsured fundNo limit

Demonstration to maintain independence in employment fundNo limit

Medicaid infrastructure grant – disability employment federal fundNo limit

HIV care formula grant federal fund.....No limit

Medical assistance program federal fund..... No limit

Quality care fund..... \$0
 Quality based community assessment fund..... No limit

(c) During the fiscal year ending June 30, 2012, any moneys donated or granted to the division of health care finance of the department of health and environment and any federal funds received as match to such donations or grants by the division of health care finance of the department of health and environment for the fiscal year ending June 30, 2012, shall only be expended by the division of health care finance of the department of health and environment to assist the clearinghouse in reducing any backlogs or waiting lists, unless otherwise specified by the donor or grantor: *Provided*, That any donated or granted moneys, and the matching moneys received therefor from the federal centers for medicare and medicaid services, shall not be used to supplant or replace funds already budgeted for the clearinghouse or to restore any other reductions in funding to the clearinghouse or the agency, unless otherwise specified by the donor or grantor.

(d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,005,697 from the medical programs fee fund to the state general fund.

(e) During the fiscal year ending June 30, 2012, notwithstanding the provisions of this or any other appropriation act of the 2011 regular session of the legislature, or any other statute, no moneys appropriated for the Kansas health policy authority or the department of health and environment from the state general fund or from any special revenue fund or funds for fiscal year 2012 shall be expended by the Kansas health policy authority or the department of health and environment for the purposes of requiring, and the Kansas health policy authority or the department of health and environment shall not require, an individual, who is currently prescribed medications for mental health purposes in the MediKan program, to change prescriptions under a preferred drug formulary during the fiscal year ending June 30, 2012: *Provided*, That all prescriptions paid for by the MediKan program during fiscal year 2012 shall be filled pursuant to subsection (a) of K.S.A. 65-1637, and amendments thereto: *Provided further*, That the Kansas health policy authority and the department of health and environment shall follow the existing prior authorization protocol for reimbursement of prescriptions for the MediKan program for fiscal year 2012: *And provided further*; That the Kansas health policy authority and the department of health and environment shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, to implement or maintain a preferred drug formulary for medications prescribed for mental health purposes to individuals in the MediKan program during fiscal year 2012.

(f) Notwithstanding the provisions of K.S.A. 75-6501 et seq., and amendments thereto, or any other statute, there is hereby established and imposed a 2.5% surcharge on the amount of the employee payroll deduction by state employees for participation in the state health care benefits program pursuant to K.S.A. 75-6506, and amendments thereto, for the plan year commencing January 1, 2012, in accordance with this subsection: *Provided*, That the surcharge shall be applied to the amount required for the participation of the state employee for the coverages and other elections under the state health care benefits program for plan year 2012 that are selected by the state employee: *Provided further*, That the amount of the surcharge shall be added to the amount

otherwise required for participation in accordance with the state employee selections and the resulting aggregate amount shall constitute the amount of the payroll deduction under K.S.A. 75-6506, and amendments thereto, for the state employee: *And provided further*, That, prior to June 10, 2012, the director of health care finance of the department of health and environment shall certify the aggregate amount of all proceeds of such surcharge for fiscal year 2012 to the director of accounts and reports and shall transmit a copy of such certification to the director of legislative research: *And provided further*, That, on June 10, 2012, pursuant to such certification, the director of accounts and reports shall transfer the aggregate amount of the proceeds collected for the surcharge for fiscal year 2012 from the health benefits administration clearing fund – remit to admin service org fund of the division of health care finance of the department of health and environment to the state general fund: *And provided further*, That such surcharge shall be imposed for the purpose of reimbursing the state general fund for support relating to operation and maintenance of the state health care benefits program.

Sec. 109.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....	\$6,931,329
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment – division of environment in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Local environmental protection program.....	\$750,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Radiation control operations fee fund.....	No limit
Mined-land conservation and reclamation fee fund.....	No limit
Publication fee fund – environment.....	No limit
Solid waste management fund.....	No limit
<i>Provided</i> , That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2012, for official hospitality: <i>Provided further</i> , That such expenditures for official hospitality shall not exceed \$2,500.	
Public water supply fee fund.....	No limit
Voluntary cleanup fund.....	No limit
Storage tank fee fund.....	No limit
Air quality fee fund.....	No limit
Hazardous waste collection fund.....	No limit
Power generating facility fee fund.....	No limit
Health and environment training fee fund – environment.....	No limit

Provided, That expenditures may be made from the health and environment training fee fund – environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment,

for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – environment: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund – environment for fiscal year 2012, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2012 for agency operations for the division of environment.

Driving under the influence equipment fund.....	No limit
Waste tire management fund.....	No limit
Health and environment publication fee fund – environment.....	No limit
<i>Provided</i> , That expenditures from the health and environment publication fee fund – environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.	
Local air quality control authority regulation services fund.....	No limit
Surface mining fee fund.....	No limit
Environmental response fund.....	No limit
Sponsored project overhead fund – environment.....	No limit
Chemical control fee fund.....	No limit
QuantiFERON TB laboratory fund.....	No limit
Resource conservation and recovery act – federal fund.....	No limit
EPA water protection – STAG – federal fund.....	No limit
Superfund state cooperative agreements – federal fund.....	No limit
Water supply – federal fund.....	No limit
Air quality section 103 – federal fund.....	No limit
EPA – core support – federal fund.....	No limit
Network exchange grant – federal fund.....	No limit
ARRA Kansas clean diesel assistance program grant – federal fund.....	No limit
Multi-media capacity building – federal fund.....	No limit
Brownfields assistance cleanup cooperative – federal fund.....	No limit
Performance partnership grants – federal fund.....	No limit
Lab TB testing expansion – federal fund.....	No limit
Kansas clean diesel grant – federal fund.....	No limit
Air quality program – federal fund.....	No limit
Section 106 monitoring initiative – federal fund.....	No limit
Air quality section 105 – federal fund.....	No limit
Leaking underground storage tank trust – federal fund.....	No limit
Surface mining control and reclamation act – federal fund.....	No limit

Abandoned mined-land – federal fund.....	No limit
Department of defense and state cooperative agreement – federal fund.....	No limit
EPA non-point source – federal fund.....	No limit
Pollution prevention program – federal fund.....	No limit
EPA operator expense reimbursement for drinking water – federal fund	No limit
EPA water monitoring – federal fund	No limit
Gifts, grants and donations fund – environment.....	No limit
Special bequest fund – environment.....	No limit
Aboveground petroleum storage tank release trust fund.....	No limit
Underground petroleum storage tank release trust fund.....	No limit
Drycleaning facility release trust fund.....	No limit
Public water supply loan fund.....	No limit
Public water supply loan operations fund.....	No limit
Kansas water pollution control revolving fund.....	No limit
<i>Provided</i> , That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L.92-500) shall be credited to the Kansas water pollution control revolving fund: <i>Provided further</i> , That expenditures from this fund shall be made to provide for the payment of such matching grants.	
Kansas water pollution control operations fund.....	No limit
Cost of issuance fund for Kansas water pollution control revolving fund revenue bonds.....	No limit
Surcharge fund for Kansas water pollution control revolving fund revenue bonds.....	No limit
Surcharge operations fund for Kansas water pollution control revolving fund revenue bonds.....	No limit
Debt service reserve fund.....	No limit
EPA water related grants – federal fund.....	No limit
<i>Provided</i> , That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the EPA water related grants – federal fund.	
Chemical control – federal fund.....	No limit
Subsurface hydrocarbon storage fund.....	No limit
Clean air leadership – federal fund.....	No limit
Natural resources damages trust fund.....	No limit
Hazardous waste management fund.....	No limit
Brownfields revolving loan program – federal fund.....	No limit
Mined-land reclamation fund.....	No limit
Abandoned mine land – federal fund	No limit
Operator outreach training program – federal fund.....	No limit
Underground storage tank – federal fund.....	No limit
EPA underground injection control – federal fund.....	No limit
Laboratory medicaid cost recovery fund – environment.....	No limit
Diagnostic X-ray program – federal fund	No limit
EPA state response program – federal fund.....	No limit
Environmental use control fund.....	No limit
Environmental response remedial activity specific site – federal fund.....	No limit

Emergency environmental response – nonspecific sites – federal fund.....	No limit
Chemical control – federal fund.....	No limit
Medicare program – environment – federal fund.....	No limit
EPA pollution prevention – federal fund.....	No limit
Inspections Kansas infrastructure projects – federal fund	No limit
Marais Des Cygnes targeted watershed project – federal fund	No limit
Healthy watershed initiative – federal fund.....	No limit
Salt solution mining well plugging fund.....	No limit
Kansas essential fuels supply trust fund.....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2012, for the state water plan project or projects specified as follows:

Contamination remediation.....	\$790,118
<i>Provided</i> , That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
TMDL initiatives and use attainability analysis.....	\$237,097
<i>Provided</i> , That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Watershed restoration and protection plan.....	\$716,351
<i>Provided</i> , That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Nonpoint source program.....	\$374,044
<i>Provided</i> , That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	

(d) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2012, for the project specified as follows:

Newborn screening.....	\$1,862,846
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(e) During the fiscal year ending June 30, 2012, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state water plan fund for the department of health and environment – division of environment to another item of appropriation for fiscal year 2012 from the state water plan fund for the department of health and environment – division of environment: *Provided*, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research, the chairperson of the house of representatives agriculture and natural resources budget committee and the chairperson of the subcommittee on health and environment/human resources of the senate committee on ways and means.

(f) During the fiscal year ending June 30, 2012, notwithstanding the provisions of K.S.A. 65-3024, and amendments thereto, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund of the department of health and environment which are directed to be made on or before the tenth day of each month by K.S.A. 65-3024, and amendments thereto.

(g) On July 1, 2011, and on other occasions during fiscal year 2012 when

necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment – division of health or of the department of health and environment – division of environment, to the sponsored project overhead fund – environment of the department of health and environment – division of environment.

(h) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment – division of environment, which have available moneys, to the sponsored project overhead fund – environment of the department of health and environment – division of environment or to the sponsored project overhead fund – health of the department of health and environment – division of health, as the case may be, for expenditures for administrative expenses.

(i) During the fiscal year ending June 30, 2012, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment – division of health or the department of health and environment – division of environment to another item of appropriation for fiscal year 2012 from the state general fund for the department of health and environment – division of health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(j) During the fiscal year ending June 30, 2012, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of environment to the sponsored project overhead fund – environment of the department of health and environment – division of environment pursuant to this section may include amounts equal to not more than 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(k) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of environment from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of health and environment – division of environment from the state general fund or from any special revenue fund or funds for fiscal year 2012 for the purpose of seeking a solution to clean up the sewer water contamination problems in certain property in the city of Eudora.

Sec. 110.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Administration.....\$1,254,080

Provided, That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided*,

however, That expenditures from this account for official hospitality shall not exceed \$550.

Administration – assessments.....\$70,880

Provided, That any unencumbered balance in the administration – assessments account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Administration – assessments – Level II care.....\$42,946

Provided, That any unencumbered balance in the administration – assessments – Level II care account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Administration – assessments – Level I care.....\$354,783

Provided, That any unencumbered balance in the administration – assessments – Level I care account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Administration – medicaid.....\$1,381,904

Provided, That any unencumbered balance in the administration – medicaid account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Administration – older Americans act match.....\$102,634

Provided, That any unencumbered balance in the administration – older Americans act match account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Senior care act.....\$446,587

Provided, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That each grant agreement with an area agency on aging for a grant from the senior care act account shall require the area agency on aging to submit to the secretary of aging a report for fiscal year 2011 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2011: *And provided further*, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2012 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2011: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

Program grants – nutrition – state match.....\$3,545,725

Provided, That any unencumbered balance in the program grants – nutrition – state match account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That each grant agreement with an area agency on aging for a grant from the program grants – nutrition – state match account shall require the area agency on aging to submit to the secretary of aging a report for federal fiscal year 2011 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2011: *And provided further*, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2012 regular session of the legislature a report

of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2011: *And provided further*; That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC – medicaid assistance – TCM/FE.....\$2,200,000

Provided, That any unencumbered balance in the LTC – medicaid assistance – TCM/FE account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC – medicaid assistance – TCM/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC – medicaid assistance – HCBS/FE.....\$31,936,854

Provided, That any unencumbered balance in the LTC – medicaid assistance – HCBS/FE account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC – medicaid assistance – HCBS/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC – medicaid assistance – NF.....\$166,000,000

Provided, That any unencumbered balance in the LTC – medicaid assistance – NF account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures: *And provided further*; That notwithstanding the provisions of K.S.A. 2010 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary of aging shall institute trending methods to provide rate increases for nursing facilities for fiscal year 2012.

LTC – medicaid assistance – PACE.....\$2,142,109

Provided, That any unencumbered balance in the LTC – medicaid assistance – PACE account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That all expenditures made from the LTC – medicaid assistance – PACE account shall be for the PACE program: *And provided further*; That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

Nursing facilities regulation.....\$229,768

Provided, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Nursing facilities regulation – title XIX.....\$859,256

Provided, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal

year 2012.

Any unencumbered balance in the LTC – medicaid assistance – MFP account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

AoA demonstration lifespan respite project.....	No limit
Community putting prevention to work.....	No limit
Special program for aging IIIB – federal fund.....	No limit
Special program for aging IIIC – federal fund.....	No limit
Special program for aging IIID – federal fund.....	No limit
National family caregiver support program IIIE – federal fund.....	No limit
Special program for aging IV & II – federal fund.....	No limit
Special program for aging VII-2 – federal fund.....	No limit
Special program for aging VII-3 – federal fund.....	No limit
Alzheimer’s disease fund.....	No limit
Survey & Certification – federal fund.....	No limit
Center for medicare/medicaid service – federal fund.....	No limit
Money follows the person grant – federal fund.....	No limit
Medicaid assistance program – federal fund.....	No limit

Provided, That transfers of moneys from the title XIX fund – federal to the state fire marshal may be made during fiscal year 2012 pursuant to a contract which is hereby authorized to be entered into by the secretary of aging with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

Social service block grant fund.....	\$4,399,305
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Provided, That each grant agreement with an area agency on aging for a grant from the senior care act – social service block grant fund shall require the area agency on aging to submit to the secretary of aging a report for fiscal year 2011 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2011: *Provided further*; That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2012 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2011: *And provided further*; That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this fund shall be placed in appropriate services which are determined to be the most economical services available.

Nutrition service incentive program fund – federal.....	No limit
Senior citizen nutrition check-off fund.....	No limit
Conferences and workshops attendance and publications fees fund.....	No limit

Provided, That the secretary of aging is hereby authorized to fix, charge and collect conference and workshop attendance fees for conferences and workshops sponsored by the department on aging and fees for copies of publications: *Provided further*; That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the conferences and workshops attendance and publications fees fund: *And provided further*; That

expenditures may be made from this fund to defray all or part of the costs of such conferences and workshops including official hospitality and of such publications.

Health policy nursing facility quality care fund.....\$19,577,801

Provided, That the secretary of aging, acting as the agent of the Kansas health policy authority, is hereby authorized to collect the quality care assessment under K.S.A. 2010 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2010 Supp. 75-7435, and amendments thereto, all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the health policy nursing facility quality care fund: *Provided further*; That all moneys in the health policy nursing facility quality care fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 2010 Supp. 75-7435, and amendments thereto.

State licensure fee fund.....\$1,368,771

General fees fund.....No limit

Provided, That the secretary of aging is hereby authorized to collect (1) fees from the sale of surplus property, (2) fees charged for searching, copying and transmitting copies of public records, (3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses of state property, and (4) other miscellaneous fees: *Provided further*; That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*; That expenditures shall be made from this fund to meet the obligations of the department on aging, or to benefit and meet the mission of the department on aging.

Gifts and donations fund.....No limit

Provided, That the secretary of aging is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: *Provided further*; That such gifts and donations of money shall be deposited in the state treasury and credited to the gifts and donations fund.

Medical resources and collection fund.....No limit

Provided, That all moneys received or collected by the secretary of aging due to medicaid overpayments shall be deposited in the state treasury and credited to the medical resources and collection fund and expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *Provided further*; That all moneys received or collected by the secretary of aging due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury and credited to this fund and expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

SHICK fund – grants – federal.....No limit

Senior services fund.....No limit

Long-term care loan and grant fund.....No limit

Intergovernmental transfer administration fund.....\$0

Non-government grant fund.....No limit

Health facilities review fund.....No limit

Medicare enrollment assistance program fund – federal.....No limit

(c) During the fiscal year ending June 30, 2012, the secretary of aging, with the approval of the director of the budget, may transfer any part of any item of

appropriation for fiscal year 2012 from the state general fund for the department on aging to another item of appropriation for fiscal year 2012 from the state general fund for the department on aging. The secretary of aging shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department of social and rehabilitation services and in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department of health and environment – division of health, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the secretary of social and rehabilitation services and the secretary of health and environment for fiscal year 2012 to enter into a contract with the secretary of aging, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary of aging to perform the powers, duties, functions and responsibilities prescribed by and to conduct investigations pursuant to K.S.A. 39-1404, and amendments thereto, in conjunction with the performance of such powers, duties, functions, responsibilities and investigations by the secretary of social and rehabilitation services and the secretary of health and environment under such statute, with respect to reports of abuse, neglect or exploitation of residents or reports of residents in need of protective services on behalf of the secretary of social and rehabilitation services or the secretary of health and environment, as the case may be, in accordance with and pursuant to K.S.A. 39-1404, and amendments thereto, during fiscal year 2012: *Provided*, That, in addition to the other purposes for which expenditures may be made by the department on aging from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department on aging, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of aging for fiscal year 2012 to provide for the performance of such powers, duties, functions and responsibilities and to conduct such investigations: *Provided further*; That, the words and phrases used in this subsection shall have the meanings respectively ascribed thereto by K.S.A. 39-1401, and amendments thereto.

(e) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC – medicaid assistance – NF account of the state general fund of the department on aging to the LTC – medicaid assistance – HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: *Provided*, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2011, and on June 1, 2012, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: *Provided further*; That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: *And provided further*; That the

director of the budget shall transmit a copy of each such certification to the director of legislative research: *And provided further*; That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2012 with expenditure data regarding this program.

Sec. 111.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

State operations.....\$105,476,511

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01, and amendments thereto: *And provided further*; That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed \$500: *And provided further*; That expenditures shall be made from this account to contract with Kansas legal services for the purpose of providing legal representation and disability determination case management: *And provided further*; That in addition to the other purposes for which expenditures may be made by the above agency from the state operations account for fiscal year 2012, expenditures shall be made by the above agency from the state operations account for fiscal year 2012 to report, at least quarterly during such fiscal year, to the legislative budget committee concerning the budget and financial status of the department of social and rehabilitation services and any other matter the committee may request.

Alcohol and drug abuse services grants.....\$3,029,539

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Mental health and retardation services aid and assistance.....\$168,131,167

Provided, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Kansas neurological institute – operating expenditures.....\$10,474,409

Provided, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the Kansas neurological institute – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*; That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital – operating expenditures.....\$30,559,790

Provided, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the Larned state hospital – operating expenditures account for official hospitality by the superintendent shall not

exceed \$150: *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 Larned state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

Larned state hospital – sexual predator treatment program.....\$12,990,675
Provided, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Osawatomic state hospital – operating expenditures\$14,481,332
Provided, That any unencumbered balance in the Osawatomic state hospital – operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures from the Osawatomic state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

Parsons state hospital and training center – operating expenditures.....\$10,373,289
Provided, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures from the Parsons state hospital and training center – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Rainbow mental health facility – operating expenditures.....\$4,536,818
Provided, That any unencumbered balance in the Rainbow mental health facility – operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures from the Rainbow mental health facility – operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

Children’s mental health initiative.....\$1,408,418
Provided, That any unencumbered balance in the children’s mental health initiative account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*, That no expenditures shall be made from the children's mental health initiative account for inpatient hospital beds for children.

Youth services aid and assistance.....\$99,098,413
Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Vocational rehabilitation aid and assistance.....\$5,965,139
Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *Provided, however*, That all such expenditures for durable equipment or assistive technology devices shall require a \$1 for \$1 match from non-state sources: *And provided further*, That expenditures may be made from this account by the secretary of social and rehabilitation services for the purchase of worker's compensation insurance for consumers of vocational rehabilitation services and assessments at work site and job tryout sites throughout the state.

Cash assistance.....\$46,069,941
Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Community based services.....\$87,187,295
Provided, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Other medical assistance.....\$120,322,135
Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Community mental health centers supplemental funding.....\$2,347,363
Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund.....\$46,752,996
Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: *Provided further*, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act and for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance.

Nonfederal reimbursements fund.....No limit
Provided, That all nonfederal reimbursements received by the department of social and rehabilitation services shall be deposited in the state treasury and credited to the nonfederal reimbursements fund: *Provided further*, That moneys in the nonfederal reimbursements fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance, and for transfers to the social welfare fund.

Kansas neurological institute fee fund.....\$1,596,227

Kansas neurological institute – foster grandparents program – federal fund.....No limit

Kansas neurological institute – FGP gifts, grants, donations special.....No limit

Kansas neurological institute – FGP gifts, grants, donations fund.....	No limit
Kansas neurological institute – patient benefit fund.....	No limit
Kansas neurological institute – work therapy patient benefit fund.....	No limit
Kansas neurological institute – conferences fees fund.....	No limit
<i>Provided</i> , That all moneys received as fees for conference activities by Kansas neurological institute shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas neurological institute – conferences fees fund: <i>Provided further</i> , That the superintendent of Kansas neurological institute is hereby authorized to fix, charge and collect fees for conference activities sponsored by Kansas neurological institute: <i>And provided further</i> , That expenditures may be made from this fund to defray the costs of such conference activities.	
Larned state hospital fee fund.....	\$4,466,620
Larned state hospital – elementary and secondary education fund – federal.....	No limit
Larned state hospital – vocational education fund – federal.....	No limit
Larned state hospital – ECIA fund – federal.....	No limit
Larned state hospital – motor pool revolving fund.....	No limit
Larned state hospital work therapy patient benefit fund.....	No limit
Larned state hospital – canteen fund.....	No limit
Larned state hospital – patient benefit fund.....	No limit
Osawatomie state hospital – ECIA fund – federal.....	No limit
Osawatomie state hospital – canteen fund.....	No limit
Osawatomie state hospital – patient benefit fund.....	No limit
Osawatomie state hospital – work therapy patient benefit fund.....	No limit
Osawatomie state hospital – motor pool revolving fund.....	No limit
Osawatomie state hospital – training fee revolving fund.....	No limit
<i>Provided</i> , That all moneys received as fees for training activities for Osawatomie state hospital 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 Osawatomie state hospital – training fee revolving fund: <i>Provided further</i> , That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.	
Osawatomie state hospital fee fund.....	\$9,016,254
<i>Provided</i> , That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital 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 video teleconferencing fee account of the Osawatomie state hospital fee fund: <i>Provided further</i> , That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomie state hospital: <i>And provided further</i> , That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund.	
Parsons state hospital and training center – canteen fund.....	No limit
Parsons state hospital and training center – patient benefit fund.....	No limit

Parsons state hospital and training center – work therapy patient benefit fund.....	No limit
Parsons state hospital and training center fee fund.....	\$1,354,867
<i>Provided</i> , That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center 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 video teleconferencing fee account of the Parsons state hospital and training center fee fund: <i>Provided further</i> , That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: <i>And provided further</i> , That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund.	
Rainbow mental health facility fee fund.....	\$2,469,445
Rainbow mental health facility – patient benefit fund.....	No limit
Rainbow mental health facility – work therapy patient benefit fund.....	No limit
Social services clearing fund.....	No limit
Social welfare fund.....	\$29,083,212
Other state fees fund.....	No limit
Substance abuse/mental health services federal fund.....	No limit
Child welfare services state grants federal fund.....	No limit
Community mental health block grant federal fund.....	No limit
Social services block grant – federal fund.....	No limit
Child care/development block grant federal fund.....	No limit
Money follows the person grant federal fund.....	No limit
Temporary assistance to needy families federal fund.....	No limit
Prevention/treatment substance abuse federal fund.....	No limit
Promoting safe/stable families federal fund.....	No limit
Title IVE foster care federal fund.....	No limit
Medical assistance program federal fund.....	No limit
Rehabilitation services – vocational rehabilitation federal fund.....	No limit
Enhance child safety – parental substance abuse federal fund.....	No limit
SRS enterprise fund.....	No limit
SRS trust fund.....	No limit
Problem gambling and addictions grant fund.....	No limit
Child support enforcement federal fund.....	No limit
Energy assistance block grant federal fund.....	No limit
Family and children trust account – family and children investment fund.....	No limit
<i>Provided</i> , That expenditures from the family and children trust account – family and children investment fund for official hospitality shall not exceed \$1,500.	
Low-income home energy assistance federal fund.....	No limit
Commodity supp food program federal fund.....	No limit
Social security – disability insurance federal fund.....	No limit
Supplemental nutrition assistance program federal fund.....	No limit
Emergency food assistance program federal fund.....	No limit
Child care and development mandatory and matching federal fund.....	No limit

Community-based child abuse prevention grants federal fund.....	No limit
Chafee education and training vouchers program federal fund.....	No limit
Title IV-E FDF federal fund.....	No limit
Adoption incentive payments federal fund.....	No limit
State sexual assault and domestic violence coalitions grants federal fund.....	No limit
Public health/social services emergency response federal fund.....	No limit
Assistance in transition from homelessness federal fund.....	No limit
Adoption assistance federal fund.....	No limit
Chafee foster care independence program federal fund.....	No limit
Traumatic brain injury state demonstration grant program federal fund.....	No limit
Refugee and entrant assistance federal fund.....	No limit
Head start federal fund.....	No limit
Developmental disabilities basic support federal fund.....	No limit
Children’s justice grants to states federal fund.....	No limit
Child abuse and neglect state grants federal fund.....	No limit
Alternatives to psych. resid. treatment facilities for children federal fund.....	No limit
Independent living state grants federal fund.....	No limit
Independent living services for older blind federal fund.....	No limit
Supported employment for individuals with severe disabilities federal fund.....	No limit
Rehabilitation training – general training federal fund.....	No limit
CMS research, demonstration and evaluations federal fund.....	No limit
Administrative matching grants for food assistance program federal fund.....	No limit
Temporary assistance for needy families emergency funds federal fund.....	No limit
Rehabilitation services–vocational rehabilitation – ARRA federal fund.....	No limit
Independent living older blind – ARRA federal fund.....	No limit
Substance abuse performance outcome grant federal fund.....	No limit
Prevention fellowship program grant federal fund.....	No limit
Federal Olmstead grant federal fund.....	No limit
ADAS data collection grant federal fund.....	No limit
Child care discretionary federal fund.....	No limit
Money follows the person rebalancing demonstration federal fund.....	No limit
Substance abuse and mental health services – projections of regional and national significance federal fund.....	No limit
Supplemental security income federal fund.....	No limit
Child support enforcement research federal fund.....	No limit
Mental health research grants federal fund.....	No limit
Child abuse and neglect discretionary federal fund.....	No limit
Children’s health insurance federal fund.....	No limit

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2012, the following:

Children’s cabinet accountability fund.....\$519,325
Provided, That any unencumbered balance in the children’s cabinet accountability fund account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Children’s mental health waiver.....\$3,800,000
Provided, That any unencumbered balance in the children’s mental health waiver account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year

2012.

Child care.....\$5,033,679
Provided, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Children’s cabinet early childhood discretionary grant program.....\$7,158,744
Provided, That any unencumbered balance in the children’s cabinet early childhood discretionary grant program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Early head start.....\$66,584
Provided, That any undercumbered balance in the early head start account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Family preservation.....\$3,106,605
Provided, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Quality initiative infants & toddlers.....\$479,257
Provided, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Early childhood block grant.....\$10,615,408
Provided, That any unencumbered balance in the early childhood block grant account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Reading roadmap program.....\$933,137
Provided, That all expenditures from the reading roadmap program account shall be for grants awarded on a competitive basis for proposals for reading centers based on research-based models in targeted school districts with the long-term goal of improving fourth-grade reading scores: *Provided further*, That the grants shall require a \$1 for \$1 match from nonstate government or private sources: *And provided further*, That the goals of the reading roadmap program are to encourage and expand early childhood reading as a means of lifting children out of poverty.

Family centered system of care.....\$4,750,000
Provided, that any unencumbered balance in the family centered system of care account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(d) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2012, the following:

Children’s cabinet administration.....\$262,007

(e) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, the following:

Energy conservation improvement debt service\$66,279

Larned state hospital – city of Larned wastewater treatment.....\$124,827
Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the Larned state hospital – city of Larned wastewater treatment account of the state institutions building fund for payment of Larned state hospital's portion of the city of Larned’s wastewater treatment system.

(f) During the fiscal year ending June 30, 2012, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state

general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2012 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) During the fiscal year ending June 30, 2012, the secretary of social and rehabilitation services, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the department of social and rehabilitation services, or of any institution or facility under the general supervision and management of the secretary of social and rehabilitation services, to another federal fund of the department of social and rehabilitation services, or of another institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(h) On July 1, 2011, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital – canteen fund to the Osawatomie state hospital – patient benefit fund.

(i) On July 1, 2011, the superintendent of Parsons state hospital and training center, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center – canteen fund to the Parsons state hospital and training center – patient benefit fund.

(j) On July 1, 2011, the superintendent of Larned state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Larned state hospital – canteen fund to the Larned state hospital – patient benefit fund.

(k) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the nonfederal reimbursements fund to the social welfare fund the amount specified by the secretary of social and rehabilitation services.

(l) During the fiscal year ending June 30, 2012, all moneys received by the secretary of social and rehabilitation services, to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund, shall be deposited in the state treasury to the credit of the family and children endowment account of the family and children investment fund.

(m) During the fiscal year ending June 30, 2012, to the extent it is determined by the secretary of social and rehabilitation services to be cost effective, the secretary of social and rehabilitation services shall apply for and accept donations from private sources to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund. During the fiscal year ending June 30, 2012, upon

receipt of one or more donations of moneys from private sources for deposit to the credit of the family and children endowment account of the family and children investment fund, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from any such moneys appropriated for fiscal year 2012 for payments into the family and children endowment account of the family and children investment fund that match the aggregate amount of all such donations and that are equal to the aggregate amount of moneys donated to and credited to the family and children endowment account of the family and children investment fund during fiscal year 2012.

(n) During the fiscal year ending June 30, 2012, no moneys paid by the department of social and rehabilitation services from the mental health and retardation services aid and assistance account of the state general fund shall be expended by the entity receiving such moneys to pay membership dues and fees to any entity that does not provide the department of social and rehabilitation services, the legislative division of post audit, or another state agency with access to its financial records upon request for such access.

(o) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2012 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the secretary of social and rehabilitation services for fiscal year 2012 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the department of social and rehabilitation services: *Provided*, That in accordance with the provisions of federal law, the secretary of social and rehabilitation services shall not deny services to children under the home and community based services programs based on the failure of any parent to pay such fees: *Provided further*; That such fees shall be fixed by adoption of a sliding fee scale established by the secretary of social and rehabilitation services and such fees shall recover all or part of the expenses incurred in providing such services: *And provided further*; That such fees shall be reduced or waived in cases of demonstrable hardship and for families who are at or below 200% of the federal poverty level and who are receiving home and community based services: *And provided further*; That all moneys received by the department of social and rehabilitation services for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the social welfare fund.

(p) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC – medicaid assistance – NF account of the state general fund of the department on aging to the LTC – medicaid assistance – HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: *Provided*, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2011, and on June 1, 2012, to

reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: *Provided further*, That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: *And provided further*, That the director of the budget shall transmit a copy of each such certification to the director of legislative research: *And provided further*, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2012 with expenditure data regarding this program.

(q) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$900,000 from the problem gambling and addiction grant fund of the department of social and rehabilitation services to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the problem gambling and addictions grant fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the problem gambling and addictions grant fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of social and rehabilitation services by other state agencies which receive appropriations from the state general fund to provide such services.

(r) In addition to the other purposes for which expenditures may be made by the above agency from the child care/development block grant federal fund or any other special revenue fund or funds for fiscal year 2012, expenditures shall be made by the above agency from the child care/development block grant federal fund or any other special revenue fund or funds for fiscal year 2012 in an amount of not less than \$10,202,779, to provide funding for the early head start program.

(s) On July 1, 2011, or as soon thereafter as money is available, the director of accounts and reports shall transfer \$6,700,000 from the state general fund to the children's initiatives fund.

Sec. 112.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Kansas guardianship program.....\$1,149,493

Provided, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Sec. 113.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$10,411,517

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Special education services aid.....\$427,717,630
Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-983, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing proviso, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-978, and amendments thereto.

General state aid.....\$1,902,775,680
Provided, That an unencumbered balance in the general state aid account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That, if the aggregate amount of moneys appropriated or reappropriated in the general state aid account by this section for fiscal year 2012 is less than the amount equal to 50% of the joint estimate of revenue to the state general fund for fiscal year 2012 conducted on or before April 20, 2012 pursuant to K.S.A. 2010 Supp. 75-6702, and amendments thereto, then an additional amount equal to the difference between such aggregate amount and 50% of such joint estimate amount is appropriated from the state general fund for general state aid for the above agency for the fiscal year ending June 30, 2012.

Supplemental general state aid.....\$339,212,000
Provided, That any unencumbered balance in the supplemental general state aid account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Discretionary grants.....\$322,500
Provided, That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2012, in the amount not less than \$125,000 for after school programs for middle school students in the sixth, seventh and eighth grade: *Provided further*, That the after school programs may also include fifth and ninth grade students, if they attend a junior high: *And provided further*, That such discretionary grants shall be awarded to after school programs that operate for a minimum of two hours a day, every day that school is in session, and a minimum of six hours a day for a minimum of five weeks during the summer: *And provided further*, That the discretionary grants awarded to after school programs shall require a \$1 for \$1 local match: *And provided further*, That the aggregate amount of discretionary grants awarded to any one after school program shall not exceed \$25,000.

School food assistance.....\$2,487,458

School safety hotline.....\$10,000

KPERS – employer contributions.....\$389,062,720

Provided, That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That all expenditures from the KPERS – employer contributions account shall be for payment of participating employers' contributions to the Kansas

public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*, That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

Educable deaf-blind and severely handicapped children's programs aid.....\$110,000
School district juvenile detention facilities and Flint Hills job corps center grants.....\$6,012,355

Provided, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-8187, and amendments thereto.

Any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That all expenditures from the governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be made in accordance with K.S.A. 72-1398, and amendments thereto: *And provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

- State school district finance fund.....No limit
- School district capital improvements fund.....No limit
- Provided*, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-6761, and amendments thereto.
- School district capital outlay state aid fund.....\$0
- Conversion of materials and equipment fund.....No limit
- State safety fund.....No limit
- School bus safety fund.....No limit
- Motorcycle safety fund.....No limit
- Federal indirect cost reimbursement fund.....No limit
- Teacher and administrator fee fund.....No limit
- Food assistance – federal fund.....No limit
- Education jobs fund – federal.....No limit
- Food assistance – school breakfast program – federal fund.....No limit

Food assistance – national school lunch program – federal fund.....	No limit
Food assistance – child and adult care food program – federal fund.....	No limit
Elementary and secondary school aid – federal fund.....	No limit
Elementary and secondary school aid – educationally deprived children – federal fund.....	No limit
Educationally deprived children – state operations – federal fund.....	No limit
Elementary and secondary school – educationally deprived children – LEA’s fund.....	No limit
ESEA chapter II – state operations – federal fund.....	No limit
Education of handicapped children fund – federal.....	No limit
Education of handicapped children fund – state operations – federal fund.....	No limit
Education of handicapped children fund – preschool – federal fund.....	No limit
Education of handicapped children fund – preschool state operations – federal.....	No limit
Elementary and secondary school aid – federal fund – migrant education fund.....	No limit
Elementary and secondary school aid – federal fund – migrant education – state operations.....	No limit
Vocational education amendments of 1968 – federal fund.....	No limit
Vocational education title II – federal fund.....	No limit
Vocational education title II – federal fund – state operations.....	No limit
Educational research grants and projects fund.....	No limit
Drug abuse fund – department of education – federal.....	No limit
Drug abuse funds – federal – state operations fund.....	No limit
Federal K-12 fiscal stabilization fund.....	No limit
Inservice education workshop fee fund.....	No limit
<i>Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: Provided further, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: And provided further, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: And provided further, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.</i>	
Private donations, gifts, grants and bequests fund.....	No limit
Interactive video fee fund.....	No limit
<i>Provided, That expenditures may be made from the interactive video fee fund for operating expenditures incurred in conjunction with the operation and use of the interactive video conference facility of the department of education: Provided further, That the state board of education is hereby authorized to fix, charge and collect fees for the operation and use of such interactive video conference facility: And provided further, That all fees received for the operation and use of such interactive video conference facility shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the interactive video fee fund.</i>	
Reimbursement for services fund.....	No limit
Communities in schools program fund.....	No limit

Governor’s teaching excellence scholarships program repayment fund.....No limit
Provided, That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-1398, and amendments thereto: *Provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor’s teaching excellence scholarships program repayment fund.

Elementary and secondary school aid – federal fund – reading first.....	No limit
Elementary and secondary school aid – federal fund – reading first – state operations.....	No limit
State grants for improving teacher quality – federal fund.....	No limit
State grants for improving teacher quality – federal fund – state operations.....	No limit
21st century community learning centers – federal fund.....	No limit
State assessments – federal fund.....	No limit
Rural and low-income schools program – federal fund.....	No limit
Language assistance state grants – federal fund.....	No limit
Service clearing fund.....	No limit
Helping schools license plate program fund.....	No limit

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2012, the following:

Pre-K program.....	\$4,799,812
Parent education program.....	\$7,237,635

Provided, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount which is equal to not less than 65% of the grant.

(d) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund of the department of social and rehabilitation services to the communities in schools program fund of the department of education.

(e) On March 30, 2012, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$900,000 from the state safety fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf

of the department of education by other state agencies which receive appropriations from the state general fund to provide such services.

(f) On June 30, 2012, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$900,000 from the state safety fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of education by other state agencies which receive appropriations from the state general fund to provide such services.

(g) On July 1, 2011, and quarterly thereafter, the director of accounts and reports shall transfer \$61,789 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.

(h) On July 1, 2011, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund of the department of education to the motorcycle safety fund of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to subsection (b)(2) of K.S.A. 8-272, and amendments thereto.

Sec. 114.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$1,656,048

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Grants to libraries and library systems.....\$2,425,713

Provided, That any unencumbered balance in the grants to libraries and library systems account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That, of the moneys appropriated in the grants to libraries and library systems account, \$1,587,767 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, \$453,446 shall be distributed for interlibrary loan development grants and \$413,883 shall be paid according to contracts with the subregional libraries of the Kansas talking book services.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund.....No limit

Federal library services and technology act – fund.....No limit

Grants and gifts fund.....No limit

Sec. 115.

KANSAS ARTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$217,084

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2012:

Provided, however; That expenditures from the operating expenditures account for official hospitality shall not exceed \$4,000: *Provided further*; That expenditures may be made by the above agency from any amount of savings in the operating expenditures account shall be utilized for the purpose of matching federal grant moneys, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

Arts programming grants and challenge grants.....\$470,915

Provided, That expenditures from the arts programming grants and challenge grants account shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas talent and art: *Provided further*; That expenditures from this account shall be utilized for the purpose of matching federal grant moneys, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas arts commission gifts, grants and bequests — federal fund.....No limit

Kansas arts commission fee fund.....No limit

Kansas arts commission special gifts fund.....No limit

Arts programming grants fund.....No limit

Provided, That moneys received by the Kansas arts commission from the remittance of the unexpended balance of arts programming grants to the commission shall be deposited in the state treasury and credited to the arts programming grants fund:

Provided further; That expenditures from this fund shall be utilized for the purpose of matching federal grant moneys, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

Sec. 116.

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, 2012, the following:

Operating expenditures.....\$5,104,478

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:

Provided, however; That expenditures from the operating expenditures for official hospitality shall not exceed \$2,000.

Arts for the handicapped.....\$133,847

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

General fees fund.....	No limit
Local services reimbursement fund.....	No limit
<i>Provided</i> , That the Kansas state school for the blind is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts:	
<i>Provided further</i> , That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.	
Student activity fees fund.....	No limit
Special bequest fund.....	No limit
Gift fund.....	No limit
Technology lending library – federal fund.....	No limit
Nine month payroll clearing fund.....	No limit
Food assistance – cash for commodities – federal fund.....	No limit
Food assistance – breakfast – federal fund.....	No limit
Food assistance – lunch – federal fund.....	No limit
Chapter I handicapped – federal fund.....	No limit
Education improvement – federal fund.....	No limit
Elementary and secondary education act – federal fund.....	No limit
Special education assistance – ARRA – federal fund.....	No limit
E-rate grant – federal fund.....	No limit
Preparation and mentoring of teachers of the blind and visually impaired – federal fund.....	No limit
Improve teacher quality grant – federal fund.....	No limit
School breakfast program – federal fund.....	No limit
Special education preschool grants – federal fund.....	No limit

(c) On July 1, 2011, the chapter I handicapped – federal fund of the Kansas state school for the blind is hereby redesignated as the workforce investment act youth activities – federal fund of the Kansas state school for the blind.

(d) On July 1, 2011, the special education assistance – ARRA – federal fund of the Kansas state school for the blind is hereby redesignated as the special education state grants – federal fund of the Kansas state school for the blind.

Sec. 117.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....	\$8,499,634
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....	No limit
Local services reimbursement fund.....	No limit

Provided, That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts:

Provided further, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

Student activity fees fund.....	No limit
Elementary and secondary education act – federal fund.....	No limit
Elementary and secondary education act 2009 ARRA – federal fund.....	No limit
Vocational education fund – federal.....	No limit
School lunch program – federal fund.....	No limit
Special bequest fund.....	No limit
Special workshop fund.....	No limit
Gift fund.....	No limit
Nine month payroll clearing fund.....	No limit
Special education state grants – federal fund.....	No limit
Special education state grants ARRA – federal fund.....	No limit
Special education preschool ARRA – federal fund.....	No limit
Improve teacher quality grant – federal fund.....	No limit
School breakfast program – federal fund.....	No limit
National school lunch program ARRA – federal fund.....	No limit
Special education preschool grants – federal fund.....	No limit

Sec. 118.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....	\$4,900,739
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:

Provided, however; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,463.

Kansas humanities council.....	\$64,361
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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, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Credit card clearing fund.....	No limit
Vehicle repair and replacement fund.....	No limit
General fees fund.....	No limit
Archeology fee fund.....	No limit

Provided, That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the archeology fee fund.

Archeology federal fund.....	No limit
Conversion of materials and equipment fund.....	No limit

Soil/water conservation fund.....No limit
 Microfilm fees fund.....No limit
Provided, That expenditures may be made from the microfilm fees fund for operating expenses for providing imaging services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing imaging services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilm fees fund.
 Records center fee fund.....No limit
Provided, That expenditures may be made from the records center fee fund for operating expenses for state records and for the trusted digital repository for electronic government records: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the records center fee fund.
 Historic properties fee fund.....No limit
 Historic preservation grants in aid fund.....No limit
 Historic preservation overhead fees fund.....No limit
 National historic preservation act fund – local.....No limit
 Private gifts, grants and bequests fund.....No limit
 Museum and historic sites visitor donation fund.....No limit
 Insurance collection replacement/reimbursement fund.....No limit
 Heritage trust fund.....No limit
Provided, That expenditures from the heritage trust fund for state operations shall not exceed \$94,548.
 Land survey fee fund.....No limit
Provided, That, notwithstanding the provisions of K.S.A. 58-2011, and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year 2012 for operating expenditures that are not related to administering the land survey program.
 National trails fund.....No limit
 State historical society facilities fund.....No limit
 Historic properties fund.....No limit
 Law enforcement memorial fund.....No limit
 Highway planning/construction fund.....No limit
 Save America’s treasures fund.....No limit
 Property sale proceeds fund.....No limit
Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701, and amendments thereto, shall be deposited in the state treasury and credited to the property sale proceeds fund.
 Amelia Earhart bridge mitigation project fund.....No limit
 Sec. 119.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$32,404,650

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Master's-level nursing capacity.....\$133,506

Kansas wetlands education center at Cheyenne bottoms.....\$262,764

Provided, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Kansas academy of math and science.....\$525,488

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund.....No limit

Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund.....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund.....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Special events; technology equipment; Gross coliseum services; performing arts center services; farm income; choral music clinic; yearbook; off-campus tours; memorial union activities; student activity (unallocated); Leader (newspaper); conferences, clinics and workshops – noncredit; summer laboratory school; little theater; library services; student affairs; speech and debate; student government; counseling center services; interest on local funds; student identification cards; nurse education programs; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; midwestern student exchange; departmental receipts for all sales, refunds and other collections not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in

accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further*; That expenditures may be made from the restricted fees fund for official hospitality.

Education opportunity act – federal fund.....No limit

Service clearing fund.....No limit

Provided, That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund.....No limit

Health fees fund.....No limit

Provided, That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Student union fees fund.....No limit

Provided, That expenditures may be made from the student union fee fund for official hospitality.

Kansas career work study program fund.....No limit

Economic opportunity act – federal fund.....No limit

Kansas comprehensive grant fund.....No limit

Faculty of distinction matching fund.....No limit

Nine month payroll clearing account fund.....No limit

Federal Perkins student loan fund.....No limit

Housing system revenue fund.....No limit

Provided, That expenditures may be made from the housing system revenue fund for official hospitality.

Institutional overhead fund.....No limit

Oil and gas royalties fund.....No limit

Housing system suspense fund.....No limit

Housing system operations fund.....No limit

Housing system repairs, equipment and improvement fund.....No limit

Sponsored research overhead fund.....No limit

Kansas distinguished scholarship fund.....No limit

University federal fund.....No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *Provided further*; That expenditures may be made by the above agency from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101, and amendments thereto.

Federal higher education fiscal stabilization fund –

Fort Hays state university.....No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of

accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund to the federal Perkins student loan fund.

Sec. 120.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$102,759,850
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Midwest institute for comparative stem cell biology.....\$129,833
Provided, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund.....No limit
Faculty of distinction matching fund.....No limit
General fees fund.....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on endowment fund.....No limit
Restricted fees fund.....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts:

Technology equipment; flight services; human resources management system; computer services; copy centers; standardized test fees; placement center; recreational services; college of technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education – publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education – Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous

renovations – construction; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; postage center; printing; short courses and conferences; student government association receipts; regents educational communications center; late registration fee; engineering equipment fee; architecture equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; comparative medicine; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages: *And provided further*, That expenditures may be made from the restricted fees fund for official hospitality.

- Kansas career work study program fund.....No limit
- Service clearing fund.....No limit
- Provided*, That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.
- Sponsored research overhead fund.....No limit
- Provided*, That expenditures may be made from the sponsored research overhead fund for official hospitality.
- Housing system suspense fund.....No limit
- Housing system operations fund.....No limit
- Provided*, That expenditures may be made from the housing system operations fund for official hospitality.
- Housing system repairs, equipment and improvement fund.....No limit
- Mandatory retirement annuity clearing fund.....No limit
- Student health fees fund.....No limit
- Provided*, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.
- Scholarship funds fund.....No limit
- Perkins student loan fund.....No limit

Board of regents – U.S. department of education awards fund.....	No limit
State agricultural university fund.....	No limit
Federal extension civil service retirement clearing fund.....	No limit
Salina – student union fees fund.....	No limit
Salina – housing system operation fund.....	No limit
Kansas distinguished scholarship fund.....	No limit
Kansas comprehensive grant fund.....	No limit
Temporary deposit fund.....	No limit
Business procurement card clearing fund.....	No limit
Suspense fund.....	No limit
Voluntary tax shelter annuity clearing fund.....	No limit
Agency payroll deduction clearing fund.....	No limit
Payroll clearing fund.....	No limit
Pre-tax parking clearing fund.....	No limit
University federal fund.....	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Johnson county education research triangle fund.....	No limit
Federal higher education fiscal stabilization fund – Kansas state university.....	No limit
Energy conservation improvements fund.....	No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed \$100,000 from the general fees fund to the Perkins student loan fund.

Sec. 121.

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, 2012, the following:

Cooperative extension service (including official hospitality).....	\$18,600,461
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Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Agricultural experiment stations (including official hospitality).....	\$29,750,204
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Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund.....	No limit
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Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment;

professorships; agricultural experiment station, director's office; agronomy – Ashland farm; KSU agricultural research center – Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy – general; agronomy – experimental field crop sales; entomology sales; grain science and industry – Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; comparative medicine; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; miscellaneous renovation – construction; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2012.

Fertilizer research fund.....	No limit
Sponsored research overhead fund.....	No limit
Federal extension fund.....	No limit
Federal experimental station fund.....	No limit
Federal awards – advance payment fund.....	No limit
Smith-Lever special program grant – federal fund.....	No limit
Faculty of distinction matching fund.....	No limit
Agricultural land use-value fund.....	No limit
University federal fund.....	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Federal higher education fiscal stabilization fund – Kansas state university extension systems and agriculture research programs.....No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

Agricultural experiment stations.....\$300,175

(d) During the fiscal year ending June 30, 2012, no moneys appropriated from the state general fund or any special revenue fund for Kansas state university or Kansas state university extension systems and agriculture research programs shall be expended

on or after the effective date of this act by Kansas state university or Kansas state university extension systems and agriculture research programs, directly or indirectly, for (1) any financial aid or other support for any 4-H competitive events or activities at county fairs for which the minimum age for participants is increased from 7 years of age to 9 years of age, or (2) any financial aid or other support for any 4-H organization or unit that sponsors competitive events at county fairs and that is planning to increase or has increased the minimum age for participants in such events from 7 years of age to 9 years of age.

Sec. 122.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$9,872,665
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Veterinary training program for rural Kansas.....\$395,228
Provided, That any unencumbered balance in the veterinary training program for rural Kansas account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund.....No limit
Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Veterinary medicine teaching hospital revenue fund.....No limit
 Faculty of distinction matching fund.....No limit
 Hospital and diagnostic laboratory improvement fund.....No limit
 Restricted fees fund.....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations or construction; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; professorship; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; comparative medicine; storerooms; departmental receipts for all sales, refunds and other collections; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for

which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Sponsored research overhead fund.....No limit
Health professions student loan fund.....No limit
University federal fund.....No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Federal higher education fiscal stabilization fund – Kansas

state university veterinary medical center.....No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of \$15,000 from the general fees fund to the health professions student loan fund.

Sec. 123.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$30,616,575
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
Reading recovery program.....\$215,112
Nat'l Board Cert/Future Teacher Academy.....\$129,050

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund.....No limit
Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.
General fees fund.....No limit
Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on state normal school fund.....No limit
Restricted fees fund.....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts

not specifically enumerated above: *Provided, however,* That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further,* That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund.

Service clearing fund.....No limit
Provided, That the service clearing fund shall be used for the following service activities: Telecommunications services; office supplies inventory; state car operation; ESU press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; data processing center; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund.....No limit

Kansas career work study program fund.....No limit

Student health fees fund.....No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Faculty of distinction matching fund.....No limit

Bureau of educational measurements fund.....No limit

National direct student loan fund.....No limit

Economic opportunity act – work study – federal fund.....No limit

Educational opportunity grants – federal fund.....No limit

Basic opportunity grant program – federal fund.....No limit

Research and institutional overhead fund.....No limit

Kansas comprehensive grant fund.....No limit

Housing system suspense fund.....No limit

Housing system operations fund.....No limit

Housing system repairs, equipment and improvement fund.....No limit

Kansas distinguished scholarship fund.....No limit

University federal fund.....No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Leveraging educational assistance partnership federal fund.....No limit

Federal higher education fiscal stabilization fund –

Emporia state universityNo limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Emporia state university of not to exceed \$30,000 from the general fees fund to the national direct student loan fund.

Sec. 124.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$33,668,152

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

School of construction.....\$750,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund.....No limit

Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund.....No limit

Provided, That all moneys received for tuition received from students participating in the gorilla advantage program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund: *Provided further*, That expenditures may be made from the general fees fund to match federal grant moneys: *And provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund.....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; and grants from other state agencies; *Midwest Quarterly*; chamber music series; contract – post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity – state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made

from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc., for the express purpose of awarding music scholarships: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund.....No limit

Provided, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Hospital and student health fees fund.....No limit

Provided, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center: *Provided further*, That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund.....No limit

Faculty of distinction matching fund.....No limit

Perkins student loan fund.....No limit

Sponsored research overhead fund.....No limit

College work study fund.....No limit

Nursing student loan fund.....No limit

Housing system suspense fund.....No limit

Housing system operations fund.....No limit

Housing system repairs, equipment and improvement fund.....No limit

Kansas comprehensive grant fund.....No limit

Kansas distinguished scholarship program fundNo limit

University federal fund.....No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Federal higher education fiscal stabilization fund –

Pittsburg state universityNo limit

(c) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Perkins student loan fund; nursing student loan fund.

Sec. 125.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$128,031,704

Provided, That any unencumbered balance in the operating expenditures (including

official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Geological survey.....\$5,883,407

Provided, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Umbilical cord matrix project.....\$130,900

Provided, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facilities revenue fund.....No limit

Faculty of distinction matching fund.....No limit

General fees fund.....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That all moneys received for tuition for students enrolled in courses offered at the regents center on the Edwards campus 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 this fund.

Regents center development fund.....No limit

Provided, That expenditures shall be made from the regents center development fund for program operations and development and for capital improvements at the Edwards campus.

Interest fund.....No limit

Sponsored research overhead fund.....No limit

Law enforcement training center fund.....No limit

Provided, That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program: *Provided further*, That expenditures may be made from this fund for the acquisition of tracts of land.

Law enforcement training center fees fund.....No limit

Provided, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund.....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Institute for public policy and business research; technology equipment; clinical psychology conference; concert course; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; reimbursable salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied

remote sensing program; executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; engineering equipment fee; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

Service clearing fund.....	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Health service fund.....	No limit
Kansas career work study program fund.....	No limit
Student union fund.....	No limit
Federal Perkins loan fund.....	No limit
Health professions student loan fund.....	No limit
Housing system suspense fund.....	No limit
Scientific research and development project – special rev fund.....	No limit
Housing system operations fund.....	No limit
Housing system repairs, equipment and improvement fund.....	No limit
Educational opportunity act – federal fund.....	No limit
Loans for disadvantaged students fund.....	No limit
Prepaid tuition fees clearing fund.....	No limit
Kansas comprehensive grant fund.....	No limit
Fire service training fund.....	No limit
University federal fund.....	No limit
Johnson county education research triangle fund.....	No limit
Federal higher education fiscal stabilization fund – university of Kansas	No limit
Standardized water data repository fund.....	No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$325,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Federal Perkins student loan program account of the national direct student loan fund; federal supplemental educational opportunity program account of the national direct student loan fund; federal disadvantaged student loan program account of the national direct student loan fund; health professions student loan fund.

(d) There is appropriated for the above agency from the state water plan fund for

the fiscal year ending June 30, 2012, for the water plan project or projects specified, the following:

Geological survey.....\$26,841

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the geological survey account is hereby reappropriated for fiscal year 2012.

Sec. 126.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$101,647,608

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That expenditures may be made from this account for the purchase of malpractice insurance for students in training at the university of Kansas school of medicine, nursing and allied health: *And provided further*, That expenditures from this account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents' dependents.

Medical scholarships and loans.....\$2,621,392

Provided, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund.....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Faculty of distinction matching fund.....No limit

Restricted fees fund.....No limit

Provided, That restricted fees shall be limited to the following accounts: Technology equipment; computer services; expenses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photography; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; computer remote access; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; student union fees; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; Kansas university physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; fungal sales; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above;

department of social and rehabilitation services cost-sharing: *Provided, however;* That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further;* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further;* That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Scientific research and development – special revenue fund.....	No limit
Kansas breast cancer research fund.....	No limit
Sponsored research overhead fund.....	No limit
Parking fund – Wichita campus.....	No limit
Services to hospital authority fund.....	No limit
Direct medical education reimbursement fund.....	No limit
Service clearing fund.....	No limit

Provided, That the service clearing fund shall be used for the following service activities: Printing services; purchasing storeroom; university motor pool; clothing (uniforms); physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; graphic services; instructional services; biomedical engineering; audiovisual services; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Educational nurse faculty loan program fund.....	No limit
Federal college work study fund.....	No limit
AMA education and research grant fund.....	No limit
Federal health professions/primary care student loan fund.....	No limit
Federal nursing student loan fund.....	No limit
Suspense fund.....	No limit
Federal student educational opportunity grant fund.....	No limit
Federal Pell grant fund.....	No limit
Federal Perkins student loan fund.....	No limit
Medical loan repayment fund.....	No limit

Provided, That expenditures from the medical loan repayment fund for attorney fees and litigation costs associated with the administration of the medical scholarship and loan program shall be in addition to any expenditure limitation imposed on the operating expenditures account of the medical loan repayment fund or on the total expenditures from the medical loan repayment fund.

Medical student loan programs provider assessment fund.....	No limit
Graduate medical education administration reserve fund.....	No limit
University of Kansas medical center private practice foundation reserve fund....	No limit
Robert Wood Johnson award fund.....	No limit
Federal scholarship for disadvantaged students fund.....	No limit
University federal fund.....	No limit
Leveraging educational assistance partnership federal fund.....	No limit

Graduate medical education support fund.....	No limit
Johnson county education research triangle fund	No limit
Federal higher education fiscal stabilization fund – university of Kansas medical center	No limit
Wichita center for graduate medical education federal fiscal stabilization fund.....	No limit

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following funds: Federal Perkins student loan fund; federal nursing student loan fund; federal student education opportunity grant fund; federal college work study fund; educational nurse faculty loan program fund; federal health professions/primary care student loan fund.

(d) During the fiscal year ending June 30, 2012, and within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for medical students enrolled at the university of Kansas medical center while in clinical training at the university of Kansas medical center or at other health care institutions.

(e) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount specified by the chancellor from the general fees fund to the student health insurance premiums account of the restricted fees fund.

Sec. 127.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency (a) from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$65,202,226
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund.....No limit
Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund.....No limit
Provided, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of

regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund.....No limit
Provided, That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction matching fund.....No limit
 Kansas career work study program fund.....No limit
 Scholarship funds fund.....No limit
 Sponsored research overhead fund.....No limit
 Economic opportunity act – federal fund.....No limit
 Education opportunity grant – federal fund.....No limit
 Matching education opportunity grant fund.....No limit
 Health professions student assistance program – loans fund.....No limit
 Nine month payroll clearing account fund.....No limit
 Pell grants fund.....No limit
 Housing system suspense fund.....No limit
 Housing system operations fund.....No limit
 Housing system renovation principal and interest fund.....No limit
 Housing system renovation and bond reserve fund.....No limit
 WSU housing system depreciation and replacement fund.....No limit
 Perkins loan fund.....No limit
 Kansas distinguished scholarship fund.....No limit
 Kansas comprehensive grant fund.....No limit
 WSU housing systems revenue fund.....No limit
 University federal fund.....No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Leveraging educational assistance partnership – federal fund.....No limit
 Federal higher education fiscal stabilization fund – Wichita state universityNo limit

Center of innovation for biomaterials in orthopaedic research – Wichita state university.....No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

Aviation infrastructure.....\$4,981,537

Provided, That any unencumbered balance in the aviation infrastructure account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided further, That during the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2012 by Wichita state university by this or other appropriation act of the 2011 regular session of the legislature, the moneys appropriated in the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2012 may only be expended for training and equipment expenditures of the national center for aviation training.

(d) During the fiscal years ending June 30, 2011, and June 30, 2012, in addition to the other purposes for which expenditures may be made by Wichita state university from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2011 or fiscal year 2012 by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Wichita state university from the state general fund or from any special revenue fund for fiscal year 2011 and fiscal year 2012, after consultation with the national institute for aviation research, to provide for the establishment of a technical training board: Provided, That, except as otherwise provided in this subsection (d), such board shall be similar in composition to the aviation research board and shall advise the president of Wichita state university, and others representing Wichita state university, on all expenditures from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2011 and fiscal year 2012: Provided further, That such board shall review and evaluate all such expenditures: And provided further, That the executive director of the national institute for aviation research shall be the administrator for the technical training board: And provided further, That the membership of the technical training board shall include representatives of Sedgwick county and representatives of the Wichita area technical college as ex-officio, nonvoting members: And provided further, That the technical training board shall prepare and submit a report to the legislature, which shall be presented to the education budget committee of the house of representatives and to the appropriate subcommittee of the ways and means committee of the senate, not later than the calendar day of the 2012 regular session of the legislature, detailing the findings of the technical training board regarding the expenditures by Wichita state university from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2011 and fiscal year 2012.

Sec. 128.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures (including official hospitality).....\$3,216,779

Provided, That any unencumbered balance in the operating expenditures (including

official hospitality) account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That, during fiscal year 2012, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2012 by the state board of regents as authorized by this or other appropriation act of the 2011 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2012 for attendance at an in-state meeting by members of the state board of regents for participation in matters of educational interest to the state of Kansas, upon approval of such attendance and participation by the state board of regents: *And provided further*, That each member of the state board of regents attending an in-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: *And provided further*, That, during fiscal year 2012, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2012 by the state board of regents as authorized by this or other appropriation act of the 2011 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2012 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas: *And provided further*, That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: *And provided further*, That the above agency, working in conjunction with the University of Kansas, Kansas State University and Wichita State University, shall develop and provide a multi-year plan for accomplishing the necessary expansion in the engineering programs to alleviate the severe shortage of engineering graduates: *And provided further*, That the plan shall be submitted to the governor and the legislature on or before September 1, 2011.

State scholarship program.....	\$1,065,919
<i>Provided</i> , That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: <i>Provided further</i> , That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 72-6816, and amendments thereto, and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283, and amendments thereto: <i>And provided further</i> , That of the total amount appropriated in the state scholarship program account the amount dedicated for the Kansas distinguished scholarship program shall not exceed \$25,000.	
Comprehensive grant program.....	\$14,758,338
<i>Provided</i> , That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Ethnic minority scholarship program.....	\$296,498

Provided, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Kansas work-study program.....\$496,813

Provided, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: *And provided further*, That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC service scholarships.....\$175,334

Provided, That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Military service scholarships.....\$470,314

Provided, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act.

Teachers scholarship program.....\$1,846,320

Provided, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

National guard educational assistance.....\$870,869

Provided, That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Vocational scholarships.....\$114,075

Provided, That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Nursing student scholarship program.....\$417,255

Provided, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Optometry education program.....\$107,089

Provided, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Municipal university operating grant.....\$10,955,920

Adult basic education.....\$1,457,031

Postsecondary tiered technical education state aid.....\$46,943,658

Provided, That, if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2012, from the combined funding of the postsecondary tiered technical education state aid account and non-tiered course credit hour grant account are less than the amount of moneys appropriated for the fiscal year 2011, from the aggregate amount of funding from community college operating grant account,

technical college aid for technical education account and other institutions aid for technical education account, then the distribution to an eligible institution from the combined funding of the postsecondary tiered technical education state aid account and the non-tiered course credit hour grant account for the fiscal year ending June 30, 2012, shall be reduced by the same proportion as the aggregate amount of funding that such institution received from the community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account for fiscal year 2011 bears to the aggregate of all amounts of funding that all such institutions received from the community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account for the fiscal year ending June 30, 2011.

Non-tiered course credit hour grant.....\$79,853,632

Provided, That, if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2012, from the combined funding of non-tiered course credit hour grant account and the postsecondary tiered technical education state aid account and are less than the amount of moneys appropriated for the fiscal year 2011, from the aggregate amount of funding from community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account, then the distribution to an eligible institution from the combined funding of the non-tiered course credit hour grant account and the postsecondary tiered technical education state aid account for the fiscal year ending June 30, 2012, shall be reduced by the same proportion as the aggregate amount of funding that such institution received from the community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account for fiscal year 2011 bears to the aggregate of all amounts of funding that all such institutions received from the community college operating grant account, technical college aid for technical education account and other institutions aid for technical education account for the fiscal year ending June 30, 2011.

Technology equipment at community colleges and

Washburn university.....\$398,475

Provided, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of regents.

Vocational education capital outlay aid.....\$71,585

Payment to KPERS.....\$1,755,697

Tuition waivers.....\$84,657

Nurse educator grant program.....\$188,126

Provided, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That all expenditures from the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act.

Nursing faculty and supplies grant program.....\$1,787,193

Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for

fiscal year 2012: *Provided further*, That the state board of regents is hereby authorized to make grants to Kansas postsecondary education institutions from the nursing faculty and supplies grant program account for expansion of nursing faculty and consumable laboratory supplies: *And provided further*, That such grants shall be either need-based or competitive and shall be matched on the basis of \$1 from the nurse faculty and supplies grant program account for \$1 from the state educational institution receiving the grant: *And provided further*, That not less than \$95,196 in such grants shall be made to accredited private postsecondary educational institutions in Kansas.

Postsecondary technical education authority.....\$682,837
Midwest higher education commission.....\$93,869
Any unencumbered balance in each of the following accounts in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Southwest Kansas access project.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship repayment fund.....No limit
Vocational education scholarship discontinued attendance fund.....No limit
Leveraging educational assistance program fund – federal.....No limit
Regents’ scholarship gift fund.....No limit

Provided, That expenditures may be made from the regents' scholarship gift fund for scholarships awarded to Kansas residents who are attending institutions of postsecondary education in Kansas which are authorized under the laws of this state to award academic degrees and who meet academic and other eligibility criteria established by the state board of regents by rules and regulations: *Provided, however*, That a financial needs test shall not be one of the eligibility criteria established by the state board of regents for such scholarships: *Provided further*, That no scholarship awarded from this fund shall exceed \$2,000 per academic year: *And provided further*, That any recipient of a scholarship awarded from this fund may also receive either a state scholarship under K.S.A. 72-6810 through 72-6816, and amendments thereto, or a tuition grant under K.S.A. 72-6107 through 72-6111, and amendments thereto, or both: *And provided further*, That there shall be no reduction of any scholarship awarded from this fund for the amount of any such state scholarship or tuition grant received.

KAN-ED fund.....No limit

Provided, That expenditures may be made from the KAN-ED fund for official hospitality for the purposes of the KAN-ED act: *Provided further*, That in addition to the other purposes for which expenditures may be made from moneys appropriated from the KAN-ED fund for fiscal year 2012 for the state board of regents as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the state board of regents from the KAN-ED fund for fiscal year 2012, notwithstanding the provisions of K.S.A. 75-7225, and amendments thereto, or any other statute, for the expenses of the legislative KAN-ED study committee to evaluate the KAN-ED program for efficiency and effectiveness in providing schools, libraries and hospitals broadband internet access: *And provided further*, That, such study shall be designed to: (1) Determine the economic value of the KAN-ED program to the state; (2) describe how KAN-ED funds are used; (3) determine

if there is a more cost efficient way to provide schools, libraries and hospitals broadband internet access; (4) describe any alternate ways to provide schools, libraries and hospitals broadband internet access; and (5) compare the costs of alternatives to the KAN-ED program: *And provided further*, That, the legislative KAN-ED study committee shall be appointed by the legislative coordinating council and composed of equal members from the senate and the house of representatives, including representation of the minority party: *And provided further*, That, the staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the legislative KAN-ED study committee and authorized by the legislative coordinating council: *And provided further*, That, each member of the legislative KAN-ED study committee attending meetings of such committee approved by the legislative coordinating council, or attending a subcommittee meeting thereof authorized by such committee and approved by the legislative coordinating council, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, from the KAN-ED fund: *And provided further*, That, the study shall be completed no later than December 31, 2011, and the findings and recommendations shall be made available to the house of representatives committee on appropriations and the senate committee on ways and means no later than the first day of the 2012 regular legislative session.

KAN-ED federal fund.....	No limit
Earned indirect costs fund – federal.....	No limit
Faculty of distinction program fund.....	No limit
Paul Douglas teacher scholarship fund – federal.....	No limit
GED credentials processing fees fund.....	No limit
Proprietary school fee fund.....	No limit
Tuition waiver gifts, grants and reimbursements fund.....	No limit
Adult basic education – federal fund.....	No limit
Truck driver training fund.....	No limit
No child left behind federal fund.....	No limit
Comprehensive grant program discontinued attendance fund.....	No limit
State scholarship discontinued attendance fund.....	No limit
Kansas ethnic minority fellowship program fund.....	No limit
Private postsecondary educational institution degree authorization expense reimbursement fee fund.....	No limit
Substance abuse education fund – federal.....	No limit
Nursing service scholarship program fund.....	No limit
Clearing fund.....	No limit
Conversion of materials and equipment fund.....	No limit
Teacher scholarship program fund.....	No limit
Motorcycle safety fund.....	No limit
Financial aid services fee fund.....	No limit

Provided, That expenditures may be made from the financial aid services fee fund for operating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: *Provided further*, That the chief executive officer of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications and other

activities related to student financial assistance programs administered by the state board of regents: *And provided further*, That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial aid services fee fund.

Inservice education workshop fee fund.....	No limit
Optometry education repayment fund.....	No limit
Teacher scholarship repayment fund.....	No limit
Advanced registered nurse practitioner service scholarship program fund.....	No limit
Nursing service scholarship repayment fund.....	No limit
Nurse educator service scholarship repayment fund.....	No limit
ROTC service scholarship program fund.....	No limit
ROTC service scholarship repayment fund.....	No limit
Carl D. Perkins vocational and technical education – federal fund.....	No limit
Carl D. Perkins vocational and technical education – federal fund – state operations.....	No limit
College access challenge grant program.....	No limit
Kansas national guard educational assistance program repayment fund.....	No limit
Carl D. Perkins technical preparation – federal fund.....	No limit
Grants fund.....	No limit
Workforce development loan fund.....	No limit
Regents clearing fund.....	No limit
Private and out-of-state postsecondary educational institution fee fund.....	No limit
Federal higher education fiscal stabilization fund.....	No limit
Federal higher education fiscal stabilization fund – community colleges.....	No limit
Federal higher education fiscal stabilization fund – municipal university.....	No limit
Federal higher education fiscal stabilization fund – postsecondary technical education.....	No limit
Statewide data systems ARRA – unifying data systems to support systemic changes fund.....	No limit

(c) During the fiscal year ending June 30, 2012, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2012, to another item of appropriation in an account of the state general fund for fiscal year 2012. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. As used in this subsection, “account” (1) means the operating expenditures (including official hospitality) account of the state board of regents, the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and (2) includes each other account of the state general fund of the state board of regents.

(d) During the fiscal year ending June 30, 2012, the chief executive officer of the

state board of regents, subject to the applicable restrictions and limitations or other provisions of federal grant agreements, is hereby authorized to transfer moneys that are received under a federal grant and that are credited to a federal fund of the state board of regents to a federal fund of an institution under the supervision and management of the state board of regents during the fiscal year ending June 30, 2012. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and to the director of legislative research. As used in this subsection (e), "federal fund" means (1) the federal flexible fiscal stabilization fund, the federal higher education fiscal stabilization fund – community colleges, the federal higher education fiscal stabilization fund – municipal university, or the federal higher education fiscal stabilization fund – postsecondary technical education of the state board of regents, (2) the federal flexible fiscal stabilization fund – university of Kansas, the federal flexible fiscal stabilization fund – university of Kansas medical center, the federal flexible fiscal stabilization fund – Kansas state university, the federal flexible fiscal stabilization fund – Kansas state university veterinary medical center, the federal flexible fiscal stabilization fund – Kansas state university extension systems and agriculture research programs, the federal flexible fiscal stabilization fund – Wichita state university, the federal flexible fiscal stabilization fund – Emporia state university, the federal flexible fiscal stabilization fund – Pittsburg state university, and the federal flexible fiscal stabilization fund – Fort Hays state university of such institutions, or (3) a federal fiscal stabilization fund of a community college, the municipal university or an institution of postsecondary technical education.

(e) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 for such state educational institution as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 for the purposes of capital improvement projects making energy and other conservation improvements: *Provided*, That such capital improvement projects are hereby approved for such state educational institution for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2012: *Provided, however*, That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided further*, That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided*

Further, That payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: And provided further, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal or greater than the cost of debt service on such bonds: And provided further, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection at the beginning of the 2012 regular session of the legislature.

(2) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

SEDIF – vocational education capital outlay aid.....\$2,547,726

Provided, That expenditures from the SEDIF – vocational education capital outlay aid account for each grant of vocational education capital outlay aid shall be matched by the postsecondary institution awarded such grant in an amount which is equal to 50% of the grant: Provided further, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the SEDIF – vocational education capital outlay aid account is hereby reappropriated for fiscal year 2012.

SEDIF – technology innovation and internship program.....\$179,284

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2011, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2012.

SEDIF – EPSCOR.....\$993,265

Community college competitive grants.....\$500,000

Provided, That all moneys in the community college competitive grants account shall be for grants awarded to community colleges under a competitive grant program administered by the secretary of commerce: Provided further, That all expenditures from such account shall be for competitive grants to community colleges that require a local match of nonstate moneys on a \$1 for \$1 basis and that will develop innovative programs with private companies needing specific job skills or will meet other industry needs that cannot be addressed with current funding streams.

(g) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2012, the following:

EBF – state building insurance.....\$475,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b02, and amendments thereto, expenditures may be made by the above agency from the EBF – state building insurance account of the Kansas educational building fund for state building insurance premiums.

(h) During the fiscal year ending June 30, 2012, notwithstanding any provisions of subsection (f) of K.S.A. 2010 Supp. 66-2010, and amendments thereto, as such subsection existed prior to June 30, 2009, to the contrary, the amount of \$6,000,000 shall be certified before July 1, 2012, by the chief executive officer of the state board of regents to the administrator of the KUSF and the administrator of the KUSF shall pay

such amount from the Kansas universal service fund of the state corporation commission to the KAN-ED fund of the state board of regents during the fiscal year 2012 in accordance with the provisions of subsections (f)(1) and (f)(2) of K.S.A. 2010 Supp. 66-2010, and amendments thereto, as such subsections existed prior to June 30, 2009.

Sec. 129.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures\$23,042,796

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Community corrections.....\$17,998,912

Provided, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *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 2012 which supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Local jail payments.....\$1,100,000

Provided, 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.....\$46,954,630

Provided, That any unencumbered balance in the treatment and programs account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Topeka correctional facility – facilities operations.....\$12,933,442

Provided, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility – facilities operations.....\$29,490,116

Provided, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility – facilities operations.....\$38,038,950

Provided, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall

not exceed \$500.

Ellsworth correctional facility – facilities operations.....\$12,807,429

Provided, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility – facilities operations.....\$12,447,138

Provided, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility – facilities operations.....\$14,956,095

Provided, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the Norton correctional facility – facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility – facilities operations.....\$23,605,260

Provided, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Larned correctional mental health facility – facilities operations.....\$9,952,454

Provided, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the Larned correctional mental health facility – facilities operations account for official hospitality shall not exceed \$500.

Facilities operations.....\$13,990,696

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Any unencumbered balance in excess of \$100 as of June 30, 2011, in each of the following accounts is hereby reappropriated for fiscal year 2012: Department of corrections forensic psychologist fund.

Any unencumbered balance in the DUI treatment services account in excess of \$100 as of June 30, 2011, is hereby reappropriated for the fiscal year 2012: *Provided further*; That expenditures may be made from the DUI treatment services account for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Federal flexible fiscal stabilization fund.....No limit

Supervision fees fund.....No limit

Residential substance abuse treatment – federal fund.....	No limit
Department of corrections forensic psychologist fund.....	No limit
Victim assistance fund.....	No limit
Ed Byrne memorial justice assistance grants – federal fund.....	No limit
Violence against women – federal fund.....	No limit
Sex offender management grant – federal fund.....	No limit
Recovery act justice assistance – federal fund.....	No limit
Department of corrections state asset forfeiture fund.....	No limit
Chapter I – federal fund.....	No limit
Victims of crime act – federal fund	No limit
Correctional industries fund.....	No limit
<i>Provided</i> , That expenditures may be made from the correctional industries fund for official hospitality.	
Ed Byrne state and local law assistance – 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
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 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.	
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.	
JEHT reentry program fund.....	No limit
Sedgwick county program fund.....	No limit
Topeka correctional facility – community development block grant – federal fund.....	No limit
Topeka correctional facility – bureau of prisons contract – federal fund.....	No limit
Topeka correctional facility – general fees fund.....	No limit
Topeka correctional facility – laundry equipment depreciation – reserve fund....	No limit
Hutchinson correctional facility – general fees fund.....	No limit
Federal flexible fiscal stabilization fund – Hutchinson correctional facility.....	No limit
Lansing correctional facility – general fees fund.....	No limit
Ellsworth correctional facility – general fees fund.....	No limit
Winfield correctional facility – general fees fund.....	No limit

Federal flexible fiscal stabilization fund – Winfield correctional facility.....	No limit
Norton correctional facility – general fees fund.....	No limit
Federal flexible fiscal stabilization fund – Norton correctional facility.....	No limit
El Dorado correctional facility – general fees fund.....	No limit
Larned correctional mental health facility – general fees fund.....	No limit
Correctional services special revenue fund.....	No limit
Community corrections supervision fund.....	No limit

(c) During the fiscal year ending June 30, 2012, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2012 from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim to be paid from the local jail payments account of the state general fund during fiscal year 2012 for costs pursuant to subsection (b) of K.S.A. 19-1930, and amendments thereto, even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund during fiscal year 2012 for operating or manufacturing costs even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act. The director of Kansas correctional industries shall provide to the director of the budget on or before September 15, 2011, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2012.

(f) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$233,750 from the correctional industries fund to the department of corrections – general fees fund.

(g) On October 1, 2011, and January 1, 2012, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$800,000 from the correctional industries fund to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the correctional industries fund to the state general fund as prescribed by law: *Provided further*, That the amounts transferred from the correctional industries fund to the state general fund pursuant to this subsection are to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of corrections

by other state agencies which receive appropriations from the state general fund to provide such services.

(h) On July 1, 2012, the chapter I – federal fund of the department of corrections is hereby redesignated as the title I neglected and delinquent children – federal fund of the department of corrections.

(i) During the fiscal years ending June 30, 2011, and June 30, 2012, all expenditures made by the department of corrections from the correctional industries fund shall be made on budget for all purposes of state accounting and budgeting for the department of corrections.

Sec. 130.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$2,998,410

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Management information systems.....\$1,094,135

Provided, That any unencumbered balance in the management information systems account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Kansas juvenile correctional complex facility operations.....\$16,961,682

Provided, That any unencumbered balance in the Kansas juvenile correctional complex facility operations account in excess of \$100 as of June 30, 2011, are hereby reappropriated to the Kansas juvenile correctional complex facility operations account for fiscal year 2012: *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 public educational services providers: *And provided further*; That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.

Larned juvenile correctional facility operations.....\$8,774,676

Provided, That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*; That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*; That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

Purchase of services.....\$21,979,200

Provided, That any unencumbered balance in the purchase of services account in excess of \$100 as of June 30, 2011, is hereby reappropriated to the prevention and treatment of substance abuse grants account, which is hereby created in the state general fund, for fiscal year 2012.

Prevention and graduated sanctions community grants.....\$20,683,874
Provided, That any unencumbered balance in the prevention program grant account in excess of \$100 as of June 30, 2011, and any unencumbered balance in the intervention and graduated sanctions community grants account in excess of \$100 as of June 30, 2011, are hereby reappropriated to the prevention and graduated sanctions community grants account for fiscal year 2012: *Provided further*, That money awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Medical assistance program – federal fund.....	No limit
Title IVE fund.....	No limit
Juvenile accountability incentive block grant – federal fund.....	No limit
Juvenile justice delinquency prevention – federal fund.....	No limit
Juvenile detention facilities fund.....	\$3,575,963
Juvenile justice fee fund – central office.....	No limit
Juvenile justice federal fund – Larned juvenile correctional facility.....	No limit
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
Kansas juvenile delinquency prevention trust fund.....	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
Workforce investment act – federal fund – Kansas juvenile correctional complex.....	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
Kansas juvenile correctional complex fee fund.....	No limit
Kansas juvenile correctional complex – title I neglected and delinquent children – federal fund.....	No limit
Kansas juvenile correctional complex – gifts, grants, and donations fund.....	No limit

(c) During the fiscal year ending June 30, 2012, the commissioner of juvenile justice, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to another item of appropriation for fiscal year 2012 from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice. The commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the juvenile detention facilities fund for fiscal year 2012, notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, the juvenile justice authority is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2012 for purchase of services.

(e) On July 1, 2011, the Title XIX fund of the juvenile justice authority is hereby redesignated as the medical assistance program – federal fund of the juvenile justice authority.

(f) On July 1, 2011, the Larned juvenile correctional facility – elementary and secondary education fund – federal of the juvenile justice authority is hereby redesignated as the Larned juvenile correctional facility – title I neglected and delinquent children – federal fund of the juvenile justice authority.

(g) On July 1, 2011, the Kansas juvenile correctional complex – elementary and secondary education fund – federal of juvenile justice authority is hereby redesignated as the Kansas juvenile correctional complex – title I neglected and delinquent children – federal fund of the juvenile justice authority.

(h) On July 1, 2011, the Beloit juvenile correctional facility fee fund of the juvenile justice authority is hereby abolished.

(i) On July 1, 2011, the juvenile justice federal fund – Beloit juvenile correctional facility of the juvenile justice authority is hereby abolished.

(j) On July 1, 2011, the recovery act Byrne grant – federal fund – Kansas juvenile correctional complex of the juvenile justice authority is hereby abolished.

(k) On July 1, 2011, the federal Byrne justice assistance grant – ARRA – federal fund – Larned juvenile correctional facility of the juvenile justice authority is hereby abolished.

Sec. 131.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....	\$4,556,958
<i>Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Provided, however, That expenditures from this account for official hospitality shall not exceed \$1,250.</i>	
Disaster relief.....	\$3,952,280
<i>Provided, That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.</i>	
Incident management team.....	\$16,202
<i>Provided, That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.</i>	
Civil air patrol – operating expenditures.....	\$34,322
Military activation payments.....	\$15,807
<i>Provided, That all expenditures from the military activation payments account shall be for military activation payments authorized by and subject to the provisions of K.S.A. 2010 Supp. 75-3228, and amendments thereto: Provided further, That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.</i>	
Kansas military emergency relief	\$9,881
<i>Provided, That expenditures may be made from the Kansas military emergency relief account for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: Provided further, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: And provided further, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief account shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief fund.</i>	
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:	
Conversion of materials and equipment fund – military division.....	No limit
Adjutant general expense fund.....	No limit
Emergency management – federal fund matching – administration fund.....	No limit
State emergency fund allocation – several disasters summer 04.....	No limit
State emergency fund.....	No limit
State emergency fund weather disasters 5/4/2007.....	No limit
State emergency fund weather disasters 12/06, 7/07.....	No limit
National guard mutual assistance expense und compact fund.....	No limit
Emergency management rafed instrument maintenance federal fund.....	No limit
State disaster coordination federal fund.....	No limit

Disaster grants – public assistance federal fund.....	No limit
National guard military operations/maintenance federal fund	No limit
Intra-agency hazardous mitigation trn/pl federal fund.....	No limit
Econ adjustment/military installation federal fund.....	No limit
Public safety partnership/community policing federal fund.....	No limit
Disaster assistance to individual/household federal fund.....	No limit
Interoperability communication equipment.....	No limit
Homeland security FFY05 int federal fund.....	No limit
State homeland security program federal fund.....	No limit
Nuclear safety emergency management fee fund.....	No limit
<i>Provided, That, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2012 pursuant to agreements which are hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act.</i>	
Military fees fund – federal.....	No limit
<i>Provided, That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements with the federal government 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 fees fund – federal.</i>	
Armories and units general fees fund.....	No limit
State emergency fund allocation – several disasters fund.....	No limit
Radioactive materials fund.....	No limit
Civil air patrol – grants and contributions – federal fund.....	No limit
Emergency management performance grant – federal fund.....	No limit
NG – federal forfeiture fund.....	No limit
Inaugural expense fund.....	No limit
Kansas military emergency relief fund.....	No limit
<i>Provided, That expenditures may be made from the Kansas military emergency relief fund for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: <i>Provided further,</i> That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: <i>And provided further,</i> That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief fund.</i>	
National guard life insurance premium reimbursement fund.....	No limit
Emergency management assistance compact federal fund.....	No limit
Public safety interoperable communications grant program federal fund.....	No limit

Military construction national guard federal fund.....	No limit
National guard civilian youth opportunities federal fund.....	No limit
Hazard mitigation grant federal fund.....	No limit
Citizen corps federal fund.....	No limit
Law enforcement terrorism prevention program federal fund.....	No limit
National guard museum assistance fund.....	No limit

Provided, That all expenditures from the national guard museum assistance fund shall be made for an expansion of the 35th infantry division museum and education center facility.

Great plains joint regional training center fee fund.....	No limit
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Provided, That expenditures may be made from the great plains joint regional training center fee fund for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the great plains joint regional training center fee fund.

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to expenditures for other positions within the adjutant general's department in the unclassified service as prescribed by law: *Provided*, That the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: *Provided further*, That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2012 made by this or other appropriation act of the 2011 regular session of the legislature.

Sec. 132.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund.....\$3,521,658
Provided, That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$500.

Gifts, grants and donations fund.....No limit
 Hazardous material program fund.....\$374,411
 Intragovernmental service fund.....No limit
 State fire marshal liquefied petroleum gas fee fund.....\$174,826
 Hazardous materials emergency fund.....\$246,990

Provided, That expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2012 for the purposes of responding to specific incidences of emergencies related to hazardous materials without prior approval of the state finance council: *Provided, however*, That expenditures from the hazardous materials emergency fund during fiscal year 2012 for the purposes of responding to any specific incidence of an emergency related to hazardous materials without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session.

Fire safety standard and firefighter protection act enforcement fund.....No limit
 Cigarette fire safety standard and firefighter protection act fund.....No limit
 Non-fuel flammable or combustible liquid aboveground storage tank system fund.....No limit
 Homeland security grant – federal fund.....No limit

(b) On July 1, 2011, and January 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$188,596 from the fire marshal fee fund to the hazardous material program fund of the state fire marshal.

(c) During the fiscal year ending June 30, 2012, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund to the hazardous materials emergency fund of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2012, shall not exceed \$50,000.

(d) During the fiscal year ending June 30, 2012, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund during fiscal year 2012, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2012 are

insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2012 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the hazardous materials emergency fund to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2012 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(e) During the fiscal year ending June 30, 2012, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund and any other resources available to the fire marshal fee fund during the fiscal year 2012, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2012 are insufficient to meet in full the estimated expenditures for fiscal year 2012 as they become due to meet the financial obligations imposed by law on the fire marshal fee fund as a result of a cash flow shortfall, within the authorized budgeted expenditures in accordance with the provisions of appropriation acts, the director of the budget is authorized and directed to certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money specified in such certification from the state general fund to the fire marshal fee fund in order to maintain the cash flow of the fire marshal fee fund for such purposes for fiscal year 2012: *Provided*, That the aggregate amount of such transfers during fiscal year 2012 pursuant to this subsection shall not exceed \$500,000. Within one year from the date of each such transfer to the fire marshal fee fund pursuant to this subsection, the director of accounts and reports shall transfer the amount equal to the amount transferred from the state general fund to the fire marshal fee fund from the fire marshal fee fund to the state general fund in accordance with a certification for such purpose by the director of the budget. At the same time as the director of the budget transmits any certification under this subsection is transmitted to the director of accounts and reports during fiscal year 2012, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 133.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$30,292,241

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$3,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

General fees fund.....	No limit
<i>Provided</i> , That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund, except as otherwise provided by law.	
Homeland security 2006 – federal fund.....	No limit
Homeland security 2007 – federal fund.....	No limit
Homeland security 2008 – federal fund.....	No limit
Homeland security 2009 – federal fund.....	No limit
Homeland security 2010 – federal fund.....	No limit
Homeland security 2011 – federal fund.....	No limit
Homeland security 2012 – federal fund.....	No limit
For patrol of Kansas turnpike fund.....	No limit
<i>Provided</i> , That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.	
Highway patrol motor vehicle fund.....	No limit
Highway patrol – federal fund.....	No limit
Department of justice – federal recovery act – Edward J. Byrne memorial justice assistance grant program – federal fund.....	No limit
Department of justice, office of justice programs and bureau of justice assistance – recovery act rural law enforcement grant program – federal fund.....	No limit
Kansas highway patrol state forfeiture fund.....	No limit
Homeland sec 2010 dfd – eoc – federal fund.....	No limit
Byrne memorial assistance grant federal fund – auto theft prevention.....	No limit
Disaster grants – public assistance – federal fund.....	No limit
Edward Byrne memorial assistance grant – state and local law enforcement – federal fund.....	No limit
Bulletproof vest partner – federal fund.....	No limit
Performance registration information system management – federal fund.....	No limit
Commercial vehicle information system network – federal fund.....	No limit
Highway planning and construction – federal fund.....	No limit
Public safety interoperability grant – federal fund.....	No limit
Citizen corps – federal fund.....	No limit
Emergency management performance grants – federal fund.....	No limit
Safety data improvement project – federal fund.....	No limit
Interoperability communication equipment – federal fund.....	No limit
Edward Byrne memorial assistance grant – federal fund – federal American recovery and reinvestment act.....	No limit
Cops grant – federal fund.....	No limit
KHP federal forfeiture – federal fund.....	No limit
Law enforcement terrorism prevention – federal fund.....	No limit
High intensity drug trafficking areas – federal fund.....	No limit

State domestic preparedness equipment sprt – federal fund.....	No limit
Metro med response system – federal fund.....	No limit
Homeland security 05 buffer zone protection – federal fund.....	No limit
Homeland security program – federal fund.....	No limit
Buffer zone protection program – federal fund.....	No limit
Rural law enforcement assistance grant – federal fund – federal American recovery and reinvestment act.....	No limit
Edward Byrne memorial justice assistance grant – federal fund.....	No limit
Emergency ops cntr – federal fund.....	No limit
State and community highway safety – federal fund.....	No limit
Gifts and donations fund.....	No limit
<i>Provided</i> , That expenditures from the gifts and donations fund for official hospitality shall not exceed \$1,000.	
Federal forfeiture fund.....	No limit
Motor carrier safety assistance program state fund.....	No limit
<i>Provided</i> , That expenditures shall be made from the motor carrier safety assistance program state fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.	
National motor carrier safety assistance program – federal fund.....	No limit
<i>Provided</i> , That expenditures shall be made from the national motor carrier safety assistance program – federal fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.	
COPS grant – federal fund.....	No limit
Aircraft fund – on budget.....	No limit
Highway safety fund.....	No limit
Capitol area security fund.....	No limit
Vehicle identification number fee fund.....	No limit
Motor vehicle fuel and storeroom sales fund.....	No limit
<i>Provided</i> , That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: <i>Provided further</i> , That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: <i>And provided further</i> , That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the motor vehicle fuel and storeroom sales fund.	
Kansas highway patrol operations fund.....	\$19,830,967
<i>Provided</i> , That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105, and amendments thereto: <i>Provided further</i> , That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary moving expenses in accordance with K.S.A. 75- 3225, and amendments thereto.	
Highway patrol training center fund.....	No limit
<i>Provided</i> , That expenditures may be made from the highway patrol training center fund	

for use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *Provided further*; That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *And provided further*; That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: *And provided further*; That all fees received for use of the highway patrol training center by other state agencies, local government agencies or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol training center fund.

Executive aircraft fund.....No limit
Provided, That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: *Provided further*; That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*; That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the executive aircraft fund.

1122 program clearing fund.....No limit

(c) On or before the tenth of each month during the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) On July 1, 2011, and January 1, 2012, or as soon after each date as moneys are available the director of accounts and reports shall transfer an amount specified by the executive director of the state corporation commission, with the approval of the director of the budget, of not more than \$266,750 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program state fund of the Kansas highway patrol.

(e) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$4,923,402.75 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2012 for support and maintenance of the Kansas highway patrol.

(f) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the

director of accounts and reports shall transfer \$257,000 from the state highway fund of the department of transportation to the highway safety fund of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.

(g) On July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$250,000 from the state highway fund of the department of transportation to the general fees fund of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(h) On July 1, 2011, and January 1, 2012, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 74-2136, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$200,000 from the highway patrol motor vehicle fund of the Kansas highway patrol to the aircraft fund – on budget of the Kansas highway patrol.

(i) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$8,190,099.75 from the state highway fund of the department of transportation to the state general fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2012 for the support and maintenance of the Kansas highway patrol.

(j) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,638,020 from the highway patrol motor vehicle fund of the Kansas highway patrol to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the highway patrol motor vehicle fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the highway patrol motor vehicle fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the Kansas highway patrol by other state agencies which receive appropriations from the state general fund to provide such services.

(k) On July 1, 2012, the motor carrier safety assistance program – federal fund of the highway patrol is hereby redesignated as the national motor carrier safety assistance program – federal fund of the highway patrol.

Sec. 134.

ATTORNEY GENERAL – KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$14,532,365

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated to the operating expenditures account for fiscal year 2012: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$750.

Meth lab cleanup.....\$450,000

Provided, That any unencumbered balance in the meth lab cleanup account in excess of

\$100 as of Jun 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state forfeiture fund.....	No limit
<i>Provided</i> , That expenditures may be made from the Kansas bureau of investigation state forfeiture fund for direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.	
Federal forfeiture fund.....	No limit
<i>Provided</i> , That expenditures may be made from the federal forfeiture fund for direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.	
High intensity drug trafficking area – federal fund.....	No limit
Criminal justice information system line fund.....	\$651,547
Private detective fee fund.....	No limit
DNA database fund.....	No limit
Kansas bureau of investigation motor vehicle fund.....	No limit
<i>Provided</i> , That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: <i>Provided further</i> , That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas bureau of investigation motor vehicle fund.	
Forensic laboratory and materials fee fund.....	No limit
<i>Provided</i> , That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation incurred for laboratory tests conducted for noncriminal justice entities, including governmental agencies and private organizations, which testing activity is hereby authorized: <i>Provided, however</i> , That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by subsection (c) of K.S.A. 28-176, and amendments thereto: <i>Provided further</i> , That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees for laboratory tests conducted for such noncriminal justice entities: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting laboratory tests for such noncriminal justice entities: <i>And provided further</i> , That all fees received for such laboratory tests, including all moneys received pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.	

General fees fund.....No limit
Provided, That expenditures may be made from the general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials; and (6) conducting agency operations: *Provided, however*; That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; (4) sale and distribution of crime prevention materials: *Provided further*; That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*; That all moneys which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*; That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*; That expenditures from any moneys received from the division of alcoholic beverage control and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures.

Record check fee fund.....No limit
Provided, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however*; That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the record check fee fund: *Provided further*; That expenditures may be made from the record check fee fund for operating expenditures of the Kansas bureau of investigation.

Intergovernmental service fund.....No limit
Agency motor pool fund.....No limit
National criminal history improvement program federal fund.....No limit

Public safety partnership and community policing federal fund.....	No limit
Forensic DNA backlog reduction federal fund.....	No limit
Coverdell forensic sciences improvement federal fund.....	No limit
Anti-gang initiative federal fund.....	No limit
Homeland security federal fund.....	No limit
State homeland security program federal fund.....	No limit
Convicted/arrestee DNA backlog reduction federal fund.....	No limit
Disaster grants – public assistance federal fund.....	No limit
Ed Byrne memorial justice assistance federal fund.....	No limit
Ed Byrne state/local law enforcement federal fund.....	No limit
Violence against women – ARRA federal fund.....	No limit
AWA implementation grant program federal fund.....	No limit
Ed Byrne memorial JAG – ARRA federal fund.....	No limit
Convicted offender/arrestee DNA backlog reduction federal fund.....	No limit
KBI-FBI reimbursement federal fund.....	No limit
Project safe neighborhoods fund.....	No limit
Social security administration reimbursement – federal fund.....	No limit

Sec. 135.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural health options grant fund.....	No limit
Rural access to emergency devices grant – federal fund.....	No limit
Emergency medical services operating fund.....	\$1,331,468

Provided, That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: *Provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the emergency medical services operating fund: *And provided further*, That, notwithstanding the provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further*, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed \$2,000.

Education incentive grant payment fund.....	No limit
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Provided, That the priority for award of education incentive grants shall be to award such grants to rural areas.

EMS revolving fund.....	No limit
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Provided, That, if an organization agrees to receive money from the EMS revolving fund, the organization shall enter into a grant agreement requiring such organization to

submit a written report to the emergency medical services board detailing and accounting for all expenditures and receipts related to the use of the moneys received from the EMS revolving fund: *Provided further*, That the emergency medical services board shall prepare a written report specifying and accounting for all moneys allocated to and expended from the EMS revolving fund: *And provided further*, That such report shall be submitted to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2012.

National bioterrorism hospital preparedness – federal fund.....No limit
Highway safety – federal fund.....No limit

(b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the board of emergency medical services operating fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the emergency medical services board from the emergency medical services operating fund for fiscal year 2012 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided*, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants, instructor-coordinators and training officers: *Provided further*, That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants, instructor-coordinators and training officers: *And provided further*, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants, instructor-coordinators and training officers who are obtaining a postsecondary education degree.

(c) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the moneys appropriated from the state general fund or from any special revenue fund for the emergency medical services board for fiscal year 2012, as authorized by this or any other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the emergency medical services board from moneys appropriated from the state general fund or from any special revenue fund for the emergency medical services board for fiscal year 2012 to require emergency medical services agencies in each of the six EMS regions of the state to prepare and submit a report of the expenditures made and moneys received in the EMS region are related to the operation and administration of the Kansas emergency medical services regional operations to the emergency medical services board: *Provided*, That the report for each EMS region shall specify and account for all moneys appropriated from the state treasury for the emergency medical services board and disbursed to such EMS region for the operation of the education and training of emergency medical attendants in such EMS region.

(d) On July 1, 2011, and January 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$150,000 from the emergency medical services operating fund to the educational incentive grant payment fund of the emergency medical services board.

(e) During the fiscal year ending June 30, 2012, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the emergency medical services operating

fund during fiscal year 2012, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2012 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2012 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the education incentive grant payment fund to the emergency medical services operating fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the emergency medical services operating fund for the remainder of fiscal year 2012 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) During the fiscal year ending June 30, 2012, if any EMS regional council enters into a grant agreement with the emergency medical service board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such council during such fiscal year. The emergency medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual council that has reported to the emergency medical services board pursuant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2012.

Sec. 136.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....	\$676,810
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Substance abuse treatment programs.....	\$6,238,396
<i>Provided</i> , That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....	No limit
Statistical analysis – federal fund.....	No limit
Drug abuse fund – federal.....	No limit

Sec. 137.

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission on peace officers' standards and training fund.....\$558,575
Provided, That expenditures from the Kansas commission on peace officers' standards and training fund for the fiscal year ending June 30, 2012, for official hospitality shall not exceed \$500.
 Local law enforcement training reimbursement fund.....No limit
 Sec. 138.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$10,203,177

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated to the operating expenditures account for fiscal year 2012: *Provided further*; That expenditures may be made from this account for expenses incurred in holding the annual meeting: *And provided further*; That expenditures from this account for official hospitality shall not exceed \$5,000: *And provided further*; That the above agency may negotiate and enter into contracts to carry out its functions at the annual meeting: *And provided further*; That such contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739, and amendments thereto: *And provided further*; That expenditures may be made from this account or any special revenue fund of the above agency to allow 100% grant-funded projects relating to stream bank stabilization, and to allow lakes to be under the multi-purpose small lakes program if the lake is used for two of the following purposes: flood control, public water supply storage or recreation, notwithstanding the provisions of any other legislative enactment: *And provided further*; That, as used in this subsection (a), "special revenue fund" means the agency motor pool fund, land reclamation fee fund, watershed protect approach/WTR RSRCE MGT fund, conversion of materials and equipment fund, buffer participation incentive fund, and NRCS contribution agreement 2002 farm bill — federal fund.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dairy fee fund.....No limit
 Meat and poultry inspection fee fund.....No limit
 Wheat quality survey fund.....No limit
 Plant protection fee fund.....No limit
 Laboratory equipment fund.....No limit
 Water structures – state highway fund.....\$115,118
 Soil amendment fee fund.....No limit
 Agricultural liming materials fee fund.....No limit
 Weights and measures fee fund.....No limit
 Water appropriation certification fund.....No limit
 Water resources cost fund.....No limit

Provided, That all moneys received by the secretary of agriculture from any governmental or nongovernmental source to implement the provisions of the Kansas water banking act, K.S.A. 2010 Supp. 82a-761 through 82a-773, and amendments thereto, which are hereby authorized to be applied for and received, shall be deposited

in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the water resources cost fund.

Agriculture seed fee fund.....	No limit
Chemigation fee fund.....	No limit
Agriculture statistics fund.....	No limit
Petroleum inspection fee fund.....	No limit
Water transfer hearing fund.....	No limit
Grain commodity commission services fund.....	No limit
Kansas agricultural remediation board fund.....	No limit
Kansas agricultural remediation fund.....	No limit
Warehouse fee fund.....	No limit

U.S. geological survey cooperative gauge agreement grants fund..... No limit
Provided, That the secretary of agriculture is hereby authorized to enter into a cooperative gauge agreement with the United States geological survey: *Provided further*; That all moneys collected for the construction or operation of river water intake gauges shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the U.S. geological survey cooperative gauge agreement grants fund: *And provided further*; That expenditures may be made from this fund to pay the costs incurred in the construction or operation of river water intake gauges.

Computer services fund.....	No limit
Agricultural chemical fee fund.....	No limit
Feeding stuffs fee fund.....	No limit
Fertilizer fee fund.....	No limit
Plant pest emergency response fund.....	No limit
Pesticide use fee fund.....	No limit
Geographic information system fee fund.....	No limit
Egg fee fund.....	No limit
Water structures fund.....	\$148,666
Meat and poultry inspection fund – federal.....	No limit
EPA pesticide performance partnership grant – federal fund.....	No limit
FEMA dam safety – federal fund.....	No limit
FEMA – hazard mitigation map federal fund.....	No limit
FEMA stream mapping – federal fund.....	No limit
Pest detection and survey – federal fund.....	No limit
USDA NASS postage fund.....	No limit
FDA tissue residue – federal fund.....	No limit
Conversion of materials and equipment fund.....	No limit
Trademark fund.....	No limit
Market development fund.....	No limit

Provided, That expenditures may be made from the market development fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of agriculture in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary: *Provided further*; That all moneys received by the department of agriculture for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall

be credited to the market development fund.

Reimbursement and recovery fund.....No limit

Conference regulation and disbursement fund.....No limit

Buffer participation incentive fund.....No limit

Targeted watershed grants – federal fund.....No limit

Agency motor pool fund.....No limit

Land reclamation fee fund.....No limit

Animal health protection fund.....No limit

Animal donation fund.....No limit

Livestock and pseudorabies indemnity fund.....No limit

County option brand fee fund.....No limit

Livestock brand emergency revolving fund.....No limit

Livestock brand fee fund.....No limit

Provided, That expenditures from the livestock brand fee fund for official hospitality shall not exceed \$250.

Livestock market brand inspection fee fund.....No limit

Veterinary inspection fee fund.....No limit

Animal dealers fee fundNo limit

Provided, That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300: *Provided further*, That expenditures shall be made from the animal dealers fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment as authorized by K.S.A. 47-1707, and amendments thereto, to be provided through the internet or printed booklets.

Animal disease control fundNo limit

Provided, That expenditures from the animal disease control fund for official hospitality shall not exceed \$450.

Meat poultry egg production inspection – federal fund.....No limit

Market protection promotion – federal fund.....No limit

Health and human services retail food audit – federal fundNo limit

Other federal grants USDA cooperative – federal fund.....No limit

Specialty crop block grant – federal fund.....No limit

Publications fee fund.....No limit

Provided, That expenditures may be made from the publications fee fund for operating expenditures related to preparation and publication of informational or educational materials related to the programs or functions of the Kansas department of agriculture: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, to the contrary, the secretary of agriculture is hereby authorized to enter into a contract with a commercial publisher for the printing, distribution and sale of such materials: *And provided further*, That the secretary of agriculture is hereby authorized to collect fees from such commercial publisher pursuant to contract with the publisher for the sale of such materials: *And provided further*, That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds from any non-federal source for the printing, publication and distribution of such materials: *And provided further*, That all moneys received from such fees or for such grants, gifts, donations or other funds received for such purpose, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and

amendments thereto, and shall be credited to the publications fee fund.

Homeland security grant – federal fund.....	No limit
USDA national agricultural statistics services – federal fund.....	No limit
FDA food protection conference grant – federal fund.....	No limit
Retail food good manufacturing practice management – federal fund.....	No limit
Medicated feed and FDA BSE inspection – federal fund.....	No limit
National floodplain insurance assistance (CAP) – federal fund.....	No limit
FEMA map modernization management support – federal fund.....	No limit
Other federal grants – USDA cooperative – federal fund.....	No limit
Environmental quality incentive program – federal fund	No limit
Disease control fund – federal.....	No limit
Targeted watershed grants – federal fund	No limit
National dam safety program – federal fund.....	No limit
Cooperating technical partners – federal fund.....	No limit
Plant and animal disease & pest control – federal fund.....	No limit
Country of origin labeling (COOL) – federal fund.....	No limit
USDA Kansas forestry service – federal fund.....	No limit
USDA pesticide recordkeeping – federal fund.....	No limit
National registry report audit – federal fund	No limit
Civil litigation fee fund.....	No limit

Provided, That the above agency is authorized to make expenditures from the civil litigation fee fund for costs or other expenses associated with investigation and litigation regarding fraudulent meat sales: *Provided further*, That a portion of the moneys received by the state from fines and other moneys collected as a result of the settlement of fraudulent meat sales cases, as determined by the secretary of agriculture and the attorney general, 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 civil litigation fee fund by the attorney general.

Food safety fee fund.....	No limit
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Provided, That expenditures may be made from the food safety fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512, and amendments thereto, to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, deposited in the state treasury and shall be credited to the food safety fee fund: *And provided further*, That the secretary of agriculture is hereby authorized to make expenditures from the food safety fee fund for contracts or other agreements with local governments to inspect food service, food processing, grocery or other facilities for which the department of agriculture has inspection authority.

Gifts and donations fund.....	No limit
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Provided, That the secretary of agriculture is hereby authorized to receive gifts and

donations of resources and money for services for the benefit and support of agriculture and purposes 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 gifts and donations fund.

General fees fund.....No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: *Provided further*, That the secretary of agriculture is hereby authorized to fix, charge and collect fees in order to recover all or part of the costs incurred for such regulatory program activities and for official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for the regulatory program activity or official hospitality for which such fees are imposed: *And provided further*, That all amounts received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Food service inspection reimbursement fund.....No limit

Food inspection fee fund.....No limit

Provided, That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512, and amendments thereto, to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the food inspection fee fund: *And provided further*, That, on the first day of each month during fiscal year 2012, the director of accounts and reports shall transfer from the food inspection fee fund to the food service inspection reimbursement fund an amount equal to 80% of all fees credited to the food inspection fee fund where food service inspection services are provided by a local agency under contract with the secretary to inspect food service establishments located in a municipality.

Lodging fee fund.....No limit

Provided, That expenditures may be made from the lodging fee fund for operating expenditures for the lodging inspection program and other activities for the regulation of lodging establishments under the food service and lodging act.

Watershed protect approach/WTR RSRCE MGT fund.....No limit

NRCS contribution agreement 2002 farm bill – federal fund.....No limit

Licensing online transition fund.....\$0

Provided, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2012 the Kansas department of agriculture may prorate license fees and alter license due dates as needed in order to transition to online license applications and renewals for the fiscal year ending June 30, 2012.

Grain warehouse inspection fund.....\$75,000

Provided, That during the fiscal year ending June 30, 2012, the above agency shall make every effort to ensure services performed in the grain warehouse inspection program will not be compromised by budget reductions for the fiscal year ending June

30, 2012.

Feral swine eradication fund.....	\$175,000
Livestock market reporting fund.....	\$20,000
Compliance education fee fund.....	\$250,000

Provided, That all expenditures from the compliance education fee fund shall be for the purposes of compliance education: *Provided further*, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2012, the secretary of agriculture is hereby authorized to remit and designate amounts of moneys collected for civil fines and penalties by the department of agriculture to the state treasurer for deposit in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the compliance education fee fund: *And provided further*, That, upon receipt of each such remittance and designation, the state treasurer shall credit the entire amount of such remittance to the compliance education fee fund.

Laboratory testing services fee fund.....	No limit
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Provided, That all expenditures from the laboratory testing services fee fund shall be for the purposes of providing laboratory testing of samples upon request: *Provided further*, That the secretary of agriculture is hereby authorized to fix, charge and collect fees for such laboratory testing: *And provided further*, That such fees shall be fixed in order to recover all or part of the costs incurred to provide the services and any other necessary and incidental expenses incurred in conjunction with such laboratory testing: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215, and amendments thereto, and shall be credited to the laboratory testing services fee fund.

Arkansas river gaging fund.....	\$0
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(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2012, for the water plan project or projects specified, the following:

Water resources cost share.....	\$2,138,055
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Provided, That any unencumbered balance in the water resources cost share account of the state conservation commission in excess of \$100 as of June 30, 2011, is hereby reappropriated to the water resources cost share account of the Kansas department of agriculture for fiscal year 2012: *Provided further*, That the initial allocation for grants to conservation districts for fiscal year 2012 shall be made on a priority basis, as determined by the secretary of agriculture and the provisions of the state water plan: *And provided further*, That expenditures from this account for contractual technical expertise and/or non-salary administration expenditures of the division of conservation of the Kansas department of agriculture shall not exceed the amount equal to 6.0 percent of the budget amount for fiscal year 2012 for the water resources cost share account.

Nonpoint source pollution assistance.....	\$2,424,078
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Provided, That any unencumbered balance in the nonpoint source pollution assistance account of the state conservation commission in excess of \$100 as of June 30, 2011, is hereby reappropriated to the nonpoint source pollution assistance account of the Kansas department of agriculture for fiscal year 2012.

Conservation district aid.....	\$2,259,754
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Provided, That any unencumbered balance in the conservation district aid account of the state conservation commission in excess of \$100 as of June 30, 2011, is hereby

reappropriated to the conservation district aid account of the Kansas department of agriculture for fiscal year 2012.

Watershed dam construction.....\$690,652

Provided, That any unencumbered balance in the watershed dam construction account of the state conservation commission in excess of \$100 as of June 30, 2011, is hereby reappropriated to the watershed dam construction account of the Kansas department of agriculture for fiscal year 2012: *Provided further*, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the above agency.

Lake restoration.....\$255,043

Provided, That any unencumbered balance in the lake restoration account of the state conservation commission in excess of \$100 as of June 30, 2011, is hereby reappropriated to the lake restoration account of the Kansas department of agriculture for fiscal year 2012: *Provided further*, That, on July 1, 2011, the amount of the remaining encumbered balance of moneys encumbered for fiscal year 2009 in the lake restoration account under contract in the water supply restoration program as of June 30, 2011, shall be released from such encumbrance for fiscal year 2009 and the amount equal to such encumbered balance is hereby appropriated for the above agency for fiscal year 2012 for the installation of an alternative public water supply solution for Washington county rural water district no. 1.

Kansas water quality buffer initiatives.....\$196,394

Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account of the state conservation commission in excess of \$100 as of June 30, 2011, is hereby reappropriated to the Kansas water quality buffer initiatives account of the Kansas department of agriculture for fiscal year 2012: *Provided further*, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices: *And provided further*, That such expenditures may be made from this account from the approved budget amount for fiscal year 2012 in accordance with contracts, which are hereby authorized to be entered into by the secretary of agriculture, for such grants or incentives.

Riparian and wetland program.....\$164,828

Provided, That any unencumbered balance in the riparian and wetland program account of the state conservation commission in excess of \$100 as of June 30, 2011, is hereby reappropriated to the riparian and wetland program account of the Kansas department of agriculture for fiscal year 2012.

Water transition assistance program/conservation reserve enhancement program.....\$824,835

Provided, That any unencumbered balance in the water transition assistance program/conservation reserve enhancement program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided further*, That, in addition, fiscal year 2012 expenditures, from the water transition assistance program/conservation reserve enhancement program account, are authorized to be made by the division of conservation of the Kansas department of agriculture for the conservation reserve enhancement program: *And provided further*, That any unencumbered balance in the water transition assistance program/conservation reserve enhancement program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *And provided further*, That all expenditures under

the water transition assistance program/conservation reserve enhancement program, referred to as CREP in this subsection, are subject to the following criteria: (1) The total number of acres enrolled in Kansas in CREP for the five fiscal years 2008, 2009, 2010, 2011, and 2012 shall not exceed 40,000 acres; (2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to one-half of the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area, except that if federal law permits the land enrolled in the CREP program to be used for agricultural purposes such as planting of agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses, legumes or other cover crops then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area; (3) lands enrolled in the conservation reserve program as of January 1, 2008, shall not be eligible for enrollment in CREP; (4) no more than 25% of the acreage in CREP may be in any one county; (5) no water right that is owned by a governmental entity, except a groundwater management district, shall be purchased or retired by the state or federal government pursuant to CREP; and (6) only water rights in good standing are eligible for inclusion under CREP: *And provided further*; That to be a water right in good standing the following criteria must be met: (A) At least 50% of the maximum annual quantity authorized to be diverted under the water right has been used in any three years from 2001 through 2005; (B) in the years 2001 through 2005 the water rights used for the acreage in CREP shall not have exceeded the maximum annual quantity authorized to be diverted and shall not have been the subject of enforcement sanctions by the division of water resources in the last four years; and (C) the water right holder has submitted the required annual water use report required by K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years; *And provided further*; That the Kansas department of agriculture shall submit a CREP report to the senate committee on natural resources and the house committee on agriculture and natural resources at the beginning of the 2012 regular session of the legislature which shall contain a description of program activities and shall include: (i) The total water rights, measured in acre feet, retired in CREP during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, and fiscal year 2012, to date, (ii) the acreage enrolled in CREP during fiscal year 2008, and fiscal year 2009, and in fiscal year 2010, and in fiscal year 2011, and in fiscal year 2012, to date, (iii) the dollar amounts received and expended for CREP during fiscal year 2008, and fiscal year 2009, and in fiscal year 2010, and in fiscal year 2011, and in fiscal year 2012, to date, (iv) the economic impact of the CREP, (v) the change in groundwater levels in the CREP area during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, and fiscal year 2012, to date, (vi) the annual amount of water usage in the CREP area during fiscal year 2008, and fiscal year 2009, and fiscal year 2010, and fiscal year 2011, and fiscal year 2012, to date, (vii) an assessment of meeting each of the program objectives identified in the agreement with the farm service agency, and (viii) such other information as the Kansas department of agriculture shall specify.

Basin management.....	\$702,722
<i>Provided</i> , That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Water use.....	\$83,697

Provided, That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Interstate water issues.....\$513,850

Provided, That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012:

Provided further, That the above agency shall make expenditures of \$55,000 from the interstate water issues account for fiscal year 2012 for streamgage monitoring in western Kansas to ensure that Colorado is complying with the Arkansas river compact.

(d) During the fiscal year ending June 30, 2012, the secretary of agriculture, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas department of agriculture: *Provided*, That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

(e) On July 1, 2011, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$109,651 from the state highway fund of the department of transportation to the water structures – state highway fund of the Kansas department of agriculture.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

Agriculture marketing program.....\$395,573

Provided, That expenditures may be made from the agriculture marketing program account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of agriculture in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary of agriculture therefor under the agricultural value added center program.

(g) On July 1, 2011, the director of accounts and reports shall transfer \$75,000 from the state water plan fund to the grain warehouse inspection fund of the Kansas department of agriculture.

(h) On July 1, 2011, the director of accounts and reports shall transfer \$175,000 from the state water plan fund to the feral swine eradication fund of the Kansas department of agriculture.

(i) On July 1, 2011, the director of accounts and reports shall transfer \$20,000 from the state water plan fund to the livestock market reporting fund of the Kansas department of agriculture.

Sec. 139.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund.....No limit

Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed \$15,000.

State fair federal transfer fund.....No limit
 State fair special cash fund.....No limit
 State fair debt service special revenue fund.....No limit

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

State fair debt service.....\$1,850,469

(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$159,207 from the state economic development initiatives fund to the state fair capital improvements fund of the state fair board.

Sec. 140.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Water resources operating expenditures.....\$1,772,412

Provided, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$250.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Local water project match fund.....No limit

Provided, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects 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 local water project match fund: *Provided further*; That all moneys credited to this fund shall be used to match state funds or federal funds, or both for water projects.

Water supply storage assurance fund.....No limit

Provided, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2012, unless a contract is entered into under the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, to supply water to users which is not held under contract in such reservoirs.

Water supply storage acquisition fund.....No limit

State conservation storage water supply fund.....No limit

Water marketing fund.....No limit

EPA wetland grant – federal fund.....No limit

Water 2025 – ARRA – federal fund.....No limit

General fees fund.....No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and official hospitality: *Provided further*; That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: *And provided*

further, That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality. *And provided further*, That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Indirect cost fund.....	No limit
Motor pool vehicle replacement fund.....	No limit
Reservoir storage beneficial use fund.....	No limit
<i>Provided</i> , That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or take actions necessary to ensure reservoir storage sustainability, subject to the availability of moneys credited to the reservoir storage beneficial use fund.	
Arkansas river water conservation projects fund.....	No limit
Republican river water conservation projects – Nebraska moneys fund.....	No limit
Republican river water conservation projects – Colorado moneys fund.....	No limit
Lower Smoky Hill water supply access fund.....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2012, for the state water plan project or projects specified, the following:

Assessment and evaluation.....	\$469,492
<i>Provided</i> , That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
GIS data base development.....	\$173,640
<i>Provided</i> , That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
MOU – storage operations and maintenance.....	\$366,802
<i>Provided</i> , That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Technical assistance to water users.....	\$409,044
<i>Provided</i> , That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Water resource education	\$38,200
<i>Provided</i> , That any unencumbered balance in the water resource education account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Wichita aquifer storage and recovery project.....	\$657,459
<i>Provided</i> , That any unencumbered balance in the Wichita aquifer recovery project account in excess of \$100 as of June 30, 2011, is hereby reappropriated to the Wichita aquifer storage and recovery project account for fiscal year 2012.	
Weather modification program.....	\$97,935
<i>Provided</i> , That any unencumbered balance in the weather modification program account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	
Weather stations.....	\$48,620
<i>Provided</i> , That any unencumbered balance in the weather station's account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.	

Any unencumbered balance in each of the following accounts in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: Neosho river basin issues.

(d) During the fiscal year ending June 30, 2012, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2012 from the state water plan fund for the Kansas water office: *Provided*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on natural resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2012, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(f) During the fiscal year ending June 30, 2012, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to

this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(g) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2012, from the water marketing fund to the state general fund, in accordance with the provisions of the state water plan storage act, and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs.

(h) During the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the Kansas water office from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the Kansas water office from the state general fund or from any special revenue fund or funds for fiscal year 2012, to provide for the Kansas water office to lead database coordination of water quality and quantity data for all state water agencies and cooperating federal agencies to facilitate policy-making and such other matters relating thereto.

Sec. 141.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Operating expenditures.....\$3,384,949

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,000: *Provided further*; That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2012, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2012 to include a provision on the calendar year 2012 applications for hunting licenses, fishing licenses and annual park permits for the applicant to make a voluntary contribution of \$2 or more to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members: *And provided further*; That all moneys received as voluntary contributions to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the free licenses and permits fund: *And provided further*; That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2012, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2012 to negotiate and enter into contracts for promotional advertising services for the performance of the powers, duties and

functions of the department of wildlife, parks and tourism under executive reorganization order no. 36: *And provided further*, That all such advertising contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

State parks operating expenditures.....\$1,294,962

Provided, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Reimbursement for annual licenses issued to national guard members.....\$36,500

Provided, That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2012 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses: *Provided, however*, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: *Provided further*, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Reimbursement for annual park permits issued to national guard members.....\$18,000

Provided, That all moneys in the reimbursement for annual park permits issued to national guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2012 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park permits issued to national guard members account to pay the parks fee fund for such permits: *Provided, however*, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account: *Provided further*, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Reimbursement for annual licenses issued to Kansas disabled veterans.....\$40,000

Provided, That all moneys in the reimbursement for annual licenses issued to Kansas disabled veterans account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2012 to Kansas disabled veterans, which licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to Kansas disabled veterans account to pay the wildlife fee fund for such licenses: *Provided, however*, That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions,

have a disability certified by the Kansas commission on veterans affairs as being service connected and such service connected disability is equal to or greater than 30%: *Provided further*, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: *And provided further*, That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund.....\$25,800,102

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2012 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2012: *And provided further*, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000.

Parks fee fund.....\$6,844,051

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2012 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2012: *And provided further*, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund.....\$1,169,986

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2012 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2012: *And provided further*, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000.

Central aircraft fund.....No limit

Provided, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies, and for the purchase of state aircraft insurance: *Provided further*, That the secretary of wildlife, parks and tourism is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That

all fees received for such services shall be credited to the central aircraft fund.	
Department access roads fund.....	\$1,081,102
Wildlife and parks nonrestricted fund.....	No limit
Prairie spirit rails-to-trails fee fund.....	No limit
Nongame wildlife improvement fund.....	No limit
Nongame wildlife improvement fund – federal.....	No limit
Wildlife conservation fund.....	No limit
Federally licensed wildlife areas fund.....	No limit
State agricultural production fund.....	No limit
Land and water conservation fund – state.....	No limit
Land and water conservation fund – local.....	No limit
Development and promotions fund.....	No limit
Department of wildlife and parks private gifts and donations fund.....	No limit
Fish and wildlife restitution fund.....	No limit
Parks restitution fund.....	No limit
Nonfederal grants fund.....	No limit
Disaster grants – public assistance fund.....	No limit
Soil/water conservation fund.....	No limit
Navigation projects fund.....	No limit
Recreation resource management fund.....	No limit
Cooperative endangered species conservation fund.....	No limit
Landowner incentive program fund.....	No limit
Bulletproof vest partnership fund.....	No limit
Recreational trails program fund.....	No limit
Highway planning/construction fund.....	No limit
Plant/animal disease and pest control fund.....	No limit
Americorps – ARRA fund.....	No limit
Cooperative forestry assistance fund.....	No limit
North America wetland conservation fund.....	No limit
Wildlife services fund.....	No limit
Fish/wildlife management assistance fund.....	No limit
Fish/wildlife core act fund.....	No limit
Watershed protection/flood prevention fund.....	No limit
Suspense fund.....	No limit
Employee maintenance deduction clearing fund.....	No limit
Cabin revenue fund.....	No limit
Boating fund – federal.....	No limit
Wildlife fund – federal.....	No limit
Wildlife conservation fund – federal.....	No limit
Feed the hungry fund.....	No limit
State wildlife grants fund.....	No limit
Boating safety financial assistance fund.....	No limit
Wildlife restoration fund.....	No limit
Sportfish restoration fund.....	No limit
Outdoor recreation acquisition, development and planning fund.....	No limit
Publication and other sales fund.....	No limit
Free licenses and permits fund.....	No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2012, the following:

Travel and tourism operating expenditures.....\$1,849,037

Sec. 142.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State highway fund.....No limit

Provided, That no expenditures may be made from the state highway fund other than for the purposes specifically authorized by this or other appropriation act.

Special city and county highway fund.....No limit

County equalization and adjustment fund.....\$2,489,906

Highway special permits fund.....No limit

Highway bond debt service fund.....No limit

Rail service improvement fund.....No limit

Transportation revolving fund.....No limit

Rail service assistance program loan guarantee fund.....No limit

Railroad rehabilitation loan guarantee fund.....No limit

Provided, That expenditures from the railroad rehabilitation loan guarantee fund shall not exceed the amount which the secretary of transportation is obligated to pay during the fiscal year ending June 30, 2012, in satisfaction of liabilities arising from the unconditional guarantee of payment which was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A. 12-3420, and amendments thereto, and guaranteed pursuant to K.S.A. 75-5031, and amendments thereto.

Interagency motor vehicle fuel sales fund.....No limit

Provided, That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas highway patrol: *Provided further*; That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to the Kansas highway patrol: *And provided further*; That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to the Kansas highway patrol: *And provided further*; That all fees received for such sales of motor vehicle fuel shall be credited to the interagency motor vehicle fuel sales fund.

Coordinated public transportation assistance fund.....No limit

Public use general aviation airport development fund.....No limit

Highway bond proceeds fund.....No limit

Communication system revolving fund.....No limit

Traffic records enhancement fund.....No limit

Kansas intermodal transportation revolving fund.....No limit

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2012, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2012 other than refunds authorized by law for the following specified purposes shall not exceed the limitations

prescribed therefor as follows:

Agency operations.....	\$287,917,013
<i>Provided</i> , That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$5,000:	
<i>Provided further</i> , That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e, and amendments thereto.	
Conference fees.....	No limit
<i>Provided</i> , That the secretary of transportation is hereby authorized to fix, charge and collect conference, training and workshop attendance and registration fees for conferences, training seminars and workshops sponsored or cosponsored by the department: <i>Provided further</i> , That such fees shall be deposited in the state treasury and credited to the conference fees account of the state highway fund: <i>And provided further</i> , That expenditures may be made from this account to defray all or part of the costs of the conferences, training seminars and workshops.	
Substantial maintenance.....	No limit
Claims	No limit
Payments for city connecting links.....	\$3,346,434
Federal local aid programs.....	No limit
Bond services fees.....	No limit
Construction, remodeling and special maintenance projects for buildings.....	\$0
<i>Provided</i> , That expenditures may be made from the construction, remodeling and special maintenance projects for buildings account of the state highway fund of amounts in unexpended balances as of June 30, 2011, in capital improvement project accounts of projects approved for prior fiscal years: <i>Provided further</i> , That expenditures from this account of amounts in such unexpended balances shall be in addition to any expenditure limitation imposed on this account for fiscal year 2012.	
Other capital improvements.....	No limit
<i>Provided</i> , That the secretary of transportation is authorized to make expenditures from the other capital improvements account to undertake a program to assist cities and counties with railroad crossings of roads not on the state highway system.	

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation and repair	\$3,288,642
Buildings – reroofing.....	\$240,614
Buildings – other construction, renovation and repair.....	\$2,554,220
Buildings – equipment storage sheds.....	\$31,535

(2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2012, expenditures may be made by the above agency from the state highway fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each capital improvement project account for a building or buildings in the state highway fund for one or more projects approved for prior fiscal years: *Provided*, That all expenditures from the unencumbered balance in any such project account of the state highway fund for fiscal year 2012 shall

not exceed the amount of the unencumbered balance in such project account on June 30, 2011, subject to the provisions of section (d): *Provided further*, That all expenditures from any such project account shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2012.

(d) During the fiscal year ending June 30, 2012, the secretary of transportation, with the approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2012 from the state highway fund for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2012 from the state highway fund for the department of transportation: *Provided*, That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On April 1, 2012, the director of accounts and reports shall transfer from the motor pool service fund of the department of administration to the state highway fund of the department of transportation an amount determined to be equal to the sum of the annual vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611, and amendments thereto.

(f) During the fiscal year ending June 30, 2012, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund, the director of accounts and reports shall transfer from the state highway fund to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(g) Any payment for services during the fiscal year ending June 30, 2012, from the state highway fund to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2012.

(h) For the fiscal year ending June 30, 2012, the department of transportation shall prepare and submit along with the documents required under K.S.A. 75-3717, and amendments thereto, additional documents that present the revenues, transfers, and expenditures that are considered to be in support of T-WORKS authorized by K.S.A. 68-2314b et seq., and amendments thereto: *Provided*, That documents shall include both reportable as well as nonreportable and off-budget items that reflect the revenues, transfers and expenditures associated with the comprehensive transportation program.

(i) On July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$51,250,000 from the state highway fund of the department of transportation to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2012: *And provided further*, That all moneys transferred from the state highway fund to the state general fund under this subsection shall be moneys credited to the state highway fund pursuant to K.S.A. 79-3620 or 79-3710, and amendments thereto.

Sec. 143. *Position limitations.* (a) The number of full-time and regular part-time

positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2012, made in this or other appropriation act of the 2011 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council or pursuant to subsection (b):

Attorney General.....	109.38
Secretary of State.....	51.00
State Treasurer.....	46.50
Insurance Department.....	123.36
<i>Provided</i> , That any attorney positions established in the insurance department for the purpose of defense of the workers compensation fund shall be in addition to any limitation imposed on the full-time and regular part-time equivalent number of positions, excluding seasonal and temporary positions, paid from appropriations made for fiscal year 2012 for the department of insurance.	
Department of Commerce.....	251.80
Health Care Stabilization Fund Board of Governors.....	18.00
Judicial Council.....	4.00
Kansas Human Rights Commission.....	25.00
State Corporation Commission.....	212.00
Citizens' Utility Ratepayer Board.....	6.00
Department of Administration.....	568.25
Office of Administrative Hearings.....	13.00
State Court of Tax Appeals.....	20.00
Department of Revenue.....	1,046.00
Kansas Lottery.....	99.00
Kansas Racing and Gaming Commission – state racing operations and expanded lottery act regulation division.....	75.53
Kansas Racing and Gaming Commission – state gaming agency.....	24.00
Department of Labor.....	499.00
Kansas Commission on Veterans Affairs.....	340.00
Department of Health and Environment – Division of Health.....	554.38
Department of Health and Environment – Division of Environment.....	421.03
Department on Aging.....	164.00
Department of Social and Rehabilitation Services.....	3,119.13
Kansas Neurological Institute.....	485.70
Larned State Hospital.....	839.20
Osawatomie State Hospital.....	396.40
Parsons State Hospital and Training Center.....	455.20
Rainbow Mental Health Facility.....	112.20
Kansas Guardianship Program.....	10.00
State Library.....	24.00
Kansas Arts Commission.....	6.00
Kansas State School for the Blind.....	82.50
Kansas State School for the Deaf.....	150.50
State Historical Society.....	117.00
State Board of Regents.....	63.50
Department of Corrections.....	3,013.50

Juvenile Justice Authority.....	474.50
Adjutant General.....	199.00
State Fire Marshal.....	48.00
Attorney General – Kansas Bureau of Investigation.....	209.00
Emergency Medical Services Board.....	14.00
Kansas Sentencing Commission.....	8.00
Kansas Commission on Peace Officers’ Standards and Training.....	7.00
Kansas Department of Agriculture.....	353.49
State Fair Board.....	25.00
Kansas Water Office.....	21.00
Kansas Department of Wildlife, Parks and Tourism.....	430.50
Department of Transportation.....	2,916.50

(b) During the fiscal year ending June 30, 2012, the secretary of social and rehabilitation services may increase the position limitation for the department of social and rehabilitation services or for any institution or facility under the general supervision and management of the secretary of social and rehabilitation services by making a corresponding decrease in the position limitation for either the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such increase and corresponding decrease to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

(c) During the fiscal year ending June 30, 2012, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions, for the Kansas bureau of investigation that are paid from appropriations for the attorney general – Kansas bureau of investigation for fiscal year 2012 made in this or other appropriation act of the 2011 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2012 for the attorney general – Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 144. (a) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2012, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2012 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a, and amendments thereto, an aggregate amount of allowance (A) of \$354.15 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2012 and for each of the 14 ensuing two-week periods thereafter, and (B) of \$354.15 for the two-week period which coincides with the biweekly payroll period which includes April 1, 2012, which

is chargeable to fiscal year 2012 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2012, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (a) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (a) and which are chargeable to fiscal year 2012.

(b) (1) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2011 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 to provide each employee, who is eligible for a longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto, an additional amount of longevity bonus payment during fiscal year 2012 equal to the amount required to provide, along with the amount of the longevity bonus payment otherwise payable pursuant to K.S.A. 75-5541, and amendments thereto, an aggregate amount of longevity bonus that would be payable if the amount of the longevity bonus payment pursuant to K.S.A. 75-5541, and amendments thereto, were determined by multiplying the number of full years of state service, not to exceed 25 years, rendered by such employee by \$50: *Provided*, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same time that the longevity bonus payment determined under K.S.A. 75-5541, and amendments thereto, is payable during fiscal year 2012 to such employee: *Provided further*, That each such additional amount of longevity bonus payment to any such employee shall be deemed to have the same characteristics, be subject to the same withholding, deduction or contribution requirements, and is intended to be a bonus as defined in 29 C.F.R. § 778.208, to the same extent and effect as longevity bonus payments that are payable pursuant to K.S.A. 75-5541, and amendments thereto.

(2) As used in this subsection (b), “state agency” means any state agency in the executive branch, legislative branch or judicial branch of state government and “employee” means any officer or employee of a state agency.

Sec. 145.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities.....\$153,737
Provided, That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Judicial center rehabilitation and repair.....\$76,939
Provided, That any unencumbered balance in the judicial center rehabilitation and repair account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal

year 2012.

Replace Docking chillers.....	\$483,885
National bio and agro-defense facility – debt service.....	\$2,780,807
Kansas department of transportation – CTP – debt service.....	\$16,150,775
Statehouse improvements – debt service.....	\$23,460,788
Capitol complex repair and rehabilitation.....	\$2,456,448
Judicial center improvements – debt service.....	\$97,225
Restructuring debt service.....	\$2,220,675

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund.....	No limit
State facilities gift fund.....	No limit
Master lease program fund.....	No limit
State buildings depreciation fund.....	No limit
Executive mansion gifts fund.....	No limit
Topeka state hospital cemetery memorial gift fund.....	No limit
Landon state office building repair expense fund.....	No limit
MacVicar avenue assessment expense fund.....	No limit
Capitol area plaza authority planning fund.....	No limit

Provided, That, the secretary of administration may accept gifts, donations and grants of money, including payments from local units of city and county government, for the development of a new master plan for the capitol plaza and the state zoning area described in K.S.A. 75-3619, and amendments thereto: *Provided further*, That all such gifts, donations and grants shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the capitol plaza area authority planning fund.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Motor pool shop – debt service.....	No limit
Paint and grounds shop – debt service.....	No limit
Parking improvements and repair.....	No limit

(d) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2012, expenditures may be made by the above agency from the building and ground fund for fiscal year 2012 from any unencumbered balance as of June 30, 2011, in each of the following capital improvement accounts of the building and ground fund: Parking improvements and repair: *Provided*, That the expenditures for fiscal year 2011 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2012 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the

building and ground fund for the fiscal year 2012.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State of Kansas facilities projects – debt service.....	No limit
Rehabilitation and repair.....	\$400,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2012.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2012, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each capital improvement account of the state buildings depreciation fund for one or more projects approved for prior fiscal years: *Provided*, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2012.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Memorial hall – debt service.....	No limit
Docking cooling towers replacement – debt service	No limit
Eisenhower building purchase and renovation – debt service.....	No limit

(h) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the intragovernmental printing service fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Printing plant – debt service.....	No limit
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(i) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service depreciation reserve fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the intragovernmental printing service depreciation reserve fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair.....	\$75,000
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(j) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund

or from any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair the state capitol: *Provided*, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$24,300,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

(k) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair the state capitol: *Provided*, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$10,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted

for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

Sec. 146.

DEPARTMENT OF COMMERCE

(a) In addition to the other purposes for which expenditures may be made by the above agency from the reimbursement and recovery fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the reimbursement and recovery fund during the fiscal year 2012, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – 1430 Topeka facilities.....\$133,650

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser – federal fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser – federal fund during the fiscal year 2012, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair.....\$80,000

Sec. 147.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Insurance department rehabilitation and repair fund.....No limit

Provided, That the above agency shall increase its bond principal payment to \$348,850, for purposes of paying the remaining balance in full.

Sec. 148.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....\$1,415,629

Provided, That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 2012 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01 or 76-12a18, and amendments thereto, for projects approved by the secretary of social and rehabilitation services: *Provided further*, That expenditures also may be made from this account during fiscal year 2012 for the purposes of rehabilitation and repair for facilities of the department of social and rehabilitation services other than any institution, as defined by K.S.A. 76-12a01 or 76-12a18, and amendments thereto.

Debt service – new state security hospital\$3,673,725

Debt service – state hospitals rehabilitation and repair.....\$2,590,650

(b) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for fiscal year 2012, expenditures may be made by the above agency from the other state fees fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Area office rehabilitation and repair.....\$200,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the other state fees fund for fiscal year 2012.

Sec. 149.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Employment security administration property sale fund.....No limit

Provided, That the secretary of labor is hereby authorized to make expenditures from the employment security administration property sale fund for the unemployment insurance program: *Provided, however*, That no expenditures shall be made from this fund for the proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor have been reviewed by the joint committee on state building construction.

(b) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2012 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: *Provided*, That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, and acting after receiving the recommendations of the joint committee on state building construction: *Provided, however*, That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: *Provided further*, That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury to the credit of the employment security administration property sale fund of the department of labor: *And provided further*, That expenditures from such fund shall not exceed the limitation

established for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature except upon approval of the state finance council.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2012, expenditures may be made by the above agency from the special employment security fund for fiscal year 2012 for the following capital improvement projects: Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from the special employment security fund for fiscal year 2012 for such capital improvement purposes shall not exceed \$184,377: *Provided further*, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2012.

Sec. 150.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects.....	\$274,585
Veterans' home rehabilitation and repair projects.....	\$573,505

Sec. 151.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Facilities conservation improvement debt service.....	\$30,509
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(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$86,460
Security system upgrade project.....	\$105,236
Facilities conservation improvement debt service.....	\$31,979

Sec. 152.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2011, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$36,070
Roth building repairs.....	\$279,449
Facilities conservation improvement debt service.....	\$63,850

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$300,000
Roth building repairs.....	\$1,883,121
Facilities conservation improvement debt service.....	\$66,520

Sec. 153.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Rehabilitation and repair projects.....\$175,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the national historic preservation act fund – local for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the national historic preservation act fund – local for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

John Brown museum window and door repair project.....\$58,140

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the national historic preservation act fund – local for fiscal year 2012.

(c) In addition to other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the private gifts, grants and bequests fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

John Brown museum window and door repair project\$38,760

Shawnee Indian mission west building project.....\$75,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the private gifts, grants and bequests fund for fiscal year 2012.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the fund for fiscal year 2012, expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the historic properties fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the historic properties fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the historic properties fee fund for fiscal year 2012.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state historical facilities fund for fiscal year 2012, expenditures may be made by the above agency from the state historical facilities fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the state historical facilities fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such

account shall be in addition to any expenditure limitation imposed on the state historical facilities fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the state historical facilities fund for fiscal year 2012.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the save America's treasures fund for fiscal year 2012, expenditures may be made by the above agency from the save America's treasures fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the save America's treasures fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the save America's treasures fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the save America's treasures fund for fiscal year 2012.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2012, expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the historical society capital improvement fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the historical society capital improvement fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the historical society capital improvement fund for fiscal year 2012.

Sec. 154.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union refurbishing fund.....	No limit
Twin towers project revenue fund.....	No limit
Twin towers bond and interest sinking fund.....	No limit
Twin towers maintenance and equipment reserve fund.....	No limit
Deferred maintenance support fund.....	No limit
Infrastructure maintenance fund.....	No limit

(b) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session

Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

Sec. 155.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation – bond and interest sinking fund.....	No limit
Lewis field renovation – revenue fund.....	No limit
Memorial union renovation debt service fund.....	No limit
Deferred maintenance support fund.....	No limit
Infrastructure maintenance fund.....	No limit
Soccer facility fund	No limit
Wind power generation facility fund.....	No limit
Indoor practice facility.....	No limit

(b) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

(c) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2012, as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2012 to raze wing “A” of Wiest hall.

Sec. 156.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Engineering complex phase II private gift fund.....	No limit
Ackert hall addition – gifts and grants fund.....	No limit
Student life center – Salina construction debt service fund.....	No limit
Deferred maintenance support fund.....	No limit

Infrastructure maintenance fund.....No limit
 Child care fund.....No limit

(b) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to redevelop, renovate and equip the Jardine apartments: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$102,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the housing system operations fund or any other appropriate special revenue fund or funds of Kansas state university.

(c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

(d) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 to raze building no. 457 (elevator and feed mill), building no. 437 (herdsman house), building no. 10002 (art kiln), building no. 145 (vet

surgical instruction), building no. 200 (vet research lab greyhound kennels), building no. 224 (food animal barn and shed) and portions of building no. 025 (seaton court).

(e) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011 or for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct a grain science center feed mill: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$5,400,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

(f) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from any special revenue fund for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2012 or for fiscal year 2013 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to remove the old chemical waste landfill: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$3,700,000, plus all amounts

required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, moneys deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

(g) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 as authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or for fiscal year 2013 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand and renovate the Snyder Family stadium: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$50,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

(h) For fiscal year ending June 30, 2011, Kansas state university is authorized to enter into a lease purchase agreement with the Kansas state university foundation for a new grain science center feed mill.

Sec. 157.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2012, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2012 for the following capital

improvement project or projects:

Equine education and research center.....	No limit
Grain science center.....	No limit
Southeast research – extension center building.....	No limit

Sec. 158.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Armory/classroom/recreation center debt service.....	\$322,199
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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, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Horace Mann renovation revenue fund.....	No limit
Overman renovation revenue fund.....	No limit
Deferred maintenance support fund.....	No limit
Infrastructure maintenance fund.....	No limit
Student health center – private gifts fund.....	No limit

(c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

(d) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Pittsburg state university for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Pittsburg state university for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for parking improvements: *Provided*, That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Pittsburg state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$4,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the

construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds.

(e) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Pittsburg state university for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from the state general fund or any special revenue fund or funds for Pittsburg state university for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for student housing improvements and construction: *Provided*, That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*; That Pittsburg state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*; That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$22,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds.

Sec. 159.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified as follows:

School of pharmacy debt service.....	\$1,627,949
School of pharmacy debt service 2009.....	\$2,451,462

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union renovation revenue fund.....	No limit
Student health facility maintenance, repair, and equipment fee fund.....	No limit
Regents center revenue fund – KDFA D bonds, 1990.....	No limit
Parking facilities surplus fund – KDFA G bonds, 1993.....	No limit

Provided, That the university of Kansas may make expenditures from the parking facilities surplus fund – KDFA G bonds, 1993 for capital improvements to parking lots

in addition to the expenditure of other moneys appropriated therefor: *Provided further*, That the university of Kansas may transfer moneys during fiscal year 2012 from the parking facilities surplus fund – KDFA G bonds, 1993 to the restricted fees fund.

Deferred maintenance support fund.....No limit

Infrastructure maintenance fund.....No limit

Athletic facilities enhancements special revenue fund KDFA

A university proceedsNo limit

Child care facility operations account fund.....No limit

Child care facility student fee account fund.....No limit

Student recreation & fitness center revenue fund.....No limit

Child care facility addition fund.....No limit

Provided, That the university of Kansas may transfer moneys during fiscal year 2012 from the restricted fees fund or the general fees fund to the child care facility addition fund for the capital improvement project to construct an addition to the child care facility: *Provided further*, That upon completion of the construction project, the university of Kansas may transfer unused moneys from the child care facility addition fund to the general fees fund or the restricted fees fund.

Smissman hall renovation fund.....No limit

Provided, That the university of Kansas may transfer moneys during fiscal year 2012 from the restricted fees fund and general fees fund to the Smissman hall renovation fund for the renovation project for Smissman hall: *Provided further*, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the restricted fees fund in the Smissman hall renovation fund to the restricted fees fund: *And provided further*, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the general fees fund in the Smissman hall renovation fund to the general fees fund.

(c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

(d) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for the university of Kansas for fiscal year 2012 by this or other appropriation act of the 2011 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for the university of Kansas for fiscal year 2012 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the renovation of Gertrude Sellards Pearson hall: *Provided*, That such capital improvement project is hereby approved for

the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*; That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$13,075,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds.

Sec. 160.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fund – K.C. campus.....	No limit
Deferred maintenance support fund.....	No limit
Infrastructure maintenance fund.....	No limit
Construct parking facility #4 fund.....	No limit

Provided, That the university of Kansas medical center may transfer moneys during fiscal year 2012 from appropriate accounts of the parking fees fund to the construct parking facility #4 fund for such capital improvement project.

Lied biomedical research building renovation – gift and grant fund.....No limit

(b) During the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer amounts certified by the chancellor of the university of Kansas from the sponsored research overhead fund to the construct and equip center for health in aging bond revenue fund.

(c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

Sec. 161.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

Aviation research debt service.....\$1,643,614

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- On campus parking reserve account fund – KDFA B bonds.....No limit
- Parking system project – maintenance fund, KDFA revenue bonds.....No limit
- On campus parking principal and interest fund – KDFA B bonds.....No limit
- Parking system project revenue fund – KDFA bonds.....No limit
- WSU housing system surplus fund.....No limit
- Deferred maintenance support fund.....No limit
- Infrastructure maintenance fund.....No limit

(c) During the fiscal year ending June 30, 2012, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 131(c) of chapter 165 of the 2010 Session Laws of Kansas or to any provision of this or other appropriation act of the 2011 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2010.

(d) In addition to the other purposes for which expenditures may be made by Wichita state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2012 or fiscal year 2013 authorized by this or other appropriation act of the 2011 regular session of the legislature or by any appropriation act of the 2012 regular session of the legislature, expenditures shall be made by Wichita state university from moneys appropriated from the state general fund or from the state general fund or funds or from any special revenue fund for fiscal year 2012 or for fiscal year 2013 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct Rhatigan student center: *Provided*, That such capital improvement project is hereby approved for Wichita state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Wichita state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*; That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$33,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement projects

shall be financed by appropriations from any appropriate special revenue fund or funds, including, but not limited to, money deposited in such fund or funds, including, but not limited to, money deposited in such fund or funds from amounts derived pursuant to K.S.A. 19-5001 et seq., and amendments thereto.

Sec. 162.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, the following:

PEI infrastructure – debt service.....\$6,063,625

Provided, That, during the fiscal year ending June 30, 2012, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund for fiscal year 2012 in the PEI infrastructure – debt service account of the state general fund for fiscal year 2012 after the principal payment has been received for fiscal year 2012 by the state treasurer from the postsecondary institutions that were recipients of the PEI infrastructure bond proceeds, (1) the state board of regents may expend the amount of moneys appropriated for fiscal year 2012 in the PEI infrastructure – debt service account for the principal payment from the PEI infrastructure – debt service account for any other purpose for which moneys are appropriated for fiscal year 2012 from the state general fund for the state board of regents; or (2) the state board of regents may transfer such amount of moneys from the PEI infrastructure – debt service account of the state general fund for fiscal year 2012 to an account or accounts of the state general fund of any institution under the control and supervision of the state board of regents to be expended by the institution for a purpose for which expenditures may be made for fiscal year 2012 from such account or accounts and which is approved by the state board of regents: *Provided further*; That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the PEI infrastructure – debt service account of the state general fund for fiscal year 2012: *And provided further*; That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Postsecondary educational infrastructure finance K DFA
 2008A revenue fundNo limit
 Infrastructure maintenance fund.....No limit

(c) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified as follows:

Debt service – revenue bonds issued for major remodeling and new construction projects at state educational institutions.....\$13,745,075
 Rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education..... \$15,000,000

Provided, That the state board of regents is hereby authorized to transfer moneys from

the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects approved by the state board of regents: *Provided, however,* That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction: *Provided further,* That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account: *And provided further,* That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Research bond debt service fund.....No limit
 Sec. 163.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Debt service payment for the revenue refunding bond issues.....\$614,303
 Debt service payment for the infrastructure projects bond issue.....\$1,545,000
 Debt service payment for the reception and diagnostic unit
 relocation bond issue.....\$964,000

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Debt service payment for the revenue refunding bond issues.....\$1,689,697
 Capital improvements – rehabilitation and repair of correctional institutions. \$3,071,303

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2012 from the capital improvements – rehabilitation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2012 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

Debt service payment for the prison capacity expansion projects bond issue.....\$131,000

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Correctional facilities infrastructure projects fund.....No limit
Provided, That the department of corrections may make expenditures from the

correctional facilities infrastructure projects fund for a capital improvement project or projects to improve agency facilities: *Provided, however;* That expenditures from this fund for such capital improvement project or projects, including necessary furniture and equipment, shall not exceed the amount transferred to the correctional facilities infrastructure projects fund: *Provided further;* That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2012 from the correctional facilities infrastructure projects fund to an account or subaccount of the correctional facilities infrastructure projects fund of any institution or facility under the jurisdiction of the secretary of corrections.

(d) In addition to other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the correctional institutions building fund or from any other special revenue fund or funds for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the correctional institutions building fund or from any other special revenue fund or funds for fiscal year 2012 to raze the: (1) Training building no. 4005, at the Hutchinson correctional facility; (2) vending machine building no. 541, at the Hutchinson correctional facility; and (3) maintenance building no. 8, at the Lansing correctional facility.

Sec. 164.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile correctional facilities.....\$373,859

Provided, That the commissioner of juvenile justice is hereby authorized to transfer moneys during fiscal year 2012 from the capital improvements – rehabilitation and repair of juvenile correctional facilities account of the state institutions building fund to any account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to an account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to be expended during fiscal year 2012 for capital improvement projects approved by the commissioner of juvenile justice: *Provided further;* That the commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Debt service – Topeka complex and Larned juvenile correctional facility.....\$3,995,513

Backup generator – Kansas juvenile correctional complex.....\$408,118

Raze pig barn – Kansas juvenile correctional complex.....\$10,000

(b) In addition to other purposes for which expenditures may be made by the juvenile justice authority from the moneys appropriated from the state institutions building fund or from any other special revenue fund or funds for fiscal year 2012 as authorized by this or other appropriation act of the 2011 regular session of the legislature, expenditures may be made by the juvenile justice authority from moneys

appropriated from the state institutions building fund or from any special revenue fund or funds for fiscal year 2012 to raze the pig barn no. 18, at the Kansas juvenile correctional complex.

Sec. 165.

ATTORNEY GENERAL – KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....\$100,000

Sec. 166.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2012, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Rehabilitation and repair – training center – Salina.....\$52,330

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the highway patrol training center fund for fiscal year 2012.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2012, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service – vehicle inspection facility – Olathe.....\$58,056

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the vehicle identification number fee fund for fiscal year 2012.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2012, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service – Topeka fleet service.....\$370,200

Scale replacement and rehabilitation and repair of buildings.....\$227,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the Kansas highway patrol operations fund for fiscal year 2012.

(d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$597,200 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2012 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2012 for support and maintenance of the Kansas highway patrol.

Sec. 167.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Debt service – training center.....	\$722,556
Debt service – armory/classroom/recreation center at PSU.....	\$118,188
Debt service – rehabilitation and repair of the statewide armories.....	\$2,752,074
Rehabilitation and repair projects.....	\$176,338

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

Sec. 168.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund.....	No limit
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(b) On or before the 10th of each month during the fiscal year ending June 30, 2012, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 169.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2012, for the capital improvement project or projects specified, the following:

Debt service – Kansas city district office.....	\$6,600
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Provided, That any unencumbered balance in the debt service – Kansas city district office account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2012, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund.....	No limit
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Provided, That, in addition to other purposes for which expenditures may be made by the above agency from the department access road fund, expenditures may be made from this fund for road improvement projects administered by the department of transportation in state parks and on public lands.

Bridge maintenance fund.....	No limit
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(c) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,755,458 from the state highway fund of the department of transportation to the department access road fund of the Kansas

department of wildlife, parks and tourism.

(d) On July 1, 2011, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the Kansas department of wildlife, parks and tourism.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state agricultural production fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the state agricultural production fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Leavenworth state fishing lake cabins.....\$50,000

(f) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2012, expenditures may be made by the above agency from the parks fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the parks fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the parks fee fund for fiscal year 2012.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

River access.....\$250,000

Debt service – Kansas city district office.....\$10,400

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2012.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2012, expenditures may be made by the above agency from the boating fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the boating fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2012.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2012, expenditures may be made by the above agency from the boating safety and financial

assistance fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the boating safety and financial assistance fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating safety and financial assistance fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the boating safety and financial assistance fund for fiscal year 2012.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Federally mandated boating access	\$1,204,000
Land acquisition.....	\$150,000
Shooting range development.....	\$100,000
Debt service – Kansas city office.....	\$38,000
Lovewell reservoir entrainment project.....	\$150,000
Hatchery improvements.....	\$150,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2012.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2012, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fee fund for fiscal year 2012.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2012, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2012.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation.....\$300,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the cabin revenue fund for fiscal year 2012.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2012, expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the cabin revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the cabin revenue fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the cabin revenue fund for fiscal year 2012.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund – federal for fiscal year 2012, expenditures may be made by the above agency from the wildlife conservation fund – federal for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife conservation fund – federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*; That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund – federal for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund – federal for fiscal year 2012.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition and development.....\$450,000

Land acquisition.....\$150,000

Rehabilitation and repair.....\$542,500

Hatchery improvements.....\$450,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife restoration fund for fiscal year 2012.

(q) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2012, expenditures may

be made by the above agency from the wildlife restoration fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the wildlife restoration fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife restoration fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife restoration fund for fiscal year 2012.

(r) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the sport fish restoration program fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Dam Repair.....\$100,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the sport fish restoration program fund for fiscal year 2012.

(s) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2012, expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the sport fish restoration program fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the sport fish restoration program fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the sport fish restoration program fund for fiscal year 2012.

(t) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition.....\$200,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2012.

(u) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2012, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the

migratory waterfowl propagation and protection fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the migratory waterfowl propagation and protection fund for fiscal year 2012.

(v) In addition to the other purposes for which expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 2012, expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the nongame wildlife improvement fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the nongame wildlife improvement fund for fiscal year 2012.

(w) In addition to the other purposes for which expenditures may be made by the above agency from the nongame wildlife improvement fund – federal for fiscal year 2012, expenditures may be made by the above agency from the nongame wildlife improvement fund – federal for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the nongame wildlife improvement fund – federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the nongame wildlife improvement fund – federal for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the nongame wildlife improvement fund – federal for fiscal year 2012.

(x) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund – local for fiscal year 2012, expenditures may be made by the above agency from the land and water conservation fund – local for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the land and water conservation fund – local: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the land and water conservation fund – local for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund – local for fiscal year 2012.

(y) In addition to the other purposes for which expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund

for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the outdoor recreation acquisition, development and planning fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land and water conservation – state repair and rehabilitation.....\$375,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the outdoor recreation acquisition, development and planning fund for fiscal year 2012.

(z) In addition to the other purposes for which expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2012, expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the outdoor recreation acquisition, development and planning fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the outdoor recreation acquisition, development and planning fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the outdoor recreation acquisition, development and planning fund for fiscal year 2012.

(aa) In addition to the other purposes for which expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2012, expenditures may be made by the above agency from the following capital improvement account or accounts of the recreational trails program fund for fiscal year 2012 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Recreational trails program.....\$400,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the recreational trails program fund for fiscal year 2012.

(bb) In addition to the other purposes for which expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2012, expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the recreational trails program fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the recreational trails program fund for fiscal year 2012.

(cc) In addition to the other purposes for which expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2012,

expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the federally licensed wildlife areas fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the federally licensed wildlife areas fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the federally licensed wildlife areas fund for fiscal year 2012.

(dd) In addition to the other purposes for which expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2012, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the department of wildlife and parks gifts and donations fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the department of wildlife and parks gifts and donations fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the department of wildlife and parks gifts and donations fund for fiscal year 2012.

(ee) In addition to the other purposes for which expenditures may be made by the above agency from the Tuttle Creek state park mitigation project fund for fiscal year 2012, expenditures may be made by the above agency from the Tuttle Creek state park mitigation project fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the Tuttle Creek state park mitigation project fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the Tuttle Creek state park mitigation project fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the Tuttle Creek state park mitigation project fund for fiscal year 2012.

(ff) In addition to the other purposes for which expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2012, expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the highway planning/construction fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the highway planning/construction

fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the highway planning/construction fund for fiscal year 2012.

(gg) In addition to the other purposes for which expenditures may be made by the above agency from the state wildlife grants fund for fiscal year 2012, expenditures may be made by the above agency from the state wildlife grants fund for fiscal year 2012 from the unencumbered balance as of June 30, 2011, in each existing capital improvement account of the state wildlife grants fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2011: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the state wildlife grants fund for fiscal year 2012 and shall be in addition to any other expenditure limitation imposed on any such account of the state wildlife grants fund for fiscal year 2012.

Sec. 170. (a) On or before June 30, 2011, the chief administrative officer of each cabinet agency (1) shall determine the amount of moneys appropriated in each account of the state general fund appropriated for fiscal year 2011 for the cabinet agency and the amount or amounts of moneys appropriated in each account of each special revenue fund appropriated for fiscal year 2011 for the cabinet agency that are not required to be expended or encumbered for the fiscal year ending June 30, 2011, that are not required, in the case of a special revenue fund, to be maintained in such special revenue fund for the ensuing fiscal year or years, and that may be lapsed or transferred to the state general fund under this section, and (2) shall certify each such amount to the director of the budget, accompanied by such other information with respect thereto as may be prescribed by the director of the budget: *Provided*, That, on or before June 30, 2011, the director of the budget shall certify each amount appropriated from the state general fund, which is certified by a cabinet agency pursuant to this section, to the director of accounts and reports and, upon receipt of such certification, the amount so certified is hereby lapsed: *Provided further*, That, on or before June 30, 2011, the director of the budget shall certify each amount, which is certified by a cabinet agency, that is appropriated from a special revenue fund or that is credited to a special revenue fund, which is appropriated to the cabinet agency, to the director of accounts and reports and, upon receipt of such certification from the director of the budget, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer the amount so certified from the special revenue fund to the state general fund: *Provided, however*, That no federal moneys shall be certified by the director of the budget to the director of accounts and reports and the director of accounts and reports shall not transfer any federal moneys to the state general fund pursuant to this subsection (b): *And provided further*, That the aggregate of all amounts lapsed from appropriations from the state general fund pursuant to this section, plus all amounts transferred from special revenue funds to the state general fund pursuant to this section, shall be equal to \$5,000,000 or more: *And provided further*, That, at the same time as the director of the budget transmits each such certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(b) As used in this section, "cabinet agency" means the (1) the department of

administration, (2) the department of revenue, (3) the department of commerce, (4) the department of labor, (5) the department of health and environment, (6) the department on aging, (7) the department on social and rehabilitation services, (8) the department of corrections, (9) the juvenile justice authority, (10) the adjutant general, (11) the Kansas highway patrol, (12) the Kansas department of agriculture, (13) the Kansas department of wildlife, parks and tourism, and (14) the department of transportation.

(c) As used in this section, "special revenue fund" does not include the Kansas educational building fund or the state institutions building fund.

Sec. 171. (a) On June 30, 2012, notwithstanding the provisions of K.S.A. 79-4804, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$5,785,830 from the state economic development initiatives fund to the state general fund.

Sec. 172.

STATE FINANCE COUNCIL

(a) On July 1, 2011, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.

(b) On July 1, 2012, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.

Sec. 173. (a) On and after the effective date of this act, no expenditures shall be made from any moneys appropriated for the fiscal year ending June 30, 2011, from the state general fund by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or by this or other appropriation act of the 2011 regular session of the legislature, by any state agency for any profession or trade associations membership fees or dues or subscriptions for professional or trade magazines for state officers or employees: *Provided*, That the amount equal to the aggregate of any savings under this subsection from each account of the state general fund of each state agency for the year ending June 30, 2011, as determined and certified by the director of the budget, after consultation with the director of legislative research, to the director of accounts and reports, is hereby lapsed: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of legislative research.

Sec. 174. (a) On and after July 1, 2011, notwithstanding the provisions of K.S.A. 74-4927, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts to the group insurance reserve fund attributable to the months of April, May and June, 2012, that constitute such state agency's portion of the state's contribution to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto.

(b) (1) On July 1, 2011, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a

contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, is hereby lapsed from each such account.

(2) On July 1, 2011, the amount in each account of the state economic development initiatives fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, is hereby lapsed from each such account.

(3) On July 1, 2011, the amount in each account of the state water plan fund of each state agency that is appropriated for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, is hereby lapsed from each such account.

(c) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the amount equal to the amount that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2012, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2012, from such special revenue fund, or account thereof.

(d) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to this section, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 175. (a) On July 1, 2011, of the amount of each appropriation or reappropriation for a state agency that is budgeted for state operations for the fiscal year ending June 30, 2012, made by this or other appropriation act of the 2011 regular session of the legislature from the state general fund, the sum equal to \$5,900,000 which is not exempt, is hereby lapsed in accordance with this subsection: *Provided*, That the following are exempt from and shall not be reduced by such lapsing provision:

(1) Any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for any state agency for the provision of programmatic services, (2) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for the legislature or any agency of the legislative branch of state government, (3) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for the judicial branch or any agency of the judicial branch of state government, (4) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for the department of transportation, (5) any item of appropriation or reappropriation for fiscal year 2012 from the state general fund for any state school aid program, (6) any

item of appropriation or reappropriation for fiscal year 2012 from the state general fund for human services caseloads for the department of social and rehabilitation services, the division of health care finance of the department of health and environment, the juvenile justice authority or the department on aging, (7) any item of appropriation or reappropriation for debt service for contractual bond obligations, including any transfer from the state general fund to the school district capital improvements fund for distribution to school districts pursuant to K.S.A. 75-2319, and amendments thereto, and (8) any item of appropriation or reappropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto: *Provided further*, That the aggregate amount lapsed in each account of the state general fund of the state agency under this section shall be the amount in the account budgeted for state operations which bears the same relation to \$5,900,000 as the aggregate amount budgeted for state operations from the state general fund for the state agency in the Governor's Budget Report for FY 2012 bears to the aggregate amount budgeted for state operations from the state general fund for all state agencies in the Governor's Budget Report for FY 2012: *And provided further*, That the director of the budget, after consultation with the director of legislative research, shall determine the amount to be lapsed under this subsection from each account of the state general fund of each state agency and shall certify such amount to the director of accounts and reports: *And provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

Sec. 176. On July 1, 2011, K.S.A. 2010 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities, except that (+) for the fiscal year ending June 30, ~~2010~~2012, notwithstanding the other provisions of this section, on March 1, ~~2010~~2012, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of ~~\$300,000~~\$350,000 or the amount equal to 5% of the total gross receipts during fiscal year ~~2010~~2012 from state fair activities and non-fair days activities through March 1, 2010; and (2) ~~for the fiscal year ending June 30, 2011, notwithstanding the other provisions of this section, on March 1, 2011, or as 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 \$350,000 or the amount equal to 5% of the total gross receipts during fiscal year 2011 from state fair activities and non-fair days activities through March 1, 2011/2012, except that, (1) subject to approval by the director of the budget prior to March 1, 2010/2012, 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, 2010/2012, the state fair board may certify an amount on March 1, 2010/2012, 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, 2010/2012, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2010, and (2) subject to approval by the director of the budget prior to March 1, 2011, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, 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, 2011, the state fair board may certify an amount on March 1, 2011, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair 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, 2011, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2011/2012. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.~~

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that: (1) No transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year; and (2) no moneys shall be transferred pursuant to this section from the state general fund to the state fair capital improvements fund during the fiscal years/year ending ~~June 30, 2010, June 30, 2011, or June 30, 2012.~~

Sec. 177. On July 1, 2011, K.S.A. 2010 Supp. 12-5256 is hereby amended to read as follows: 12-5256. (a) All expenditures from the state housing trust fund made for the purposes of K.S.A. 2010 Supp. 12-5253 through 12-5255, and amendments thereto, shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas housing resources corporation.

(b) On the effective date of this act and on July 1, 2008, ~~July 1, 2013;~~ and July 1, 2014, the director of accounts and reports shall transfer \$4,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2010 Supp. 74-8959,

and amendments thereto. On July 1, 2012, *and on July 1, 2013*, the director of accounts and reports shall transfer \$2,000,000 from the economic development initiatives fund to the state housing trust fund established by K.S.A. 2010 Supp. 74-8959, and amendments thereto. On July 1, 2012, *and on July 1, 2013*, the director of accounts and reports shall transfer \$2,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2010 Supp. 74-8959, and amendments thereto.

Sec. 178. On July 1, 2011, K.S.A. 2010 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, 2016, the director of accounts and reports shall transfer \$100,000 from the state general fund, \$100,000 from the state water plan fund established by K.S.A. 82a-951, and amendments thereto, and \$100,000 from the conservation fee fund established by K.S.A. 55-143, and amendments thereto, to the abandoned oil and gas well fund established by K.S.A. 55-192, and amendments thereto, except that: (a) No transfers shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during state fiscal year 2009, state fiscal year 2010, state fiscal year 2011 ~~or~~, state fiscal year 2012 *or state fiscal year 2013*; (b) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2009 shall not exceed \$320,000; (c) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2010 shall not exceed \$288,000; ~~and~~ (d) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2011 shall not exceed \$374,865; *and (e) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year 2012 shall not exceed \$400,000.*

Sec. 179. On July 1, 2011, K.S.A. 2010 Supp. 72-8814 is hereby amended to read as follows: 72-8814. (a) There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall be entitled to receive payment from the school district capital outlay state aid fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the

schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2010 Supp. 72-8814b, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto;

(6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.

(c) The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts, except that no transfers shall be made from the state general fund to the school district capital outlay state aid fund during the fiscal years ending ~~June 30, 2011, or~~ June 30, 2012, *or June 30, 2013*. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

(d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.

(e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

Sec. 180. On July 1, 2011, K.S.A. 2010 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) Subject to the provisions of subsection (f), in each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

- (2) determine the median AVPP of all school districts;
 - (3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;
 - (4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2010 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;
 - (5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act;
 - (6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and
 - (7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.
- (c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending ~~June 30, 2011, and~~ June 30, 2012, *and June 30, 2013*, shall be considered to be revenue transfers from the state general fund.
- (d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the

school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) Amounts transferred to the capital improvements fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

Sec. 181. On July 1, 2011, K.S.A. 2010 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, ~~2011~~2012, and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the ~~2010~~2011 regular session of the legislature.

Sec. 182. On July 1, 2011, K.S.A. 2010 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 2010 Supp. 76-774, and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either (1) the endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution, or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the

fiscal years ending ~~June 30, 2011, and~~ June 30, 2012, *and June 30, 2013*, shall be considered to be revenue transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed \$30,000,000. The total amount of new qualifying gifts which may be certified to the director of accounts and reports under this act during any state fiscal year for any individual eligible educational institution shall not exceed \$10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section and amendments thereto for a fiscal year is equal to or greater than \$6,000,000 in fiscal year 2009, \$7,000,000 in fiscal year 2010 and \$8,000,000 in fiscal year 2011 and in each fiscal year thereafter.

Sec. 183. On July 1, 2011, K.S.A. 2010 Supp. 76-783 is hereby amended to read as follows: 76-783. (a) (1) The Kansas development finance authority is hereby authorized to issue from time to time bonds on behalf of the board of regents in such principal amounts as the Kansas development finance authority and the board of regents determine to be necessary to provide sufficient funds to finance scientific research and development facilities, including, but not limited to, the payment of interest on such bonds, the establishment of reserves to secure such bonds, costs of issuance, refunding any outstanding bonds, and all other expenditures of the board of regents incident to and necessary or convenient to carry out the powers and functions authorized by this act. The Kansas development finance authority shall not issue any bond or bonds on behalf of the corporation formed by the board of regents under this act. The Kansas development finance authority shall not issue bonds under this act for more than \$120,000,000, in the aggregate, plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such scientific research and development facilities and any required reserves for payment of principal and interest on any such bond.

(2) Except as may otherwise be expressly provided by the board of regents, every obligation of the board of regents with respect to such bonds shall be an obligation of the board of regents payable out of any revenues or moneys of the board of regents derived from annual appropriations of the legislature. Subject only to any agreements

with holders of particular bonds pledging any particular revenues, the board of regents shall use moneys derived from scientific research and development facilities to provide funds sufficient to pay principal and interest on any bonds issued pursuant to this act commencing after the date a project is completed and has been accepted by the board of regents. Subject to the provisions of appropriation acts, payment of principal and interest on the bonds shall be made by the state board of regents from annual appropriations by the legislature from such revenues as are furnished by the board of regents, or from any other available funds, in amounts sufficient to pay principal and interest on the bonds until the bonds are finally paid.

(3) Upon acceptance by the board of regents of each project initiated and completed under this act and upon a determination by the board of regents that the period for repayment of debt for such project is to commence, the board of regents shall certify to the director of accounts and reports that principal and interest payments for such project are to commence and the dates and amounts of all principal and interest payments for such project. Pursuant to each such certification and commencing on or after July 1, 2004, the director of accounts and reports shall transfer, from the state general fund to the debt service fund or funds at a state educational institution as specified in the certification for such project, the amount certified on or before the respective payment date therefor. Transfers shall be made under this section pursuant to any such certification on or after July 1, 2004. All such transfers during the fiscal years ending ~~June 30, 2011, and~~ June 30, 2012, *and June 30, 2013*, shall be considered to be revenue transfers from the state general fund. The aggregate of all such transfers from the state general fund during any fiscal year shall not exceed \$10,000,000 and the aggregate of all such transfers from the state general fund under this section shall not exceed \$50,000,000. The Kansas development finance authority and the board of regents shall enter into contracts with respect to the scientific research and development facilities financed under this act prescribing the obligation of the board of regents and the state educational institutions to provide for repayment of amounts of bond debt service in addition to those amounts provided for by transfers under this section from the state general fund.

(b) (1) The bonds shall be authorized by a resolution adopted by the board of directors of the Kansas development finance authority.

(2) Except as otherwise provided in this act, bonds issued by the Kansas development finance authority under authority of this act shall be subject to the provisions of K.S.A. 74-8901 et seq., and amendments thereto.

(c) Any resolution authorizing the board of regents to incur any obligation with respect to bonds issued by the Kansas development finance authority may contain such provisions as deemed appropriate by the board of regents for the purpose of carrying out the purposes of this act and securing such bonds, which shall be a part of the contract with the holders thereof, including, but not limited to, provisions:

(1) Pledging all or any part of the revenues of the board of regents derived from scientific research and development facilities to secure the payment of the bonds or of any issue thereof, subject to such agreements with bondholders as may then exist;

(2) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(3) limitations on the issuance of additional bonds or other obligations, the terms upon which additional bonds or obligations may be issued and secured, and the

refunding of outstanding or other bonds;

(4) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the board of regents to the Kansas development finance authority, the applicable bond trustee or the holders of the bonds, except that such rights and remedies shall not be inconsistent with the general laws of this state and the other provisions of this act; and

(5) any other matters, of like or different character, which in any way affect the security or protection of the holders of the notes or bonds.

(d) Any of the provisions relating to any bonds described in this section may be set forth in a trust indenture, loan agreement, lease agreement or other financing document authorized by a resolution of the board of regents or the board of directors of the Kansas development finance authority.

(e) The bonds of each issue may, in the discretion of the board of directors of the Kansas development finance authority, be made redeemable before maturity at such prices and under such terms and conditions as may be determined by the board of directors of the Kansas development finance authority. Bonds issued on behalf of the board of regents shall mature at such time, not exceeding 30 years from their date of issue, as may be determined by the board of regents and the board of directors of the Kansas development finance authority. The bonds may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof. The bonds shall bear interest at such rate either fixed or variable, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment and at such place, and be subject to such terms of redemption as provided in the resolution of trust indenture. The bonds may be sold by the Kansas development finance authority, at public or private sale, at such price as the board of directors of the Kansas development finance authority shall determine.

(f) In case any officer of the Kansas development finance authority whose signature or a facsimile of whose signature appears on any bonds or coupons attached thereto ceases to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

(g) Any bonds issued by the Kansas development finance authority pursuant to this section, and the income therefrom (including any profit from the sale thereof) shall at all times be free from taxation by the state or any agency, political subdivision or instrumentality of the state, including income and property taxes.

(h) Any holder of bonds issued under the provisions of this act, or any coupons appertaining thereto and the trustee under any trust agreement or resolution authorizing the issuance of such bonds, except the rights under this act may be restricted by such trust agreement or resolution, may, either at law or in equity by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the state or granted under this act or under such agreement or resolution, or under any other contract executed by the board of regents pursuant to this act, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the board of regents or by an officer thereof.

(i) The bonds shall be special, limited obligations of the Kansas development finance authority and the state shall not be liable for bonds issued by the Kansas

development finance authority on behalf of the board of regents, and such bonds shall not constitute a debt of the state.

(j) Neither the board of regents, the board of the Kansas development finance authority nor any authorized employee of the board of regents or the Kansas development finance authority shall be personally liable for such bonds by reason of the issuance thereof.

(k) Nothing in this act shall be construed as a restriction or limitation upon any other powers which the board of regents might otherwise have under any other law of this state, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds under the provisions of this act need not comply with the requirements of any other state law applicable to the issuance of bonds. No proceedings, notice or approval shall be required for the issuance of any bonds or any instrument as security therefor, except as is provided in this act.

(l) Any of the provisions relating to bonds described in this section may be included in any contracts between the board of regents and the Kansas development finance authority relating to obligations of the Kansas development finance authority issued on behalf of the board of regents.

Sec. 184. On July 1, 2011, K.S.A. 2010 Supp. 76-7,107 is hereby amended to read as follows: 76-7,107. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, \$7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto.

(2) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 2010, pursuant to this section.

(3) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, ~~2011~~2012, pursuant to this section.

(4) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2010 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, ~~2012~~2013, pursuant to this section.

(b) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.

Sec. 185. On July 1, 2011, K.S.A. 2010 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports

shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2009, 2010, 2011, ~~and~~ 2012, *and* 2013, and (2) the amount of the transfer on each such date shall be \$13,500,000 during fiscal year ~~2013~~2014, \$20,250,000 during fiscal year ~~2014~~2015, and \$27,000,000 during fiscal year ~~2015~~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 ~~2013~~2014 shall be considered to be revenue transfers from the state general fund.

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

Sec. 186. On July 1, 2011, K.S.A. 2010 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal years ~~2011~~ *and* 2012 *and* 2013. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 187. On July 1, 2011, K.S.A. 2010 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. (a) On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; ~~and~~ (2) no moneys shall be transferred from the state general fund to the special city and county highway fund during state fiscal year 2010, state fiscal year 2011, ~~or~~ *state fiscal year*

2013; (3) all transfers under this section shall be considered to be demand transfers from the state general fund; and ~~(2)-(A)(4)~~ (A) on each January 14, April 14, July 14 and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016 the state treasurer shall determine the amount of money to be paid the counties and cities on such dates of such year, pursuant to K.S.A. 79-3425c, and amendments thereto, and make the following adjustments prior to the apportionment and payment specified in K.S.A. 79-3425c, and amendments thereto: (i) The following amounts shall be added to the apportionment and payment to be paid to the following counties: Barton county, \$7,984.99; Butler county, \$96,937.27; Douglas county, \$128,245.99; Leavenworth county, \$55,766.22; Shawnee county, \$267,356.20; and (ii) the following amounts shall be deducted from the apportionment and payment to the following counties: Allen county, \$3,839.12; Anderson county, \$2,957.98; Atchison county, \$4,345.79; Barber county, \$1,813.76; Bourbon county, \$2,945.98; Brown county, \$1,590.14; Chase county, \$1,364.54; Chautauqua county, \$539.42; Cherokee county, \$5,874.25; Cheyenne county, \$1,317.84; Clark county, \$757.32; Clay county, \$968.54; Cloud county, \$2,774.68; Coffey county, \$2,894.76; Comanche county, \$446.63; Cowley county, \$2,116.31; Crawford county, \$5,558.19; Decatur county, \$1,615.15; Dickinson county, \$6,024.00; Doniphan county, \$2,626.24; Edwards county, \$1,580.33; Elk county, \$525.08; Ellis county, \$8,774.46; Ellsworth county, \$2,334.37; Finney county, \$5,837.57; Ford county, \$7,048.03; Franklin county, \$6,898.28; Geary county, \$976.57; Gove county, \$1,058.76; Graham county, \$1,409.48; Grant county, \$1,936.03; Gray county, \$2,355.25; Greeley county, \$941.53; Greenwood county, \$2,701.29; Hamilton county, \$1,060.71; Harper county, \$1,466.35; Harvey county, \$7,863.46; Haskell county, \$1,335.39; Hodgeman county, \$959.20; Jackson county, \$4,647.68; Jefferson county, \$6,701.43; Jewell county, \$1,211.66; Johnson county, \$115,947.72; Kearny county, \$1,160.82; Kingman county, \$2,801.87; Kiowa county, \$1,441.36; Labette county, \$5,563.25; Lane county, \$652.48; Lincoln county, \$1,203.05; Linn county, \$3,772.22; Logan county, \$1,169.58; Lyon county, \$8,236.73; Marion county, \$3,681.52; Marshall county, \$3,878.17; McPherson county, \$8,652.66; Meade county, \$1,048.56; Miami county, \$10,701.45; Mitchell county, \$3,466.79; Montgomery county, \$8,377.29; Morris county, \$1,955.91; Morton county, \$1,200.61; Nemaha county, \$3,774.74; Neosho county, \$5,507.28; Ness county, \$991.77; Norton county, \$1,800.14; Osage county, \$2,327.93; Osborne county, \$1,882.73; Ottawa county, \$2,063.91; Pawnee county, \$1,802.09; Phillips county, \$2,622.20; Pottawatomie county, \$6,512.08; Pratt county, \$2,187.16; Rawlins county, \$1,119.60; Reno county, \$12,935.71; Republic county, \$2,272.31; Rice county, \$1,722.51; Riley county, \$11,149.53; Rooks county, \$2,252.51; Rush county, \$1,235.76; Russell county, \$577.59; Saline county, \$14,049.86; Scott county, \$1,340.37; Sedgwick county, \$117,126.91; Seward county, \$4,488.67; Sheridan county, \$1,786.11; Sherman county, \$194.37; Smith county, \$1,993.99; Stafford county, \$2,029.27; Stanton county, \$991.97; Stevens county, \$638.08; Sumner county, \$5,908.68; Thomas county, \$3,388.44; Trego county, \$1,781.87; Wabaunsee county, \$2,354.10; Wallace county, \$994.33; Washington county, \$2,554.75; Wichita county, \$1,333.92; Wilson county, \$3,659.10; Woodson county, \$1,214.90; Wyandotte county, \$16,818.00; (B) after determining and including such additions and deductions, the resulting apportionment and payment shall be paid by the state treasurer to the counties and cities prescribed therefor, notwithstanding the provisions of K.S.A. 79-3425c, and amendments thereto, or any other statute, each January 14, April 14, July 14

and October 14 of state fiscal years 2012, 2013, 2014, 2015 and 2016, with the requirement that the additional moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425c, and amendments thereto, including any redistributions provided for by that statute, except that the state treasurer shall calculate the annual equalization payment to each county without considering the deductions or additions to quarterly distributions required by subsection ~~(a)(3)(A)(a)(4)~~ (A); and (C) acceptance of the payments made pursuant to this subsection ~~(a)(3)(a)(4)~~ shall be deemed as payment in full and a release of any liability from the county to the state treasurer for payments from the special city and county highway fund for state fiscal years 2000 through 2009.

(b) During the state fiscal year ending June 30, 2010, on July 15, 2009, and January 15, 2010, the director of accounts and reports shall transfer \$2,515,916 from the state highway fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto.

Sec. 188. On July 1, 2011, K.S.A. 2010 Supp. 79-34,156 is hereby amended to read as follows: 79-34,156. On April 1, 2007, the director of accounts and reports shall transfer \$437,500 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund. If sufficient moneys are not available in the state economic development initiatives fund for such transfer on April 1, 2007, then the director of accounts and reports shall transfer on such date the amount available in the state economic development initiatives fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund. On July 1, 2007, and quarterly thereafter, the director of accounts and reports shall transfer \$875,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund, except: (a) That, during the fiscal year ending June 30, ~~2011~~2012, on July 1, ~~2010~~2011, October 1, ~~2010~~2011, and January 1, ~~2011~~2012, and April 1, ~~2011~~2012, the director of accounts and reports shall transfer \$50,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund, and (b) that, if sufficient moneys are not available in the state economic development initiatives fund for any such transfer during the fiscal year ending June 30, ~~2011~~2012, then the director of accounts and reports shall transfer the amount available in the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund on the date specified in the fiscal year ending June 30, ~~2011~~2012. If sufficient moneys are not available in the state economic development initiatives fund for such transfer on July 1, ~~2011~~2012, and on the first day of any calendar quarter thereafter, in any such fiscal year, then the director of accounts and reports shall transfer on such date the amount available in the state economic development initiatives fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund; except that no moneys shall be transferred from the state general fund to the Kansas biodiesel fuel producer fund during the fiscal year ending June 30, 2011, *or the fiscal year ending June 30, 2012.*

Sec. 189. On July 1, 2011, K.S.A. 2010 Supp. 79-34,171 is hereby amended to read as follows: 79-34,171. (a) On January 1, 2009, and quarterly thereafter, the director of

accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund, except that (1) no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending June 30, 2010, ~~or~~ June 30, 2011, ~~or~~ June 30, 2012, *or June 30, 2013*, and (2) any transfers of moneys from the state general fund to the Kansas retail dealer incentive fund during the state fiscal year ending June 30, 2010, under this or any other statute that have been made prior to the effective date of this act shall be reversed by the director of accounts and reports and reversing entries shall be entered upon the accounting records of the state treasurer therefor. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of K.S.A. 2010 Supp. 79-34,170 through 79-34,175, and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 2010 Supp. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 190. On July 1, 2011, K.S.A. 2010 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, except that (1) such transfers during each fiscal year commencing after June 30, 2008, are subject to reduction under K.S.A. 75-6704, and amendments thereto, (2) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2009, shall not exceed \$2,000,000, (3) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2010, shall not exceed \$3,295,432, ~~and~~ (4) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2011, shall not exceed \$1,348,245, *and (5) no moneys shall be transferred from the state general fund to the state water plan fund during the fiscal years ending June 30, 2012, or June 30, 2013.* On the effective date of this act, the director of accounts and reports shall transfer the amount in excess of \$2,000,000 which was transferred from the state general fund to the state water plan fund prior to the effective date of this act during the fiscal year ending June 30, 2009, as certified by the director of the budget to the director of accounts and reports to the state general fund. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2010, and June 30, 2011, shall be considered revenue transfers from the state general fund.

Sec. 191. On July 1, 2011, K.S.A. 2010 Supp. 74-99b34 is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state

treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.

(b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 2010 Supp. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

(d) *(1) Except as provided in subsection (d)(2) or (h), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. The state treasurer may make estimated payments to the bioscience authority more frequently based on estimates provided by the secretary of revenue and reconciled annually. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:*

(1) (A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

(2) (B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(2) (A) For fiscal year 2012, the first \$1,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees, shall be transferred by the director of accounts and reports from the sales tax refund fund of the department of revenue to the following: the center of innovation for biomaterials in orthopaedic research – Wichita state university fund.

(B) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research – Wichita state university fund which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed ~~\$581.8 million~~ \$581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the ~~state legislative~~ post audit act ~~to~~, K.S.A. 46-1106 et seq., and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

(h) During the fiscal years ending June 30, 2012, and June 30, 2013, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$35,000,000 for each such fiscal year.

Sec 193. On July 1, 2011, K.S.A. 2010 Supp. 49-514 is hereby amended to read as follows: 49-514. (a) (1) For individuals who have rented and resided in their homes in the affected community continuously since March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the trust shall provide relocation assistance in an amount equal to the average cost of 12-months' rent for comparable housing elsewhere in the county where the affected community is located. The trust, in its discretion, may provide such assistance in periodic payments and not in a single lump sum. In addition, such individuals may receive not more than \$1,000 for moving expenses.

(2) For other individuals who are renting and residing in their homes in the affected community and who can produce a valid rental contract or other proof of rental arrangement, the trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection (a)(1).

(b) (1) Subject to the provisions of subsection (g), for individuals who have owned and resided in their homes in the affected community continuously since March 13, 2006, the trust shall purchase their homes, including the land on which their homes are located, for an amount equal to the average cost of comparable housing elsewhere in the county where the affected community is located. In addition, such individuals may receive not more than \$1,000 for moving expenses.

(2) Subject to the provisions of subsection (g), for other individuals who own and reside in their homes in the affected community, the trust, in its discretion, may purchase their homes, including the land on which their homes are located, for an amount equal to the price paid for the home plus 5% per year, un compounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection (b)(1).

(c) (1) Subject to the provisions of subsection (h), for persons who have rented the premises of and operated their businesses or nonprofit organizations in the affected community continuously since March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the trust shall provide relocation assistance in an amount equal to the average cost of 12-months' rent for comparable premises elsewhere in the county where the affected community is located. The trust, in its discretion, may provide such assistance in periodic payments rather than in a single lump sum. In addition, such persons may receive not more than \$2,000 for moving expenses.

(2) Subject to the provisions of subsection (h), for other persons who are renting the premises of and operating their businesses or nonprofit organizations in the affected community and who can produce a valid rental contract or other proof of rental arrangement, the trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection (c)(1).

(d) (1) Subject to the provisions of subsections (g) and (h), for persons who have owned the premises of and operated their businesses or nonprofit organizations in the affected community continuously since March 13, 2006, the trust shall purchase the premises, including the land on which the premises are located, for an amount equal to the average cost of comparable commercial property elsewhere in the county where the affected community is located. In addition, such persons may receive not more than \$2,000 for moving expenses.

(2) Subject to the provisions of subsections (g) and (h), for other persons who own the premises of and operate their businesses or nonprofit organizations in the affected community, the trust, in its discretion, may purchase the premises, including the land on which the premises are located, for an amount equal to the price the owner paid for the premises plus 5% per year, uncompounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection (d)(1).

(e) Subject to the provisions of subsections (g) and (h), for persons who own rental property in the affected community, the trust, in its discretion, may purchase the rental property for: (A) An amount equal to the average cost of comparable rental property elsewhere in the county, if the person has owned such property continuously since March 13, 2006; or (B) an amount equal to the price paid plus 5% per year, uncompounded, since the year of purchase, if the person has not owned such property continuously since March 13, 2006.

(f) Subject to the provisions of subsection (h), in addition to the purchase of property as otherwise authorized by this act, the trust, in its discretion, may purchase other real property within the affected community to prevent future construction on such property for an amount not exceeding:

(1) *The average cost of comparable property elsewhere in the county, if the person has owned such property continuously since March 13, 2006; or*

(2) *the price the owner paid for such property plus 5% per year, uncompounded, since the year of purchase, if the person has not owned such property continuously since March 13, 2006.*

(g) If a home or the premises of a business or nonprofit organization is a movable structure and the trust grants relocation assistance to the owner pursuant to this section, the trust, in its discretion, may pay the cost of relocating such structure in lieu of other assistance authorized in this section if the cost of relocating the structure does not exceed the amount of such other assistance.

(h) A person shall not be eligible for assistance pursuant to this act with respect to property used for mining or for removal, storage or sale of mined materials or mine waste or byproducts.

(i) Payments made pursuant to the provisions of this act may be made to any eligible person but not more than one payment shall be made with regard to any single dwelling or commercial or nonprofit premises, except that, if the dwelling or premises are rented, one payment may be made to a renter and one payment may be made to an owner.

(j) Participation in the assistance program provided for by this act shall be voluntary. No person shall be required to relocate or sell property under the provisions of this act.

(k) Real property acquired by the trust pursuant to the relocation assistance provisions of this act may be utilized or disposed of in accordance with law, in the

manner that the trust determines will best serve the state of Kansas and public interest.

(l) The use of moneys pursuant to this section shall not be subject to the uniform relocation assistance and real property acquisition policies act of 1970 (42 U.S.C. § 4601 et seq.).

Sec. 192. On July 1, 2011, section 138 of chapter 165 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 2-223, 12-5256, 49-514, 55-193, 72-8814, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a are hereby repealed.

Sec. 193. *Severability.* If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 194. *Appeals to exceed position limitations.* (a) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years ending June 30, 2011, or ending June 30, 2012, made in chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or in this act or in any other appropriation act of the 2011 regular session of the legislature may be exceeded upon approval of the state finance council.

(b) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2013, made in this act or in any other appropriation act of the 2011 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 195. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 196. *Savings.* (a) Any unencumbered balance as of June 30, 2011, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2012, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2012, in any special revenue fund, or account thereof, of any state agency named in section 79 of this act which is not otherwise specifically appropriated or limited for fiscal year 2013 by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or in this act or in any other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for fiscal year 2013 for the same use and purpose as the same was heretofore appropriated.

(c) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water

plan fund, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund, or the correctional institutions building fund, or to any account of any of such funds.

Sec. 197. During the fiscal year ending June 30, 2012, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2011 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2012, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 198. *Federal grants.* (a) During the fiscal year ending June 30, 2012, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2012, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(b) During the fiscal year ending June 30, 2013, each federal grant or other federal receipt which is received by a state agency named in section 79 of this act and which is not otherwise appropriated to that state agency for fiscal year 2013 by this or other appropriation act of the 2011 regular session of the legislature, is hereby appropriated for fiscal year 2013 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2013, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2013.

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in this act and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2012 by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas or in this act or in any other appropriation act of the 2011 regular session of the legislature to apply for and receive federal grants during fiscal year 2012, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 199. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2011 regular session of the legislature, and having an unencumbered balance as of June 30, 2011, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2012, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2010.

Sec. 200. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2011 regular session of the legislature and having an unencumbered balance as of June 30, 2011, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2012, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2010.

Sec. 201. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2011 regular session of the legislature and having an unencumbered balance as of June 30, 2011, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2012, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2010.

Sec. 202. Any transfers of money during the fiscal year ending June 30, 2012, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2012.

Sec. 203. This act shall take effect and be in force from and after its publication in the Kansas register.;

Also on page 1, in the title, by striking all in lines 1 through 5 and inserting the following:

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, reducing compensation for state officers, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 49-514, 55-193, 72-8814, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas.;"

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

CAROLYN MCGINN

JOHN VRATIL

LAURA KELLY

Conferees on part of Senate

MARC RHOADES

BILL FEUERBORN

RICHARD CARLSON

Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **S Sub for HB 2014**

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Huntington, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Pyle, Schmidt A, Schmidt V, Steineger.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: Governor Brownback describes the budget compromise in this bill as “a victory for Kansans.” Nothing could be further from the truth. Average Kansans are the true losers in this budget.

Even though April revenues were up and May revenues are expected much higher than previous estimates, we are needlessly balancing the budget on the backs of our hardworking state employees and at the expense of our school children.

This budget will cut funding for Kansas public schools by \$232 per student next year, resulting in teacher layoffs, school closures and increased class sizes.

This budget breaks the promise to our lower paid state employees by eliminating the fourth and fifth year of the under-market pay plan. By renegeing on this promise, thousands of state employees who maintain our highways, provide our public safety and care for the disabled will continue earning far below their private sector counterparts.

As the economy recovers, there's no reason to force these sweeping cuts. The House insisted on an ending balance far beyond the governor's original \$7.5 million recommendation. To them, a \$72 million ending balance is more important than the well-being of school children, disabled and elderly Kansans, and our state workforce.

I vote no.—SENATOR ANTHONY HENSLEY

Senators Francisco, Kultula and Reitz request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub for HB 2014**.

MR. PRESIDENT: I regretfully vote NO on **S Sub for HB 2014**. This budget unnecessarily and unfairly targets the lowest paid of our state employees. Four years ago, the state made a promise to these employees that their salaries would be adjusted to fair market. For three years, we kept that promise. This year and next, we renege on

our promise. We don't need to do this. There is more than enough money in the state bank.

When the Governor presented his budget in January, he asked us to leave \$7.5m in the bank when we were finished with the budget. Instead, we leave \$71.8m, \$64.3m more than the Governor requested. Additionally, receipts in April were \$25m more than anticipated and May revenues are predicted to be significantly over estimates.

Certainly, we needed to reduce expenditures and we did. For FY12, we authorized \$881,564,000 less in spending than we did authorize in FY11. Had we authorized just \$873,064,000 less we could have kept our promise to our employees and still left our state in good financial shape. —LAURA KELLY

Senators Hensley, Franciso and Kultala request the record to show they concur with the "Explanation of Vote" offered by Senator Kelly on **S Sub for HB 2014**.

MR. PRESIDENT: While it is not a perfect budget, I am pleased to support the FY 2012 budget this evening. I want to commend the work of our conferees from the Senate, the conferees from the House and also our Governor for his work in helping guide the conference committee through the process the last few days. I know it was not easy.

This budget goes to great efforts to help our government to be responsible in the midst of the worst recession since the Great Depression. It goes to great efforts to help our government to live within its means, just like our families do. It also goes to great steps in beginning the process of restructuring and making state government more efficient to ensure that essential services such as education, public safety and care for the truly needy in our society are maintained.

In living within our means and not spending more than we bring in, this budget also will be the first budget that includes an overall cut in state spending in close to half a century.—GARRETT LOVE

Senators Lynn, Petersen and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Love on **S Sub for HB 2014**.

MR. PRESIDENT: Let me say that we are all stewards of the peoples' money and the peoples' programs. As such we *must*, at times, voice our agreement and our disagreement. That provides for the checks and balances that make for better decisions, and even changes in the course mid-stream, when it is not producing the outcome expected.

Mr. Chairman, I am hopeful that if this budget passes, and we experience the negative impact on our schools, students, and teachers, resulting from cuts and closures, that we as a state take immediate action to change course, fund our schools for success—for all districts, all students, all teachers whether urban or rural. As I stated when we debated the 1st budget bill, the risk to our future is too great, especially when our school children are put into the risk formula.

Mr. Chairman, I am not questioning motives. I support a balanced budget. I acknowledge cuts need to be made. I simply want to bring attention to a problem being manifested in many school districts already as they cut staff and programs, even in this current school year. I cannot support these cuts.—ALLEN C. SCHMIDT

Senator Hensley requests the record to show he concurs with the "Explanation of Vote" offered by Senator A. Schmidt on **HB 2014**.

MR. PRESIDENT: I commend the committee members for all of the hard work and long hours they've spent on this budget. I am especially pleased that this budget retains funding for Washburn University, minimizes cuts to our early childhood programs, and keeps KNI open.

Although I appreciate what is in this budget, I remain concerned about what is not in this budget. Among them: Fair and honest pay for our state workforce.

Every day, thousands of Kansans go to work fixing our roads, caring for our children, and making sure our communities are safe. These men and women deserve an honest day's pay for an honest day's work. If we expect to recruit and retain the best and brightest in Kansas, then we must provide a competitive and honest wage. Failure to do so jeopardizes the strength of Kansas families and the Kansas economy.

We should not balance the budget at the expense of working Kansans. For that reason, I cannot vote for this budget. Thank you.—VICKI SCHMIDT

Senators Francisco, Hensley, Kelly and Kultula request the record to show they concur with the "Explanation of Vote" offered by Senator V. Schmidt on **S Sub for HB 2014**.

MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **SB 115**.

The House accedes to the request of the Senate for a conference on **SB 154** and appoints Representatives Rhoades, Kelley and Feuerborn as conferees on the part of the House.

The House adopts the conference committee report to agree to disagree on **House Substitute for Substitute SB 111** and appoints Representatives Aurand, Huebert and Ward as second conferees on the part of the House.

The House appoints Representatives Brunk, Patton and Loganbill as conferees on **SB 76** to replace Representatives Landwehr, Donohoe and Flaharty.

ORIGINAL MOTION

Senator Emler 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 for Sub SB 111**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **House Substitute for Substitute SB 111** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

CLAY AURAND

STEVE HUEBERT

JIM WARD

Conferees on part of House

JEAN KURTIS SCHODORF

JOHN VRATIL

Conferees on part of Senate

On motion of Senator Schodorf the Senate adopted the Conference Committee report on **H Sub for Sub SB 111**, and requested a new conference be appointed.

The President appointed Senators Schodorf, Vratil and Hensley as a second Conference Committee on the part of the Senate on **H Sub for Sub SB 111**.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments in **HB 2336**, requests a conference, and appoints Representatives Brown, Sullentrop and Slattery as conferees on the part of the House.

The House concurs in Senate amendments on **HB 2054**, and requests return of the bill.

The House appoints Representatives, Landwehr, Donohoe and Flaharty as conferees on **SB 76** to replace Representatives Brunk, Patton and Loganbill.

ORIGINAL MOTION

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **HB 2336**.

The President appointed Senators Wagle, Vratil and Holland as conferees on the part of the Senate.

On motion of Senator Emler the Senate recessed for fifteen minutes.

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

ORIGINAL MOTION

Senator Emler 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 115; HB 2182**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 115** submits the following report:

The House recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as follows:

On page 1, by striking all in line 5 and inserting:

"Section 1. K.S.A. 2010 Supp. 75-37,105 is hereby amended to read as follows: 75-37,105. (a) *As used in this section, "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch and any appointed state council or state commission.*

(b)(1) There is established an employee award and recognition program for state employees. Under this program monetary or non-monetary awards may be made to state employees. An appointing authority may implement a program of award and recognition for classified and unclassified employees or teams of employees for

distinguished accomplishment, meritorious service, innovations, Kansas quality management, volunteerism or length of service. *Under this program monetary or non-monetary awards may be made to state employees. Non-monetary awards may include, but are not limited to, a medal, an annual award luncheon held by the employee's respective state agency or public recognition by the Kansas house of representatives or the Kansas senate.*

(2) All awards and recognition provided under this section shall meet the conditions for a discretionary bonus set out in 29 C.F.R. § 778.211.

~~(b)~~(c) The total gross value of awards to any employee of the state during a single fiscal year shall not exceed \$3,500 except as provided in ~~subsections (f) and~~ subsection (g). No award paid pursuant to this section during the fiscal year shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each taxable award paid under this section shall be a discretionary bonus, as defined by 29 C.F.R. § 778, and shall be in addition to the regular earnings to which that employee may be entitled or for which the employee may become eligible. Monetary awards are subject to taxes in accordance with federal internal revenue code regulations. The value of non-monetary awards shall be reported by state agencies in accordance with sections 74 and 132 of the federal internal revenue code and procedures prescribed by the director of accounts and reports.

~~(e)~~(d) The award and recognition program shall be paid from moneys appropriated and available for operating expenditures of the state agency or from other funding sources as appropriated. In the case of employee suggestions, the award or recognition for each employee shall be paid or provided by the state agency that benefited from and implemented the suggestion.

~~(f)~~(e) The regulations of the employee award board adopted pursuant to K.S.A. 75-37,108, and amendments thereto, are hereby revoked.

~~(g)~~(f) The secretary of administration shall adopt rules and regulations that provide oversight and administrative review of *state* agency award and recognition programs. The secretary of administration shall adopt rules and regulations to provide safeguards to preclude opportunities for abuse within the employee award and recognition program in each state agency and to ensure objective decision-making procedures in award and recognition determinations for all participating employees.

~~(f) (1) (A) Each state agency~~ (g) (1) (A) *The secretary of administration shall establish a state employee suggestion program through which state employees may submit suggestions for cost reductions in that to their respective state agency through increased efficiencies or other economies or savings in the operations of the state agency.*

(B) ~~Each employee making a suggestion for cost reduction shall be paid a monetary employee award~~ *awarded a monetary or non-monetary employee award or awards for innovation pursuant to subsection ~~(a)~~ (b) of this section upon adoption of the suggestion by the state agency. Such a monetary award* Monetary awards for innovation shall be nondiscretionary and shall be in the amount of ~~2.5%~~10% of the ~~estimated~~ cost reduction, *accrued during the first 12 months after implementation of the suggestion, as documented to the division of the budget, up to a maximum of \$5,000, as certified by the agency's chief fiscal officer and the agency appointing authority up to a maximum of \$3,500. Each employee making a suggestion for cost reduction shall also be paid an*

employee suggestion bonus in the amount of the difference between the amount of the innovation award received by the employee and 10% of the documented cost reduction during the first 12 months after implementation of the suggestion, as documented to the division of the budget, up to a maximum employee suggestion bonus of \$37,500. Multiple employees that make similar suggestions for cost reduction, as determined by the state agency, shall share the documented cost reduction in equal shares, up to a maximum of \$5,000. *Should multiple employees make similar suggestions for cost reduction, as determined by the state agency, each employee shall submit to the head of the state agency a list of each employee's percentage contribution to the suggestion for cost reduction. Upon adoption of the suggestion by the state agency, the head of the state agency shall make the final determination as to each employee's percentage contribution. Such multiple employees shall then share the documented cost reduction in such percentage shares as determined by the head of the state agency, up to a maximum of \$5,000 per employee.*

(C) The state agency shall retain 10% of the documented cost reduction. Savings achieved through this cost reduction shall be placed in ~~the Kansas savings incentive account or fund for that~~ a separate special revenue fund or funds for such purpose to be administered by that state agency. The remaining balance of the savings achieved through this cost reduction shall revert to the state general fund.

(2) Each state agency shall submit each suggestion it receives, together with the state agency's estimated cost reduction, if any, and dispensation of the suggestion to the division of the budget. The director of the budget shall file copies with the director of the legislative research department, who shall report annually on the information to members of the legislative budget committee.

(3) Each state agency that has awarded an employee under the state agency's employee suggestion program pursuant to this subsection shall report all information related to the award to the secretary of administration.

(4) At the beginning of each regular session of the legislature, the secretary of administration shall provide all information received by state agencies pursuant to subsection (g)(3) to the appropriate committees of the legislature.

(5) The secretary of administration shall provide all information regarding the state employee suggestion program to all state agencies by a pamphlet, brochure or by publication on the official website of the department of administration.

(g) (1) Salary bonus payments under the Kansas savings incentive program shall be made only for the following conditions:

- (A) Monetary innovation awards made under subsection (f), or
- (B) for awards and recognition provided pursuant to subsection (a).

(2) The director of personnel services shall establish guidelines and limitations for bonus payments under the Kansas savings incentive program.

(h) Awards and incentives and other recognition pursuant to this section shall not be deemed in violation of K.S.A. 46-237a, and any amendments thereto.

(i) ~~The provisions of subsections (f) and (g) of this section shall expire on June 30, 2006. Any person elected or appointed to a state agency position shall not be a recipient of a monetary award under this section.~~

Sec. 2. K.S.A. 12-5309, 46-2701, 46-3201, 66-1226, 68-1038, 75-5002, and 75-5003 and K.S.A. 2010 Supp. 2-1921, 2-1922, 2-1923, 46-3702, 65-1,177 and 75-37,105 are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; in line 2 by striking all before the period and inserting "concerning state agencies; relating to the employee award and recognition program for state employees; state employee suggestion program; repealing certain expired committees, commissions and task forces; repealing the highway advisory commission and frontier military scenic byway designation; amending K.S.A. 2010 Supp. 75-37,105 and repealing the existing section; also repealing K.S.A. 12-5309, 46-2701, 46-3201, 66-1226, 68-1038, 75-5002 and 75-5003 and K.S.A. 2010 Supp. 2-1921, 2-1922, 2-1923, 46-3702 and 65-1,177.";

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

MIKE BURGESS

ED TRIMMER

MARVIN KLEEB

Conferees on part of House

DWAYNE UMBARGER

BOB MARSHALL

KELLY KULTALA

Conferees on part of Senate

Senator Umbarger moved the Senate adopt the Conference Committee Report on **SB 115**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2182** submits the following report:

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

On page 1, in line 14, before "Sections" by inserting "(a)"; after line 15, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 16, before "As" by inserting "(a)"; after line 23, by inserting "(b) This section shall take effect on and after July 1, 2011.";

On page 2, after line 21, by inserting "(c) This section shall take effect on and after July 1, 2011."; after line 38, by inserting "(c) This section shall take effect on and after July 1, 2011."; in line 39, before "Any", by inserting "(a)";

On page 3, after line 2, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 3, before "This" by inserting "(a)"; after line 7, by inserting "(b) This section shall take effect on and after July 1, 2011.";

On page 4, after line 18 by inserting "(i) This section shall take effect on and after

July 1, 2011."; in line 19, before "K.S.A." by inserting "On July 1, 2011,";

On page 5, in line 17 before "K.S.A." by inserting "On July 1, 2011,"; by striking all in lines 37 through 43;

By striking all on pages 6 through 16;

And by renumbering sections accordingly;

On page 17, by striking all in lines 1 through 35; in line 36, by striking "Section" by inserting "On July 1, 2011, section";

On page 18, after line 23, by inserting:

"Sec. 11. On July, 1, 2011, section 3 of chapter 45 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 3. (a) On and after ~~August-September~~ 1, 2011, no person shall engage in the practice of addiction counseling or represent that such person is a licensed addiction counselor or is an addiction counselor or a substance abuse counselor or an alcohol and drug counselor without having first obtained a license as an addiction counselor under the addictions counselor licensure act.

(b) On and after ~~August-September~~ 1, 2011, no person shall engage in the practice of addiction counseling as a clinical addiction counselor or represent that such person is a licensed clinical addiction counselor or is a clinical addiction counselor or a clinical substance abuse counselor or a clinical alcohol and drug counselor without having first obtained a license as a clinical addiction counselor under the addiction counselor licensure act.

(c) Violation of this section is a class B misdemeanor.";

And by renumbering sections accordingly;

Also on page 18, in line 24, by striking "Section" and inserting "On July 1, 2011, section"; in line 34, by striking "supporting the" and inserting "on";

On page 19, in line 29, by striking "as an" and inserting "by the board as a licensed";

On page 21, in line 17, by striking "for" and inserting "from"; in line 19, by striking "Section" and inserting "On July 1, 2011, section";

On page 22, in line 13, by striking "Section" and inserting "On July 1, 2011, section"; in line 38, by striking "Section" and inserting "On July 1, 2011, section";

On page 23, in line 22, by striking "Section" and inserting "On July 1, 2011, section";

On page 24, in line 15, by striking "or chiropractic"; after line 42, by inserting "(g) This section shall take effect on and after July 1, 2011."; in line 43, before "The" by inserting "(a)";

On page 25, in line 12, before the semicolon by inserting "and is conducted in a manner which protects the health and safety of the student athlete"; in line 15, before the period by inserting ", including requirements designed to protect the health and safety of such student athlete"; after line 15, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 16, before "K.S.A." by inserting "On July 1, 2011,";

On page 26, after line 42, by inserting:

"(g) "Recognized by the board" means an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.";

Also on page 26, in line 43, before "K.S.A." by inserting "On July 1, 2011,";

On page 29, in line 27, before "Section" by inserting "(a)"; also in line 27, by striking "38" and inserting "21"; also in line 27, by striking "55" and inserting "34";

After line 29, by inserting "(b) This section shall take effect on and after July 1, 2011.";

By striking all in lines 30 through 43;

By striking all on page 30;

On page 31, by striking all in lines 1 through 34; after line 34, by inserting:

"New Sec. 22. As used in the Kansas health information technology and exchange act:

- (a) "Act" means the Kansas health information technology and exchange act.
- (b) "Approved HIO" means a health information organization operating in the state which has been approved by the corporation.
- (c) "Corporation" means the Kansas health information exchange, inc., created by executive order 10-06.
- (d) "Covered entity" means a health care provider, a health care component of a hybrid entity, a health plan or a health care clearinghouse.
- (e) "Designated record set" means designated record set as that term is defined by the HIPAA privacy rule.
- (f) "Disclosure" means disclosure as that term is defined by the HIPAA privacy rule.
- (g) "DPOA-HC" means the person to whom a durable power of attorney for health care decisions has been granted by an individual in accordance with K.S.A. 58-625 et seq., and amendments thereto.
- (h) "Electronic protected health information" means electronic health information as that term is defined by the HIPAA privacy rule.
- (i) "Health care" means health care as that term is defined by the HIPAA privacy rule.
- (j) "Health care clearinghouse" means a health care clearinghouse, as that term is defined by the HIPAA privacy rule, doing business within the state.
- (k) "Health care provider" means a health care provider, as that term is defined by the HIPAA privacy rule, that furnishes health care to individuals in the state.
- (l) "Health information" means health information as that term is defined by the HIPAA privacy rule.
- (m) "Health information organization" means any entity operating in the state which:
 - (1) Maintains technical infrastructure for the electronic movement of health information among covered entities; and
 - (2) promulgates and enforces policies governing participation in such health information exchange.
- (n) "Health information technology" means an information processing application using computer hardware and software for the storage, retrieval, use and disclosure of health information for communication, decision-making, quality, safety and efficiency of health care. "Health information technology" includes, but is not limited to: (1) An electronic health record; (2) a personal health record; (3) health information exchange; (4) electronic order entry; and (5) electronic decision support.
- (o) "Health plan" means a health plan, as that term is defined by the HIPAA privacy rule, doing business within the state.

(p) "HIPAA privacy rule" means the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. part 160 and 45 C.F.R. part 164, subparts A and E.

(q) "Hybrid entity" means hybrid entity as that term is defined by the HIPAA privacy rule.

(r) "Individual" means individual as that term is defined by the HIPAA privacy rule.

(s) "Individually identifiable health information" means individually identifiable health information as that term is defined by the HIPAA privacy rule.

(t) "Interoperability" means the capacity of two or more information systems to exchange information or data in an accurate, effective, secure and consistent manner.

(u) "Participation agreement" means a written agreement between a covered entity and an approved HIO concerning the covered entity's participation in the approved HIO on terms consistent with section 32, and amendments thereto.

(v) "Personal representative" means the person who has the legal authority to act on behalf of an individual.

(w) "Protected health information" means protected health information as that term is defined by the HIPAA privacy rule.

(x) "Public health authority" means public health authority as that term is defined by the HIPAA privacy rule.

(y) "Secretary" means the secretary of health and environment.

(z) "Standard authorization form" means the standard authorization form developed and promulgated by the secretary pursuant to section 26, and amendments thereto.

(aa) "State" means the state of Kansas.

(bb) "Use" means, with respect to individually identifiable health information, use as the term is defined by the HIPAA privacy rule.

This section shall take effect on and after July 1, 2011.;

Also on page 31, in line 35 before "It" by inserting "(a)"; after line 40, by inserting "(b) This section shall take effect on and after July 1, 2011.;"

On page 32, after line 5, by inserting "(c) This section shall take effect on and after July 1, 2011.;" in line 28, by striking "53" and inserting "32"; in line 35 by striking "53" and inserting "32"; after line 41, by inserting "(d) This section shall take effect on and after July 1, 2011.;"

On page 33, after line 12, by inserting:

"(c) No later than six months after the effect date of this act the secretary shall develop educational materials intended to increase awareness and promote a greater understanding of the standard authorization form created under this section, including the importance of ensuring that an individual's health information is readily available to health care providers at the point of care, in order to enable the best possible provision of health care services.

(d) This section shall take effect on and after July 1, 2011.;"

Also on page 33, in line 24, by striking "(a) Any" and inserting "To the extent any"; in line 26, by striking all after "information"; by striking all in line 27; in line 28, by striking all before the comma, and inserting: "conflicts with the provisions of this act, the provisions of this act shall control"; also in line 28, by striking "(1)" and inserting "(a)"; in line 31, by striking "the" and inserting "any"; also in line 31, by striking

"physician-patient" and inserting "health care provider-patient"; in line 32, by striking all after "privilege"; by striking all in lines 33 through 35, and inserting "; and (b) nothing"; in line 36, by striking all before "in"; after line 38, by inserting "'This section shall take effect on and after July 1, 2011.'"; by striking all in lines 39 through 43;

By striking all on pages 34 through 36;

And by renumbering the remaining sections accordingly;

On page 37, in line 1, before "A" by inserting "(a)"; in line 3 by striking "permitted or"; in line 4, by striking the comma where it appears for the second time; after line 6, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 7, by striking the "(a)"; in line 11, by striking "(1)" and inserting "(a)"; in line 13, by striking "(2)" and inserting "(b)"; in line 15, by striking "(3)" and inserting "(c)"; in line 18, by striking "(4)" and inserting "(d)"; in line 20, by striking "(5)" and inserting "(e)"; in line 22, by striking "(6)" and inserting "(f)"; in line 24, by striking "(7)" and inserting "(g)"; in line 25, by striking "(8)" and inserting "(h)"; in line 27, by striking "16" and inserting "32"; after line 28, by inserting "This section shall take effect on and after July 1, 2011."; in line 33, by striking "51" and inserting "30"; in line 36, by striking "14" and inserting "30"; after line 40, by inserting "(b) This section shall take effect on and after July 1, 2011.";

On page 39, after line 2, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 3, before "Any" by inserting "(a)"; following line 6 by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 7, before "Notwithstanding" by inserting "(a)"; following line 13, by inserting "(b) This section shall take effect on and after July 1, 2011."; in line 14, before "K.S.A." by inserting "On July 1, 2011,";

On page 41, following line 3, by inserting the following:

"Sec. 37. On July 1, 2011, K.S.A. 2010 Supp. 75-5664 is hereby amended to read as follows: 75-5664. (a) There is hereby established an advisory committee on trauma. The advisory committee on trauma shall be advisory to the secretary of health and environment and shall be within the division of health of the department of health and environment as a part thereof.

(b) On July 1, 2001, the advisory committee on trauma in existence immediately prior to July 1, 2001, is hereby abolished and a new advisory committee on trauma is created in accordance with this section. The terms of all members of the advisory committee on trauma in existence prior to July 1, 2001, are hereby terminated. On and after July 1, 2001, the advisory committee on trauma shall be composed of 24 members representing both rural and urban areas of the state appointed as follows:

(1) Two members shall be persons licensed to practice medicine and surgery appointed by the governor. At least 30 days prior to the expiration of terms described in this section, for each member to be appointed under this section, the Kansas medical society shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such ~~list~~ list of persons in making appointments to the board under this paragraph.

(2) One member shall be licensed to practice osteopathic medicine appointed by the governor. At least 30 days prior to the expiration of the term of the member appointed under this section, the Kansas association of osteopathic medicine shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this

paragraph.

(3) Three members shall be representatives of hospitals appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas hospital association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such ~~lists~~ *list* of persons in making appointments to the board under this paragraph.

(4) Two members shall be licensed professional nurses specializing in trauma care or emergency nursing appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas state nurses association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such ~~lists~~ *list* of persons in making appointments to the board under this paragraph.

(5) Two members shall be attendants as defined in K.S.A. 65-6112, and amendments thereto who are on the roster of an ambulance service permitted by the board of emergency medical services. At least 30 days prior to the expiration of one of these positions, the Kansas emergency medical services association shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board. For the other member appointed under this section, at least 30 days prior to the expiration of the term of such member, the Kansas emergency medical technician association shall submit a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(6) Two members shall be administrators of ambulance services, one rural and one urban, appointed by the governor. At least 30 days prior to the expiration of the terms of such members, the Kansas emergency medical services association and Kansas emergency medical technician association in consultation shall submit to the governor a list of four persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board under this paragraph.

(7) Six members shall be representatives of regional trauma councils, one per council, appointed by the governor. At least 30 days prior to the expiration of one of these positions, the relevant regional trauma council shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such ~~lists~~ *list* of persons in making these appointments to the board.

(8) The secretary of health and environment or the secretary's designee of an appropriately qualified person shall be an ex officio representative of the department of health and environment.

(9) The chairperson of the board of emergency medical services or the chairperson's designee shall be an ex officio member.

(10) Four legislators selected as follows shall be members: The chairperson and ranking minority member or their designees of the committee on health and human services of the house of representatives, and the chairperson and ranking minority member or their designees from the committee on public health and welfare of the senate shall be members.

(c) All members shall be residents of the state of Kansas. Particular attention shall be given so that rural and urban interests and geography are balanced in representation. Organizations that submit lists of names to be considered for appointment by the

governor under this section shall insure that names of people who reside in both rural and urban areas of the state are among those submitted. At least one person from each congressional district shall be among the members. Of the members appointed under paragraphs (1) through (7) of subsection (b), six shall be appointed to initial terms of two years; six shall be appointed to initial terms of three years; and six shall be appointed to initial terms of four years. Thereafter members shall serve terms of four years and until a successor is appointed and qualified. In the case of a vacancy in the membership of the advisory committee, the vacancy shall be filled for the unexpired term in like manner as that provided in subsection (b).

(d) The advisory committee shall meet quarterly and at the call of the chairperson or at the request of a majority of the members. At the first meeting of the advisory committee after July 1 each year, the members shall elect a chairperson and vice-chairperson who shall serve for terms of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. The chairperson and vice-chairperson serving on the effective date of this act shall be among the members appointed to the advisory committee under subsection (b) and shall continue to serve as chairperson and vice-chairperson of the advisory committee until the first meeting of the advisory committee after July 1, 2002.

(e) The advisory committee shall be advisory to the secretary of health and environment on all matters relating to the implementation and administration of this act.

(f) (1) Any meeting of the advisory committee or any part of a meeting of the advisory committee during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. The advisory committee and officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

(2) The advisory committee or an officer thereof may advise, report to and discuss activities, information and findings of the committee which relate to incidents of trauma injury or trauma care with the secretary of health and environment as provided in subsections (a) and (e) without waiver of the privilege provided by this subsection (f) and K.S.A. 65-4915, and amendments thereto, and the records and findings of such committee or officer which are privileged under this subsection (f) and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection (f) and K.S.A. 65-4915, and amendments thereto, prior to July 1, 2016.

(3) The provisions of this subsection (f) shall expire on July 1, 2016, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments, thereto.

~~(f)~~ (g) Members of the advisory committee attending meetings of the advisory committee or attending a subcommittee of the advisory committee or other authorized meeting of the advisory committee shall not be paid compensation but shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

Sec. 38. On July 1, 2011, K.S.A. 2010 Supp. 75-5665 is hereby amended to read as follows: (a) The secretary of health and environment, after consultation with and consideration of recommendations from the advisory committee, shall:

~~(a)~~(1) Develop rules and regulations necessary to carry out the provisions of this act, including fixing, charging and collecting fees from trauma facilities to recover all or part of the expenses incurred in the designation of trauma facilities pursuant to

subsection (f) of this section;

~~(b)~~(2) develop a statewide trauma system plan including the establishment of regional trauma councils, using the ~~1998~~ 2001 Kansas EMS-Trauma Systems Plan study as a guide and not more restrictive than state law. The secretary shall ensure that each council consist of at least six members. Members of the councils shall consist of persons chosen for their expertise in and commitment to emergency medical and trauma services. Such members shall be chosen from the region and include prehospital personnel, physicians, nurses and hospital personnel involved with the emergency medical and trauma services and a representative of a county health department. The plan should:

~~(A)~~(A) Maximize local and regional control over decisions relating to trauma care;
~~(B)~~(B) minimize bureaucracy;
~~(C)~~(C) adequately protect the confidentiality of proprietary and personal health information;

~~(D)~~(D) promote cost effectiveness;
~~(E)~~(E) encourage participation by groups affected by the system;
~~(F)~~(F) emphasize medical direction and involvement at all levels of the system;
~~(G)~~(G) rely on accurate data as the basis for system planning and development; and
~~(H)~~(H) facilitate education of health care providers in trauma care;
~~(3)~~(3) plan, develop and administer a trauma registry to collect and analyze data on incidence, severity and causes of trauma and other pertinent information which may be used to support the secretary's decision-making and identify needs for improved trauma care;

~~(4)~~(4) provide all technical assistance to the regional councils as necessary to implement the provisions of this act;

~~(5)~~(5) collect data elements for the trauma registry that are consistent with the recommendations of the American college of surgeons committee on trauma and centers for disease control;

~~(6)~~(6) designate trauma facilities by level of trauma care capabilities after considering the American college of surgeons committee on trauma standards and other states' standards except that trauma level designations shall not be based on criteria that place practice limitations on registered nurse anesthetists which are not required by state law;

~~(7)~~(7) develop a phased-in implementation schedule for each component of the trauma system, including the trauma registry, which considers the additional burden placed on the emergency medical and trauma providers;

~~(8)~~(8) develop standard reports to be utilized by the regional trauma councils and those who report data to the registry in performing their functions;

~~(9)~~(9) assess the fiscal impact on all components of the trauma system, and thereafter recommend other funding sources for the trauma system and trauma registry;

~~(10)~~(10) prepare and submit an annual budget in accordance with the provisions of this act. Such budget shall include costs for the provision of technical assistance to the regional trauma councils and the cost of developing and maintaining the trauma registry and analyzing and reporting on the data collected; and

~~(11)~~(11) enter into contracts as deemed necessary to carry out the duties and functions of the secretary under this act.

(b) (1) *Any meeting of a regional trauma council or any part of a meeting of such*

a council during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. A regional trauma council and the officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

(2) A regional trauma council or an officer thereof may advise, report to and discuss activities, information and findings of the council which relate to incidents of trauma injury or trauma care with the secretary of health and environment and make reports as provided in this section without waiver of the privilege provided by this subsection (b) and K.S.A. 65-4915, and amendments thereto, and the records and findings of such council or officer which are privileged under this subsection (b) and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection (b) and K.S.A. 65-4915, and amendments thereto.

(3) The provisions of this subsection (b) shall expire on July 1, 2016, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2016.

Sec. 39. On January 1, 2012, K.S.A. 65-1113 is hereby amended to read as follows: 65-1113. When used in this act and the act of which this section is amendatory:

(a) "Board" means the board of nursing.

(b) "Diagnosis" in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen and shall be construed as distinct from a medical diagnosis.

(c) "Treatment" means the selection and performance of those therapeutic measures essential to effective execution and management of the nursing regimen, and any prescribed medical regimen.

(d) *Practice of nursing.* (1) The practice of professional nursing as performed by a registered professional nurse for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and amendments thereto, means the process in which substantial specialized knowledge derived from the biological, physical, and behavioral sciences is applied to: the care, diagnosis, treatment, counsel and health teaching of persons who are experiencing changes in the normal health processes or who require assistance in the maintenance of health or the prevention or management of illness, injury or infirmity; administration, supervision or teaching of the process as defined in this section; and the execution of the medical regimen as prescribed by a person licensed to practice medicine and surgery or a person licensed to practice dentistry. (2) The practice of nursing as a licensed practical nurse means the performance for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and any amendments thereto, of tasks and responsibilities defined in part (1) of this subsection (d) which tasks and responsibilities are based on acceptable educational preparation within the framework of supportive and restorative care under the direction of a registered professional nurse, a person licensed to practice medicine and surgery or a person licensed to practice dentistry.

(e) A "professional nurse" means a person who is licensed to practice professional nursing as defined in part (1) of subsection (d) of this section.

(f) A "practical nurse" means a person who is licensed to practice practical nursing as defined in part (2) of subsection (d) of this section.

(g) "Advanced *practice* registered nurse ~~practitioner~~" or "~~ARNP~~" "*APRN*" means a professional nurse who holds a ~~certificate of qualification~~ *license* from the board to function as a professional nurse in an ~~expanded~~ *advanced* role, and this ~~expanded~~ *advanced* role shall be defined by rules and regulations adopted by the board in accordance with K.S.A. 65-1130, *and amendments thereto*.

Sec. 40. On January 1, 2012, K.S.A. 65-1114 is hereby amended to read as follows: 65-1114. (a) It shall be unlawful for any person:

- (1) To practice or to offer to practice professional nursing in this state; ~~or~~
- (2) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a registered professional nurse; ~~or~~
- (3) to practice or offer to practice practical nursing in this state; or
- (4) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a licensed practical nurse, unless such person has been duly licensed under the provisions of this act.

(b) It shall be unlawful for any person:

- (1) To practice or offer to practice as an advanced *practice* registered nurse ~~practitioner~~ in this state; or
- (2) to use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is an advanced *practice* registered nurse ~~practitioner~~, unless such person has been duly issued a ~~certificate of qualification~~ *license* as an advanced *practice* registered nurse ~~practitioner~~ under the Kansas nurse practice act.

Sec. 41. On January 1, 2012, K.S.A. 65-1118 is hereby amended to read as follows: 65-1118. (a) The board shall collect in advance fees provided for in this act as fixed by the board, but not exceeding:

Application for license—professional nurse.....	\$75
Application for license—practical nurse.....	50
Application for biennial renewal of license—professional nurse and practical nurse....	60
Application for reinstatement of license.....	70
Application for reinstatement of licenses with temporary permit.....	100
Certified copy of license.....	25
Duplicate of license.....	25
Inactive license.....	20
Application for license certificate of qualification —advanced <i>practice</i> registered nurse practitioner	50
Application for license certificate of qualification with temporary permit—advanced <i>practice</i> registered nurse practitioner	100
Application for renewal of license certificate of qualification —advanced <i>practice</i> registered nurse practitioner	60
Application for reinstatement of license certificate of qualification —advanced <i>practice</i> registered nurse practitioner	75
Application for authorization—registered nurse anesthetist.....	75
Application for authorization with temporary authorization—registered nurse anesthetist.....	110
Application for biennial renewal of authorization—registered nurse anesthetist.....	60
Application for reinstatement of authorization—registered nurse anesthetist.....	75
Application for reinstatement of authorization with temporary authorization—registered nurse anesthetist.....	100

Verification of license to another state.....30
 Application for exempt license—professional and practical nurse.....50
 Application for biennial renewal of exempt license—professional and practical nurse.50
 Application for exempt ~~license certification~~—advanced *practice* registered nurse practitioner.....50
 Application for biennial renewal of exempt ~~license certificate~~—advanced *practice* registered nurse practitioner.....50

(b) The board may require that fees paid for any examination under the Kansas nurse practice act be paid directly to the examination service by the person taking the examination.

(c) The board shall accept for payment of fees under this section personal checks, certified checks, cashier's checks, money orders or credit cards. The board may designate other methods of payment, but shall not refuse payment in the form of a personal check. The board may impose additional fees and recover any costs incurred by reason of payments made by personal checks with insufficient funds and payments made by credit cards.

Sec. 42. On January 1, 2012, K.S.A. 65-1120, as amended by section 236 of 2011 House Bill No. 2339, is hereby amended to read as follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may deny, revoke, limit or suspend any license, ~~certificate of qualification~~ or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced *practice* registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a ~~certificate of qualification~~ temporary permit or authorization, if the applicant, licensee or holder of a ~~certificate of qualification~~ temporary permit or authorization is found after hearing:

- (1) To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;
- (2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license, ~~certificate of qualification~~ or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced *practice* registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, *prior to their repeal, or sections 36 through 64, 174, 210 or 211 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;*
- (3) to have committed an act of professional incompetency as defined in subsection (e);
- (4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
- (5) to be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;
- (6) to be guilty of unprofessional conduct as defined by rules and regulations of the board;

(7) to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

(8) to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph (8); or

(9) to have assisted suicide in violation of K.S.A. 21-3406, *prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, *prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto.

(B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. Supp. 60-4404, and amendments thereto.

(C) A copy of the record of a judgment assessing damages under K.S.A. Supp. 60-4405, and amendments thereto.

(b) *Proceedings.* Upon filing of a sworn complaint with the board charging a person with having been guilty of any of the unlawful practices specified in subsection (a), two or more members of the board shall investigate the charges, or the board may designate and authorize an employee or employees of the board to conduct an investigation. After investigation, the board may institute charges. If an investigation, in the opinion of the board, reveals reasonable grounds for believing the applicant or licensee is guilty of the charges, the board shall fix a time and place for proceedings, which shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) *Witnesses.* No person shall be excused from testifying in any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state except the crime of perjury as defined in *section 128 of chapter 136 of the 2010 Session Laws of Kansas*, and amendments thereto.

(d) *Costs.* If final agency action of the board in a proceeding under this section is adverse to the applicant or licensee, the costs of the board's proceedings shall be charged to the applicant or licensee as in ordinary civil actions in the district court, but if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed by the board according to the statutes relating to procedure in the district court. All costs accrued by the board, when it is the successful party, and which the attorney general certifies cannot be collected from the applicant or licensee shall be paid from the board of nursing fee fund. All moneys collected following board proceedings shall be credited in full to the board of nursing fee fund.

(e) *Professional incompetency defined.* As used in this section, "professional incompetency" means:

- (1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;
- (2) repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board; or
- (3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(f) *Criminal justice information.* The board upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board.

Sec. 43. On January 1, 2012, K.S.A. 65-1122 is hereby amended to read as follows: 65-1122. It is a violation of law for any person, firm, corporation or association to:

(a) Sell or fraudulently obtain or furnish any nursing diploma, license, ~~or record or certificate of qualification~~ or aid or abet therein;

(b) practice professional nursing, practical nursing or practice as an advanced *practice* registered nurse ~~practitioner~~, unless duly licensed ~~or certified~~ to do so;

(c) use in connection with such person's name any designation implying that such person is a licensed professional nurse, a licensed practical nurse or an advanced *practice* registered nurse ~~practitioner~~ unless duly licensed ~~or certified~~ ~~so~~ to practice under the provisions of the Kansas nurse practice act, and such license ~~or certificate~~ is then in full force;

(d) practice professional nursing, practical nursing or as an advanced *practice* registered nurse ~~practitioner~~ during the time a license ~~or certificate~~ issued under the provisions of the Kansas nurse practice act shall have expired or shall have been suspended or revoked;

(e) represent that a school for nursing is approved for educating either professional nurses or practical nurses, unless such school has been duly approved by the board and such approval is then in full force;

(f) violate any provisions of the Kansas nurse practice act or rules and regulations adopted pursuant to that act; or

(g) represent that a provider of continuing nursing education is approved by the board for educating either professional nurses or practical nurses, unless the provider of continuing nursing education has been approved by the board and the approval is in full force.

Any person who violates this section is guilty of a class B misdemeanor, except that, upon conviction of a second or subsequent violation of this section, such person is guilty of a class A misdemeanor.

Sec. 44. On January 1, 2012, K.S.A. 65-1130 is hereby amended to read as follows:

65-1130. (a) No professional nurse shall announce or represent to the public that such person is an advanced *practice* registered nurse ~~practitioner~~ unless such professional nurse has complied with requirements established by the board and holds a valid ~~certificate of qualification~~ *license* as an advanced *practice* registered nurse ~~practitioner~~ in accordance with the provisions of this section.

(b) The board shall establish standards and requirements for any professional nurse who desires to obtain a ~~certificate of qualification~~ *licensure* as an advanced *practice*

registered nurse. ~~practitioner~~. Such standards and requirements shall include, but not be limited to, standards and requirements relating to the education of advanced *practice* registered nurse ~~practitioners~~. ~~The board may require that some, but not all, types of advanced registered nurse practitioners hold an academic degree beyond the minimum educational requirement for qualifying for a license to practice as a professional nurse nurses.~~ The board may give such examinations and secure such assistance as it deems necessary to determine the qualifications of applicants.

(c) The board shall adopt rules and regulations applicable to advanced *practice* registered ~~nurses~~ ~~nurse practitioners~~ which:

(1) Establish ~~categories~~ *roles and identify titles and abbreviations* of advanced *practice* registered ~~nurse practitioners~~ *nurses* which are consistent with nursing practice specialties recognized by the nursing profession.

(2) Establish education and qualifications necessary for ~~certification~~ *licensure* for each ~~category~~ *role* of advanced *practice* registered nurse ~~practitioner~~ established by the board at a level adequate to assure the competent performance by advanced *practice* registered ~~nurse practitioners~~ *nurses* of functions and procedures which advanced *practice* registered ~~nurse practitioners~~ *nurses* are authorized to perform. *Advanced practice registered nursing is based on knowledge and skills acquired in basic nursing education, licensure as a registered nurse and graduation from or completion of a master's or higher degree in one of the advanced practice registered nurse roles approved by the board of nursing.*

(3) Define the role of advanced *practice* registered ~~nurse practitioners~~ *nurses* and establish limitations and restrictions on such role. The board shall adopt a definition of the role under this subsection (c)(3) which is consistent with the education and qualifications required to obtain a ~~certificate of qualification~~ *license* as an advanced *practice* registered nurse ~~practitioner~~, which protects the public from persons performing functions and procedures as advanced *practice* registered ~~nurse practitioners~~ *nurses* for which they lack adequate education and qualifications and which authorizes advanced *practice* registered ~~nurse practitioners~~ *nurses* to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with postbasic education in nursing. In defining such role the board shall consider: (A) The education required for a ~~certificate of qualification~~ *licensure* as an advanced *practice* registered nurse ~~practitioner~~; (B) the type of nursing practice and preparation in specialized ~~practitioner~~ *advanced practice* skills involved in each ~~category~~ *role* of advanced *practice* registered nurse ~~practitioner~~ established by the board; (C) the scope and limitations of advanced *practice* of nursing ~~specialties and limitations thereon~~ prescribed by national *advanced practice* organizations ~~which certify nursing specialties~~; and (D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education in nursing.

(d) An advanced *practice* registered nurse ~~practitioner~~ may prescribe drugs pursuant to a written protocol as authorized by a responsible physician. Each written protocol shall contain a precise and detailed medical plan of care for each classification of disease or injury for which the advanced *practice* registered nurse ~~practitioner~~ is authorized to prescribe and shall specify all drugs which may be prescribed by the advanced *practice* registered nurse. ~~practitioner~~. Any written prescription order shall include the name, address and telephone number of the responsible physician. The

advanced *practice* registered nurse ~~practitioner~~ may not dispense drugs, but may request, receive and sign for professional samples and may distribute professional samples to patients pursuant to a written protocol as authorized by a responsible physician. In order to prescribe controlled substances, the advanced *practice* registered nurse ~~practitioner~~ shall (1) register with the federal drug enforcement administration; and (2) notify the board of the name and address of the responsible physician or physicians. In no case shall the scope of authority of the advanced *practice* registered nurse ~~practitioner~~ exceed the normal and customary practice of the responsible physician. An advanced *practice* registered nurse ~~practitioner~~ certified in the ~~role category~~ of registered nurse anesthetist while functioning as a registered nurse anesthetist under K.S.A. 65-1151 to 65-1164, inclusive, and amendments thereto, shall be subject to the provisions of K.S.A. 65-1151 to 65-1164, inclusive, and amendments thereto, with respect to drugs and anesthetic agents and shall not be subject to the provisions of this subsection. For the purposes of this subsection, "responsible physician" means a person licensed to practice medicine and surgery in Kansas who has accepted responsibility for the protocol and the actions of the advanced *practice* registered nurse ~~practitioner~~ when prescribing drugs.

(e) As used in this section, "drug" means those articles and substances defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.

(f) *A person registered to practice as an advanced registered nurse practitioner in the state of Kansas immediately prior to the effective date of this act shall be deemed to be licensed to practice as an advanced practice registered nurse under this act and such person shall not be required to file an original application for licensure under this act. Any application for registration filed which has not been granted prior to the effective date of this act shall be processed as an application for licensure under this act.*

Sec. 45. On January 1, 2012, K.S.A. 65-1131 is hereby amended to read as follows: 65-1131. (a) (1) ~~Certification—Licensure.~~ Upon application to the board by any professional nurse in this state and upon satisfaction of the standards and requirements established by the board under K.S.A. 65-1130, and amendments thereto, the board may issue a ~~certificate of qualification~~ *license* to such applicant authorizing the applicant to perform the duties of an advanced *practice* registered nurse ~~practitioner~~ as defined by the board under K.S.A. 65-1130, and amendments thereto.

(2) The board may issue a ~~certificate~~ *license* to practice nursing as an advanced *practice* registered nurse ~~practitioner~~ to an applicant who has been duly licensed or certified as an advanced *practice* registered nurse ~~practitioner~~ under the laws of another state or territory if, in the opinion of the board, the applicant meets the *licensure* qualifications required of an advanced *practice* registered nurse ~~practitioner~~ in this state. Verification of the applicant's licensure or certification status shall be required from the original state of licensure or certification.

(3) An application to the board for a ~~certificate of qualification, for a certificate of qualification license, a license with temporary permit, for renewal of a certificate of qualification license and for reinstatement of a certificate of qualification license~~ shall be upon such form and contain such information as the board may require and shall be accompanied by a fee, to be established by rules and regulations adopted by the board, to assist in defraying the expenses in connection with the issuance of ~~certificates of qualification licenses~~ as advanced *practice* registered ~~nurses~~ *nurse practitioners*, in an

amount fixed by the board under K.S.A. 65-1118, and amendments thereto.

(4) An application for initial ~~certification~~ licensure or endorsement will be held awaiting completion of meeting qualifications for a time period specified in rules and regulations.

(5) The executive administrator of the board shall remit all moneys received pursuant to this section to the state treasurer as provided by K.S.A. 74-1108, and amendments thereto.

(b) The board may grant a one-time temporary permit to practice as an advanced *practice* registered nurse ~~practitioner~~ for a period of not more than 180 days pending completion of the application for a ~~certificate of qualification~~ license.

(c) *Exempt certificate license.* The board may issue an exempt ~~certificate~~ license to any advanced *practice* registered nurse ~~practitioner~~ as defined in rules and regulations who makes written application for such ~~certificate~~ license on a form provided by the board, who remits a fee as established pursuant to K.S.A. 65-1118, and amendments thereto, and who is not regularly engaged in advanced *practice* registered ~~nursing~~ nurse ~~practice~~ in Kansas but volunteers advanced *practice* registered nursing services or is a charitable health care provider as defined by K.S.A. 75-6102, and amendments thereto. Each exempt advanced *practice* registered nurse ~~practitioner~~ shall be subject to all provisions of the nurse practice act. Each exempt license may be renewed biennially subject to the provisions of this section. To convert an exempt ~~license~~ ~~certificate~~ to an active *license* ~~certificate~~, the exempt advanced *practice* registered nurse ~~practitioner~~ shall meet all the requirements of subsection (a) or K.S.A. 65-1132, and amendments thereto. The board shall have authority to write rules and regulations to carry out the provisions of this section.

Sec. 46. On January 1, 2012, K.S.A. 2010 Supp. 65-1132 is hereby amended to read as follows: 65-1132. (a)(1) ~~All certificates of qualification~~ All licenses issued under the provisions of this act, whether initial or renewal, shall expire every two years. The expiration date shall be established by rules and regulations of the board. The board shall send a notice for renewal of a ~~certificate of qualification~~ license to every advanced *practice* registered nurse ~~practitioner~~ at least 60 days prior to the expiration date of such person's license. Every person who desires to renew such ~~certificate of qualification~~ license shall file with the board, on or before the date of expiration of such ~~certificate of qualification~~ license:

- (1) A renewal application together with the prescribed biennial renewal fee;
- (2) *evidence of completion of continuing education in the advanced practice registered nurse role, which has met the continuing education requirement for an advanced practice registered nurse as developed by the board or by a national organization whose certifying standards are approved by the board as equal to or greater than the corresponding standards established by the board. These continuing education credits approved by the board may be applied to satisfy the continuing education requirements established by the board for licensed professional nurses under K.S.A. 65-1117, and amendments thereto, if the board finds such continuing education credits are equivalent to those required by the board under K.S.A. 65-1117, and amendments thereto; and*
- (3) *proof of evidence of current licensure as a professional nurse.*

Upon receipt of such application and payment of any applicable fee, and upon being satisfied that the applicant for renewal of a ~~certificate of qualification~~ license meets the

requirements established by the board under K.S.A. 65-1130, and amendments thereto, in effect at the time of initial qualification of the applicant, the board shall verify the accuracy of the application and grant a renewal ~~certificate of qualification~~-license.

(b) Any person who fails to secure a renewal ~~certificate of qualification~~ license prior to the expiration of the ~~certificate of qualification~~ license may secure a reinstatement of such lapsed ~~certificate of qualification~~ license by making application therefor on a form provided by the board, upon furnishing proof that the applicant is competent and qualified to act as an advanced *practice* registered nurse practitioner and upon satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board.

Sec. 47. On January 1, 2012, K.S.A. 65-1133 is hereby amended to read as follows:

65-1133. (a) An approved educational and training program for advanced *practice* registered nurses ~~nurse practitioners~~ is a program conducted in Kansas which has been approved by the board as meeting the standards and the rules and regulations of the board. An institution desiring to conduct an educational and training program for advanced *practice* registered ~~nurse practitioners~~ nurses shall apply to the board for approval and submit satisfactory proof that it is prepared to and will maintain the standards and the required curriculum for advanced *practice* registered ~~nurse practitioners~~ nurses as prescribed by this act and by the rules and regulations of the board. Applications shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board. The approval of an educational program for advanced *practice* registered ~~nurse practitioners~~ nurses shall not exceed 10 years after the granting of such approval by the board. An institution desiring to continue to conduct an approved educational program for advanced *practice* registered ~~nurse practitioners~~ nurses shall apply to the board for the renewal of approval and submit satisfactory proof that it will maintain the standards and the required curriculum for advanced *practice* registered ~~nurse practitioners~~ nurses as prescribed by this act and by the rules and regulations of the board. Applications for renewal of approval shall be made in writing on forms supplied by the board. Each program shall submit annually to the board an annual fee fixed by the board's rules and regulations to maintain the approved status.

(b) A program to qualify as an approved educational program for advanced *practice* registered ~~nurse practitioners~~ nurses must be conducted in the state of Kansas, and the school conducting the program must apply to the board and submit evidence that: (1) It is prepared to carry out the curriculum prescribed by rules and regulations of the board; and (2) it is prepared to meet such other standards as shall be established by law and the rules and regulations of the board.

(c) The board shall prepare and maintain a list of programs which qualify as approved educational programs for advanced *practice* registered ~~nurse practitioners~~ nurses whose graduates, if they have the other necessary qualifications provided in this act, shall be eligible to apply for ~~certificates of qualification licensure~~ as advanced *practice* registered ~~nurse practitioners~~ nurses. A survey of the institution or school applying for approval of an educational program for advanced *practice* registered ~~nurse practitioners~~ nurses shall be made by an authorized employee of the board or members of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements as prescribed by the board in its rules and regulations for approval are met, it shall so approve the program. The board shall

resurvey approved programs on a periodic basis as determined by rules and regulations. If the board determines that any approved program is not maintaining the standards required by this act and by rules and regulations prescribed by the board, notice thereof in writing, specifying the failures of such program, shall be given. A program which fails to correct such conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved programs until such time as the program shall comply with such standards. All approved programs shall maintain accurate and current records showing in full the theoretical and practical courses given to each student.

(d) The board may accept nationally accredited ~~advance~~ *advanced practice* registered nurse ~~practitioner~~ programs as defined ~~in rule and regulation~~ by rules regulations adopted by the board in accordance with K.S.A. 65-1130, and amendments thereto:

(1) Advanced *practice* registered nurse ~~practitioner~~ programs which have received accreditation from a board recognized national nursing accreditation agency shall file evidence of initial accreditation with the board, and thereafter shall file all reports from the accreditation agency and any notice of any change in school accreditation status.

(2) Advanced *practice* registered nurse ~~practitioner~~ programs holding approval based upon national accreditation are also responsible for complying with all other requirements as determined by rules and regulations of the board.

(3) The board may grant approval to an advanced *practice* registered nurse ~~practitioner~~ program with national accreditation for a continuing period not to exceed 10 years.

Sec. 48. On January 1, 2012, K.S.A. 65-1154 is hereby amended to read as follows: 65-1154. Upon application to the board by any licensed professional nurse in this state and upon satisfaction of the standards and requirements established under this act and K.S.A. 65-1130, and amendments thereto, the board shall grant an authorization to the applicant to perform the duties of a registered nurse anesthetist and be ~~certified~~ *licensed* as an advanced *practice* registered nurse ~~practitioner~~. An application to the board for an authorization, for an authorization with temporary authorization, for biennial renewal of authorization, for reinstatement of authorization and for reinstatement of authorization with temporary authorization shall be upon such form and contain such information as the board may require and shall be accompanied by a fee to assist in defraying the expenses in connection with the administration of the provisions of this act. The fee shall be fixed by rules and regulations adopted by the board in an amount fixed by the board under K.S.A. 65-1118, and amendments thereto. There shall be no fee assessed for the initial, renewal or reinstatement of the advanced *practice* registered nurse ~~practitioner certificate~~ *license* as long as the registered nurse anesthetist maintains authorization. The executive administrator of the board shall remit all moneys received to the state treasurer as provided by K.S.A. 74-1108, and amendments thereto.

Sec. 49. On January 1, 2012, K.S.A. 65-1163 is hereby amended to read as follows: 65-1163. Nothing in this act shall:

(a) Prohibit administration of a drug by a duly licensed professional nurse, licensed practical nurse or other duly authorized person for the alleviation of pain, including administration of local anesthetics;

(b) apply to the practice of anesthesia by a person licensed to practice medicine and surgery, a licensed dentist or a licensed podiatrist;

(c) prohibit the practice of nurse anesthesia by students enrolled in approved courses of study in the administration of anesthesia or analgesic as a part of such course of study;

(d) apply to the administration of a pudendal block by a person who holds a valid ~~certificate of qualification~~ license as an advanced *practice* registered nurse ~~practitioner~~ in the ~~category~~ role of nurse-midwife;

(e) apply to the administration by a licensed professional nurse of an anesthetic, other than general anesthesia, for a dental operation under the direct supervision of a licensed dentist or for a dental operation under the direct supervision of a person licensed to practice medicine and surgery;

(f) prohibit the practice by any registered nurse anesthetist who is employed by the United States government or in any bureau, division or agency thereof, while in the discharge of official duties; or

(g) prohibit a registered professional nurse from administering general anesthetic agents to a patient on ventilator maintenance in critical care units when under the direction of a person licensed to practice medicine and surgery or a person licensed to practice dentistry.

Sec. 50. On January 1, 2012, K.S.A. 2010 Supp. 8-1,125 is hereby amended to read as follows: 8-1,125. (a) Any Kansas resident who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person is a person with a disability or is responsible for the transportation of a person with a disability shall be issued a special license plate or a permanent placard for any motor vehicle owned by such person or shall be issued a temporary placard. Satisfactory proof of disability, condition or impairment shall include a statement from a person licensed to practice the healing arts in any state, a licensed optometrist, an advanced *practice* registered nurse ~~practitioner~~ *registered licensed* under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a Christian Science practitioner listed in The Christian Science Journal certifying that such person is a person with a disability. The placard shall be suspended immediately below the rear view mirror of any motor vehicle used for the transportation of a person with a disability so as to be maximally visible from outside the vehicle. In addition to the special license plate or permanent placard, the director of vehicles shall issue to the person with a disability an individual identification card which must be carried by the person with a disability when the motor vehicle being operated by or used for the transportation of such person is parked in accordance with the provisions of K.S.A. 8-1,126, and amendments thereto. In addition to the temporary placard, a person issued such temporary placard shall carry the state or county receipt showing the name of the person who is issued such temporary placard. A person submitting satisfactory proof that such person's disability, condition or impairment is permanent in nature, and upon such person's request and payment of the fees prescribed in subsection (b), shall be issued a permanent placard or a permanent placard and a special license plate and an individual identification card. Upon proper request, one additional permanent placard shall be issued to the applicant who has not requested and received a special license plate. Upon proper request, one additional temporary placard shall be issued to the applicant certified as temporarily disabled. Temporary placards shall have an expiration date of not longer than six months from the date of issuance. The special license plates and placards shall display the international symbol of access to the physically disabled.

(b) Special license plates issued pursuant to this section shall be issued for the same period of time as other license plates are issued or for the remainder of such period if an existing license plate is to be exchanged for the special license plate. There shall be no fee for such special license plates in addition to the regular registration fee. No person shall be issued more than one special license plate, except that agencies or businesses which provide transportation for persons with a disability as a service, may obtain additional special license plates for vehicles which are utilized in the provision of that service. Special license plates may be personalized license plates subject to the provisions of K.S.A. 8-132, and amendments thereto, including the payment of the additional fee.

(c) Except as otherwise provided in this section, placards and individual identification cards issued pursuant to this section shall be issued for such period of time as the person to whom issued continues to be a person with a disability or a person responsible for the transportation of a person with a disability, except that the secretary of revenue shall make a determination of continued eligibility for a special license plate or placard at least every three years from the original date of issuance of such license plate and placard.

(d) ~~On and after July 1, 1992;~~ The color of the permanent placard shall be white on a blue background and the temporary placard shall be white on a red background.

(e) In addition to such other information contained on *individual* identification cards, cards ~~issued or reissued on and after July 1, 2000,~~ shall have the date of birth and the sex of the person to whom the card is issued.

(f) Permanent placards and individual identification cards shall be returned to the department of revenue upon the death of the person with a disability. Temporary placards shall be returned to the department of revenue upon the expiration of the placard or upon the death of the person with a disability. Special license plates shall be returned to the county treasurer to be exchanged for another license plate upon the death of the person with a disability. The individual identification cards issued with the special license plates shall be returned to the department of revenue upon the death of the person with a disability.

(g) Violation of subsection (f) is an unclassified misdemeanor punishable by a fine of not more than \$50.

Sec. 51. On January 1, 2012, K.S.A. 2010 Supp. 39-7,119 is hereby amended to read as follows: 39-7,119. (a) There is hereby created the medicaid drug utilization review board which shall be responsible for the implementation of retrospective and prospective drug utilization programs under the Kansas medicaid program.

(b) Except as provided in subsection (i), the board shall consist of at least seven members appointed as follows:

(1) Two licensed physicians actively engaged in the practice of medicine, nominated by the Kansas medical society and appointed by the Kansas health policy authority from a list of four nominees;

(2) one licensed physician actively engaged in the practice of osteopathic medicine, nominated by the Kansas association of osteopathic medicine and appointed by the Kansas health policy authority from a list of four nominees;

(3) two licensed pharmacists actively engaged in the practice of pharmacy, nominated by the Kansas pharmacy association and appointed by the Kansas health policy authority from a list of four nominees;

(4) one person licensed as a pharmacist and actively engaged in academic pharmacy, appointed by the Kansas health policy authority from a list of four nominees provided by the university of Kansas;

(5) one licensed professional nurse actively engaged in long-term care nursing, nominated by the Kansas state nurses association and appointed by the Kansas health policy authority from a list of four nominees.

(c) The Kansas health policy authority may add two additional members so long as no class of professional representatives exceeds 51% of the membership.

(d) The physician and pharmacist members shall have expertise in the clinically appropriate prescribing and dispensing of outpatient drugs.

(e) The appointments to the board shall be for terms of three years. In making the appointments, the Kansas health policy authority shall provide for geographic balance in the representation on the board to the extent possible. Subject to the provisions of subsection (i), members may be reappointed.

(f) The board shall elect a chairperson from among board members who shall serve a one-year term. The chairperson may serve consecutive terms.

(g) The board, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting when it is considering matters relating to identifiable patients or providers.

(h) All actions of the medicaid drug utilization review board shall be upon the affirmative vote of five members of the board and the vote of each member present when action was taken shall be recorded by roll call vote.

(i) Upon the expiration of the term of office of any member of the medicaid drug utilization review board on or after the effective date of this act and in any case of a vacancy existing in the membership position of any member of the medicaid drug utilization review board on or after the effective date of this act, a successor shall be appointed by the Kansas health policy authority so that as the terms of members expire, or vacancies occur, members are appointed and the composition of the board is changed in accordance with the following and such appointment shall be made by the Kansas health policy authority in the following order of priority:

(1) One member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a hospital and who is nominated by the Kansas hospital association and appointed by the Kansas health policy authority from a list of two or more nominees;

(2) one member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a licensed adult care home and who is nominated by the state board of pharmacy and appointed by the Kansas health policy authority from a list of two or more nominees;

(3) one member shall be a licensed physician who is actively engaged in the general practice of allopathic medicine and who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the Kansas health policy authority from a list of two or more nominees;

(4) one member shall be a licensed physician who is actively engaged in mental health practice providing care and treatment to persons with mental illness, who has practice experience with the state medicaid plan and who is nominated by the Kansas psychiatric society and appointed by the Kansas health policy authority from a list of two or more nominees;

(5) one member shall be a licensed physician who is the medical director of a nursing facility, who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the Kansas health policy authority from a list of two or more nominees;

(6) one member shall be a licensed physician who is actively engaged in the general practice of osteopathic medicine, who has practice experience with the state medicaid plan and who is nominated by the Kansas association of osteopathic medicine and who is appointed by the Kansas health policy authority from a list of two or more nominees;

(7) one member shall be a licensed pharmacist who is actively engaged in retail pharmacy, who has practice experience with the state medicaid plan and who is nominated by the state board of pharmacy and appointed by the Kansas health policy authority from a list of two or more nominees;

(8) one member shall be a licensed pharmacist who is actively engaged in or who has experience in research pharmacy and who is nominated jointly by the Kansas task force for the pharmaceutical research and manufacturers association and the university of Kansas and appointed by the Kansas health policy authority from a list of two or more jointly nominated persons; and

(9) one member shall be a licensed advanced *practice* registered nurse ~~practitioner~~ or physician assistant actively engaged in the practice of providing the health care and treatment services such person is licensed to perform, who has practice experience with the state medicaid plan and who is nominated jointly by the Kansas state nurses' association and the Kansas academy of physician assistants and appointed by the Kansas health policy authority from a list of two or more jointly nominated persons.

Sec. 52. On January 1, 2012, K.S.A. 2010 Supp. 40-2,111 is hereby amended to read as follows: 40-2,111. As used in K.S.A. 40-2,111 through 40-2,113, and amendments thereto: (a) "Adverse underwriting decision" means: Any of the following actions with respect to insurance transactions involving insurance coverage which is individually underwritten:

(1) A declination of insurance coverage;

(2) a termination of insurance coverage;

(3) an offer to insure at higher than standard rates, with respect to life, health or disability insurance coverage; or

(4) the charging of a higher rate on the basis of information which differs from that which the applicant or policyholder furnished, with respect to property or casualty insurance coverage.

(b) "Declination of insurance coverage" means a denial, in whole or in part, by an insurance company or agent of requested insurance coverage.

(c) "Health care institution" means any medical care facility, adult care home, drug abuse and alcoholic treatment facility, home-health agency certified for federal reimbursement, mental health center or mental health clinic licensed by the secretary of social and rehabilitation services, kidney disease treatment center, county, city-county or multicounty health departments and health-maintenance organization.

(d) "Health care provider" means any person licensed to practice any branch of the healing arts, licensed dentist, licensed professional nurse, licensed practical nurse, *licensed* advanced *practice* registered nurse ~~practitioner~~, licensed optometrist, licensed physical therapist, licensed social worker, licensed physician assistant, licensed

podiatrist or licensed psychologist.

(e) "Institutional source" means any natural person, corporation, association, partnership or governmental or other legal entity that provides information about an individual to an agent or insurance company, other than:

- (1) An agent;
- (2) the individual who is the subject of the information; or
- (3) a natural person acting in a personal capacity rather than a business or professional capacity.

(f) "Insurance transaction" means any transaction involving insurance, but not including group insurance coverage, primarily for personal, family or household needs rather than business or professional needs.

(g) "Medical-record information" means personal information which:

- (1) Relates to an individual's physical or mental condition, medical history or medical treatment; and
- (2) is obtained from a health care provider or health care institution, from the individual, or from the individual's spouse, parent or legal guardian.

(h) "Termination of insurance coverage" or "termination of an insurance policy" means either a cancellation, nonrenewal or lapse of an insurance policy, in whole or in part, for any reason other than:

- (1) The failure to pay a premium as required by the policy; or
- (2) at the request or direction of the insured.

Sec. 53. On January 1, 2012, K.S.A. 40-2250 is hereby amended to read as follows: 40-2250. ~~(a)~~ Notwithstanding any provision of an individual or group policy or contract for health and accident insurance delivered within the state, whenever such policy or contract shall provide for reimbursement for any services within the lawful scope of practice of ~~an~~ *a licensed advanced practice* registered nurse ~~practitioner~~ within the state of Kansas, the insured, or any other person covered by the policy or contract, shall be allowed and entitled to reimbursement for such service irrespective of whether it was provided or performed by a duly licensed physician or ~~an~~ *a licensed advanced practice* registered nurse. ~~practitioner.~~

~~(b) Notwithstanding the provisions of subsection (a), reimbursement shall be mandated with respect to services performed by an advanced registered nurse practitioner in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte counties.~~

~~(c) The provisions of subsection (b) shall expire on July 1, 1998.~~

Sec. 54. On January 1, 2012, K.S.A. 2010 Supp. 65-468 is hereby amended to read as follows: 65-468. As used in K.S.A. 65-468 to 65-474, inclusive, and amendments thereto:

(a) "Health care provider" means any person licensed or otherwise authorized by law to provide health care services in this state or a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by law to form such corporation and who are health care providers as defined by this subsection, or an officer, employee or agent thereof, acting in the course and scope of employment or agency.

(b) "Member" means any hospital, emergency medical service, local health department, home health agency, adult care home, medical clinic, mental health center or clinic or nonemergency transportation system.

(c) "Mid-level practitioner" means a physician assistant or advanced *practice* registered nurse ~~practitioner~~ who has entered into a written protocol with a rural health network physician.

(d) "Physician" means a person licensed to practice medicine and surgery.

(e) "Rural health network" means an alliance of members including at least one critical access hospital and at least one other hospital which has developed a comprehensive plan submitted to and approved by the secretary of health and environment regarding patient referral and transfer; the provision of emergency and nonemergency transportation among members; the development of a network-wide emergency services plan; and the development of a plan for sharing patient information and services between hospital members concerning medical staff credentialing, risk management, quality assurance and peer review.

(f) "Critical access hospital" means a member of a rural health network which makes available twenty-four hour emergency care services; provides not more than 25 acute care inpatient beds or in the case of a facility with an approved swing-bed agreement a combined total of extended care and acute care beds that does not exceed 25 beds; provides acute inpatient care for a period that does not exceed, on an annual average basis, 96 hours per patient; and provides nursing services under the direction of a licensed professional nurse and continuous licensed professional nursing services for not less than 24 hours of every day when any bed is occupied or the facility is open to provide services for patients unless an exemption is granted by the licensing agency pursuant to rules and regulations. The critical access hospital may provide any services otherwise required to be provided by a full-time, on-site dietician, pharmacist, laboratory technician, medical technologist and radiological technologist on a part-time, off-site basis under written agreements or arrangements with one or more providers or suppliers recognized under medicare. The critical access hospital may provide inpatient services by a physician assistant, *advanced practice registered nurse practitioner* or a clinical nurse specialist subject to the oversight of a physician who need not be present in the facility. In addition to the facility's 25 acute beds or swing beds, or both, the critical access hospital may have a psychiatric unit or a rehabilitation unit, or both. Each unit shall not exceed 10 beds and neither unit will count toward the 25-bed limit, nor will these units be subject to the average 96-hour length of stay restriction.

(g) "Hospital" means a hospital other than a critical access hospital which has entered into a written agreement with at least one critical access hospital to form a rural health network and to provide medical or administrative supporting services within the limit of the hospital's capabilities.

Sec. 55. On January 1, 2012, K.S.A. 2010 Supp. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

(a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner;

(2) the patient or research subject at the direction and in the presence of the practitioner; or

(3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments thereto.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser but shall not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual

and lawful course of the carrier's or warehouseman's business.

(c) "Authorized distributor of record" means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between such wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in section 1504 of the internal revenue code, complies with any one of the following: (1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing such ongoing relationship; and (2) the wholesale distributor is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.

(d) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(e) "Brand exchange" means the dispensing of a different drug product of the same dosage form and strength and of the same generic name ~~than~~ as the brand name drug product prescribed.

(f) "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

(g) "Chain pharmacy warehouse" means a permanent physical location for drugs or devices, or both, that ~~act~~ acts as a central warehouse and ~~perform~~ performs intracompany sales or transfers of prescription drugs or devices to chain pharmacies that have the same ownership or control. Chain pharmacy warehouses must be registered as wholesale distributors.

(h) "Co-licensee" means a pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a prescription drug and the national drug code on the drug product label shall be used to determine the identity of the drug manufacturer.

(i) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

(j) "Direct supervision" means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacy student or pharmacy technician to a sufficient degree to assure that all such activities are performed accurately, safely and without risk or harm to patients, and complete the final check before dispensing.

(k) "Dispense" means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner.

(l) "Dispenser" means a practitioner or pharmacist who dispenses prescription medication.

(m) "Distribute" means to deliver, other than by administering or dispensing, any drug.

(n) "Distributor" means a person who distributes a drug.

(o) "Drop shipment" means the sale, by a manufacturer, that manufacturer's co-licensee, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of the manufacturer's prescription drug, to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the pharmacy, the chain pharmacy

warehouse, or other designated person authorized by law to dispense or administer such prescription drug, and the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug receives delivery of the prescription drug directly from the manufacturer, that manufacturer's co-licensee, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of such prescription drug. Drop shipment shall be part of the "normal distribution channel."

(p) "Drug" means: (1) Articles recognized in the official United States pharmacopoeia, or other such official compendiums of the United States, or official national formulary, or any supplement of any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any articles specified in clause (1), (2) or (3) of this subsection; but does not include devices or their components, parts or accessories, except that the term "drug" shall not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated prior to its repeal.

(q) "Durable medical equipment" means technologically sophisticated medical devices that may be used in a residence, including the following: (1) Oxygen and oxygen delivery system; (2) ventilators; (3) respiratory disease management devices; (4) continuous positive airway pressure (CPAP) devices; (5) electronic and computerized wheelchairs and seating systems; (6) apnea monitors; (7) transcutaneous electrical nerve stimulator (TENS) units; (8) low air loss cutaneous pressure management devices; (9) sequential compression devices; (10) feeding pumps; (11) home phototherapy devices; (12) infusion delivery devices; (13) distribution of medical gases to end users for human consumption; (14) hospital beds; (15) nebulizers; (16) other similar equipment determined by the board in rules and regulations adopted by the board.

(r) "Exclusive distributor" means any entity that: (1) Contracts with a manufacturer to provide or coordinate warehousing, wholesale distribution or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must be an authorized distributor of record.

(s) "Electronic transmission" means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.

(t) "Generic name" means the established chemical name or official name of a drug or drug product.

(u) (1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and which is maintained or operated for the purpose of providing the drug needs of:

(A) Inmates of a jail or correctional institution or facility;

(B) residents of a juvenile detention facility, as defined by the revised Kansas code for care of children and the revised Kansas juvenile justice code;

(C) students of a public or private university or college, a community college or any other institution of higher learning which is located in Kansas;

(D) employees of a business or other employer; or

(E) persons receiving inpatient hospice services.

(2) "Institutional drug room" does not include:

(A) Any registered pharmacy;

(B) any office of a practitioner; or

(C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

(v) "Intracompany transaction" means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership or control of a corporate entity, or any transaction or transfer between co-licensees of a co-licensed product.

(w) "Medical care facility" shall have the meaning provided in K.S.A. 65-425, and amendments thereto, except that the term shall also include facilities licensed under the provisions of K.S.A. 75-3307b, and amendments thereto, except community mental health centers and facilities for the mentally retarded.

(x) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the drug or labeling or relabeling of its container, except that this term shall not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by:

(1) A practitioner or a practitioner's authorized agent incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice;

(2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or

(3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

(y) "Manufacturer" means a person licensed or approved by the FDA to engage in the manufacture of drugs and devices.

(z) "Normal distribution channel" means a chain of custody for a prescription-only drug that goes from a manufacturer of the prescription-only drug, from that manufacturer to that manufacturer's co-licensed partner, from that manufacturer to that manufacturer's third-party logistics provider, or from that manufacturer to that manufacturer's exclusive distributor, directly or by drop shipment, to:

(1) A pharmacy to a patient or to other designated persons authorized by law to dispense or administer such drug to a patient;

(2) a wholesale distributor to a pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient;

(3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized

by law to dispense or administer such drug to a patient; or

(4) a chain pharmacy warehouse to the chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient.

(aa) "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

(bb) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

(cc) "Pharmacist in charge" means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist in charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

(dd) "Pharmacy," "drug store" or "apothecary" means premises, laboratory, area or other place: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; or (2) which has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

(ee) "Pharmacy student" means an individual, registered with the board of pharmacy, enrolled in an accredited school of pharmacy.

(ff) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy related duties, but who does not perform duties restricted to a pharmacist.

(gg) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist ~~licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee~~, or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

(hh) "Preceptor" means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.

(ii) "Prescription" means, according to the context, either a prescription order or a prescription medication.

(jj) "Prescription medication" means any drug, including label and container according to context, which is dispensed pursuant to a prescription order.

(kk) "Prescription-only drug" means any drug whether intended for use by man or animal, required by federal or state law (including 21 ~~United States Code section 353~~ U.S.C. § 353 , as amended), to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

(ll) "Prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a practitioner or a mid-level practitioner in the authorized course of professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such practitioner or mid-level practitioner.

(mm) "Probation" means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

(nn) "Professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior which demonstrates a manifest incapacity or incompetence to practice pharmacy.

(oo) "Retail dealer" means a person selling at retail nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.

(pp) "Secretary" means the executive secretary of the board.

(qq) "Third party logistics provider" means an entity that: (1) Provides or coordinates warehousing, distribution or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must also be an authorized distributor of record.

(rr) "Unprofessional conduct" means:

(1) Fraud in securing a registration or permit;

(2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;

(3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;

(4) intentionally falsifying or altering records or prescriptions;

(5) unlawful possession of drugs and unlawful diversion of drugs to others;

(6) willful betrayal of confidential information under K.S.A. 65-1654, and amendments thereto;

- (7) conduct likely to deceive, defraud or harm the public;
- (8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;
- (9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or
- (10) performing unnecessary tests, examinations or services which have no legitimate pharmaceutical purpose.

(ss) "Mid-level practitioner" means an advanced *practice* registered nurse ~~practitioner~~ issued a ~~certificate of qualification~~ *license* pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.

(tt) "Vaccination protocol" means a written protocol, agreed to by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, which establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

(uu) "Veterinary medical teaching hospital pharmacy" means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a ~~non-human~~ *nonhuman*.

(vv) "Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs or devices in or into the state, including, but not limited to, manufacturers, repackagers, own-label distributors, private-label distributors, jobbers, brokers, warehouses, including manufacturers' and distributors' warehouses, co-licensees, exclusive distributors, third party logistics providers, chain pharmacy warehouses that conduct wholesale distributions, and wholesale drug warehouses, independent wholesale drug traders and retail pharmacies that conduct wholesale distributions. Wholesale distributor shall not include persons engaged in the sale of durable medical equipment to consumers or patients.

(ww) "Wholesale distribution" means the distribution of prescription drugs or devices by wholesale distributors to persons other than consumers or patients, and includes the transfer of prescription drugs by a pharmacy to another pharmacy if the total number of units of transferred drugs during a twelve-month period does not exceed 5% of the total number of all units dispensed by the pharmacy during the immediately preceding twelve-month period. Wholesale distribution does not include: (1) The sale, purchase or trade of a prescription drug or device, an offer to sell, purchase or trade a prescription drug or device or the dispensing of a prescription drug or device pursuant to a prescription; (2) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device for emergency medical reasons; (3) intracompany transactions, as defined in this section, unless in violation of own use provisions; (4) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device among hospitals, chain pharmacy warehouses, pharmacies or other health care entities that are under common control; (5) the sale, purchase or trade of a prescription drug or device or the offer to

sell, purchase or trade a prescription drug or device by a charitable organization described in ~~503(c)(2)~~ 503(c)(3) of the internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law; (6) the purchase or other acquisition by a hospital or other similar health care entity that is a member of a group purchasing organization of a prescription drug or device for its own use from the group purchasing organization or from other hospitals or similar health care entities that are members of these organizations; (7) the transfer of prescription drugs or devices between pharmacies pursuant to a centralized prescription processing agreement; (8) the sale, purchase or trade of blood and blood components intended for transfusion; (9) the return of recalled, expired, damaged or otherwise non-salable prescription drugs, when conducted by a hospital, health care entity, pharmacy, chain pharmacy warehouse or charitable institution in accordance with the board's rules and regulations; (10) the sale, transfer, merger or consolidation of all or part of the business of a retail pharmacy or pharmacies from or with another retail pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets, in accordance with the board's rules and regulations; (11) the distribution of drug samples by manufacturers' and authorized distributors' representatives; (12) the sale of minimal quantities of drugs by retail pharmacies to licensed practitioners for office use; or (13) the sale or transfer from a retail pharmacy or chain pharmacy warehouse of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a third party returns processor in accordance with the board's rules and regulations.

Sec. 56. On and after January 1, 2012, K.S.A. 2010 Supp. 65-2921 is hereby amended to read as follows: 65-2921. (a) Except as otherwise provided in subsection (b), (c) or (d), a physical therapist may evaluate patients without physician referral but may initiate treatment only after approval by a licensed physician, a licensed podiatrist, a licensed physician assistant or ~~an~~ a licensed advanced practice registered nurse practitioner working pursuant to the order or direction of a licensed physician, a licensed chiropractor, a licensed dentist or licensed optometrist in appropriately related cases. Physical therapists may initiate physical therapy treatment with the approval of a practitioner of the healing arts duly licensed under the laws of another state and may provide such treatment based upon an order by such practitioner in any setting in which physical therapists would be authorized to provide such treatment with the approval of a physician licensed by the board, notwithstanding any provisions of the Kansas healing arts act or any rules and regulations adopted by the board thereunder.

(b) Physical therapists may evaluate and treat a patient for no more than 30 consecutive calendar days without a referral under the following conditions: (1) The patient has previously been referred to a physical therapist for physical therapy services by a person authorized by this section to approve treatment; (2) the patient's referral for physical therapy was made within one year from the date a physical therapist implements a program of physical therapy treatment without a referral; (3) the physical therapy being provided to the patient without referral is for the same injury, disease or condition as indicated in the referral for such previous injury, disease or condition; and (4) the physical therapist transmits to the physician or other practitioner identified by the patient a copy of the initial evaluation no later than five business days after treatment commences. Treatment of such patient for more than 30 consecutive calendar days of such patient shall only be upon the approval of a person authorized by this section to approve treatment.

(c) Physical therapists may provide, without a referral, services which do not constitute treatment for a specific condition, disease or injury to: (1) Employees solely for the purpose of education and instruction related to workplace injury prevention; or (2) the public for the purpose of fitness, health promotion and education.

(d) Physical therapists may provide services without a referral to special education students who need physical therapy services to fulfill the provisions of their individualized education plan (IEP) or individualized family service plan (IFSP).

Sec. 57. On January 1, 2012, K.S.A. 2010 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by: (1) A practitioner or pursuant to the lawful direction of a practitioner; or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Board" means the state board of pharmacy.

(d) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(e) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments to these sections ~~thereto~~.

(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(h) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(i) "Dispenser" means a practitioner or pharmacist who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2) or (3) of this subsection. It does not include devices or their components, parts or accessories.

(m) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(n) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance: (1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(o) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

(p) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: (1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(q) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(r) "Opium poppy" means the plant of the species *Papaver somniferum l.* except its

seeds.

(s) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(t) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(u) "Pharmacist" means an individual currently licensed by the board to practice the profession of pharmacy in this state.

(v) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(w) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(x) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(aa) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(bb) (1) "Controlled substance analog" means a substance that is intended for human consumption, and:

(A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, which the individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act (21 U.S.C. § 355) to the extent conduct with respect to the substance is permitted by the exemption.

(cc) "Mid-level practitioner" means an advanced *practice* registered nurse ~~practitioner~~ issued a ~~certificate of qualification~~ *license* pursuant to K.S.A. 65-1131, and

amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.

Sec. 58. On January 1, 2012, K.S.A. 2010 Supp. 65-5402 is hereby amended to read as follows: 65-5402. As used in K.S.A. 65-5401 to 65-5417, inclusive, and K.S.A. 65-5418 to 65-5420, inclusive, and amendments thereto:

(a) "Board" means the state board of healing arts.

(b) "Practice of occupational therapy" means the therapeutic use of purposeful and meaningful occupations (goal-directed activities) to evaluate and treat, pursuant to the referral, supervision, order or direction of a physician, a licensed podiatrist, a licensed dentist, a licensed physician assistant, or ~~an~~ a licensed advanced *practice* registered nurse ~~practitioner~~ working pursuant to the order or direction of a person licensed to practice medicine and surgery, a licensed chiropractor, or a licensed optometrist, individuals who have a disease or disorder, impairment, activity limitation or participation restriction that interferes with their ability to function independently in daily life roles and to promote health and wellness. Occupational therapy intervention may include:

(1) Remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological or neurological cognitive processes;

(2) adaptation of tasks, process, or the environment or the teaching of compensatory techniques in order to enhance performance;

(3) disability prevention methods and techniques that facilitate the development or safe application of performance skills; and

(4) health promotion strategies and practices that enhance performance abilities.

(c) "Occupational therapy services" include, but are not limited to:

(1) Evaluating, developing, improving, sustaining, or restoring skills in activities of daily living (ADL), work or productive activities, including instrumental activities of daily living (IADL) and play and leisure activities;

(2) evaluating, developing, remediating, or restoring sensorimotor, cognitive or psychosocial components of performance;

(3) designing, fabricating, applying, or training in the use of assistive technology or orthotic devices and training in the use of prosthetic devices;

(4) adapting environments and processes, including the application of ergonomic principles, to enhance performance and safety in daily life roles;

(5) applying physical agent modalities as an adjunct to or in preparation for engagement in occupations;

(6) evaluating and providing intervention in collaboration with the client, family, caregiver or others;

(7) educating the client, family, caregiver or others in carrying out appropriate nonskilled interventions; and

(8) consulting with groups, programs, organizations or communities to provide population-based services.

(d) "Occupational therapist" means a person licensed to practice occupational therapy as defined in this act.

(e) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of an occupational therapist.

(f) "Person" means any individual, partnership, unincorporated organization or corporation.

(g) "Physician" means a person licensed to practice medicine and surgery.

(h) "Occupational therapy aide," "occupational therapy tech" or "occupational therapy paraprofessional" means a person who provides supportive services to occupational therapists and occupational therapy assistants in accordance with K.S.A. 65-5419, and amendments thereto.

Sec. 59. On January 1, 2012, K.S.A. 2010 Supp. 65-6112, as amended by section 82 of this act, is hereby amended to read as follows: 65-6112. As used in this act:

(a) "Administrator" means the executive director of the emergency medical services board.

(b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) "Advanced *practice* registered nurse practitioner" means an advanced *practice* registered nurse practitioner as defined in K.S.A. 65-1113, and amendments thereto.

(d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(f) "Attendant" means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, mobile intensive care technician or paramedic certified pursuant to this act.

(g) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(h) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency which includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced *practice* registered nurse practitioner, professional nurse, a licensed physician assistant or attendant.

(i) "Emergency medical technician" means a person who holds an emergency medical technician certificate issued pursuant to this act.

(j) "Emergency medical technician-defibrillator" means a person who holds an emergency medical technician-defibrillator certificate issued pursuant to this act.

(k) "Emergency medical technician-intermediate" means a person who holds an emergency medical technician-intermediate certificate issued pursuant to this act.

(l) "Emergency medical technician-intermediate/defibrillator" means a person who holds both an emergency medical technician-intermediate and emergency medical technician defibrillator certificate issued pursuant to this act.

(m) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.

(n) "First responder" means a person who holds a first responder certificate issued

pursuant to this act.

(o) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

(p) "Instructor-coordinator" means a person who is certified under this act to teach initial *certification* and continuing education classes.

(q) "Medical director" means a physician.

(r) "Medical protocols" mean written guidelines which authorize attendants to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced *practice* registered nurse practitioner authorized by a physician or professional nurse authorized by a physician. The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.

(s) "Mobile intensive care technician" means a person who holds a mobile intensive care technician certificate issued pursuant to this act.

(t) "Municipality" means any city, county, township, fire district or ambulance service district.

(u) "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the attendant whether within or outside the vehicle as part of such transportation services.

(v) "Operator" means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.

(w) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.

(x) "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.

(y) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

(z) "Physician assistant" means a person who is licensed under the physician assistant licensure act and who is acting under the direction of a responsible physician.

(aa) "Professional nurse" means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

(bb) "Provider of training" means a corporation, partnership, accredited postsecondary education institution, ambulance service, fire department, hospital or municipality that conducts training programs that include, but are not limited to, initial courses of instruction and continuing education for attendants, instructor-coordinators or training officers.

(cc) "Responsible physician" means responsible physician as such term is defined under K.S.A. 65-28a02, and amendments thereto.

(dd) "Training officer" means a person who is certified pursuant to this act to teach, *coordinate or both*, initial courses of instruction for first responders or emergency medical responders and continuing education as prescribed by the board.

Sec. 60. On January 1, 2012, K.S.A. 2010 Supp. 65-6119 is hereby amended to read as follows: 65-6119. (a) Notwithstanding any other provision of law, mobile

intensive care technicians may:

(1) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6123, 65-6144, and amendments thereto;

(2) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician, an advanced *practice* registered nurse ~~practitioner~~ where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person may administer such medications or procedures as may be deemed necessary by a person identified in subsection (a)(2);

(3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting a person identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; and

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as a mobile intensive care technician once meeting the continuing education requirements prescribed by the rules and regulations of the board, upon application for renewal, shall be deemed to hold a certificate as a paramedic under this act, and such individual shall not be required to file an original application as a paramedic for certification under this act.

(c) "Renewal" as used in subsection (b), refers to the first opportunity that a mobile intensive care technician has to apply for renewal of a certificate following the effective date of this act.

(d) Upon transition notwithstanding any other provision of law, a paramedic may:

(1) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6144, and amendments thereto;

(2) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician or an advanced *practice* registered nurse ~~practitioner~~ where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person, may administer such medications or procedures as may be deemed necessary by a person identified in subsection (d)(2);

(3) perform, during an emergency, those activities specified in subsection (d)(2) before contacting a person identified in subsection (d)(2) when specifically authorized to perform such activities by medical protocols; and

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

Sec. 61. On January 1, 2012, K.S.A. 2010 Supp. 65-6120, as amended by section 83 of this act, is hereby amended to read as follows: 65-6120. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-intermediate may:

(1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto;

(2) when approved by medical protocols or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced *practice* registered nurse ~~practitioner~~ where authorized by a physician or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform veni-puncture

for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions, endotracheal intubation and administration of nebulized albuterol;

(3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting the persons identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; or

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-intermediate once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(c) "Renewal" as used in subsection (b), refers to the first or second opportunity after December 31, 2011, that an emergency medical technician-intermediate has to apply for renewal of a certificate.

(d) Emergency medical technician-intermediates who fail to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-intermediate may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(e) Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.

(f) Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:

(1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto; and

(2) perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone

or video conference with a physician, physician assistant where authorized by a physician, an advanced *practice* registered nurse ~~practitioner~~ where authorized by a physician, or licensed professional nurse where authorized by a physician upon order of such a person: (A) Continuous positive airway pressure devices; (B) advanced airway management; (C) referral of patient of alternate medical care site based on assessment; (D) transportation of a patient with a capped arterial line; (E) veni-puncture for obtaining blood sample; (F) initiation and maintenance of intravenous infusion or saline lock; (G) initiation of intraosseous infusion; (H) nebulized therapy; (I) manual defibrillation and cardioversion; (J) cardiac monitoring; (K) electrocardiogram interpretation; (L) administration of generic or trade name medications by one or more of the following methods: (i) Aerosolization; (ii) nebulization; (iii) intravenous; (iv) intranasal; (v) rectal; (vi) subcutaneous; (vii) intraosseous; (viii) intramuscular; or (ix) sublingual.

(g) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician-defibrillator once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(h) "Renewal" as used in subsection (g), refers to the first or second opportunity after December 31, 2011, that an emergency medical technician-intermediate and emergency medical technician-defibrillator has to apply for renewal of a certificate.

(i) An individual who holds both an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, who fails to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, and provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such individual may apply to transition to become an emergency medical technician or emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(j) Failure to successfully complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or the emergency medical responder transition course will result in loss of certification.

Sec. 62. On January 1, 2012, K.S.A. 2010 Supp. 65-6121, as amended by section 84 of this act, is hereby amended to read as follows: 65-6121. (a) Notwithstanding any

other provision of law to the contrary, an emergency medical technician may perform any of the following activities:

- (1) Patient assessment and vital signs;
- (2) airway maintenance including the use of:
 - (A) Oropharyngeal and nasopharyngeal airways;
 - (B) esophageal obturator airways with or without gastric suction device;
 - (C) multi-lumen airway; and
 - (D) oxygen demand valves.
- (3) Oxygen therapy;
- (4) oropharyngeal suctioning;
- (5) cardiopulmonary resuscitation procedures;
- (6) control accessible bleeding;
- (7) apply pneumatic anti-shock garment;
- (8) manage outpatient medical emergencies;
- (9) extricate patients and utilize lifting and moving techniques;
- (10) manage musculoskeletal and soft tissue injuries including dressing and bandaging wounds or the splinting of fractures, dislocations, sprains or strains;
- (11) use of backboards to immobilize the spine;
- (12) administer activated charcoal and glucose;
- (13) monitor intravenous line delivering intravenous fluids during interfacility transport with the following restrictions:
 - (A) The physician approves the transfer by an emergency medical technician;
 - (B) no medications or nutrients have been added to the intravenous fluids; and
 - (C) the emergency medical technician may monitor, maintain and shut off the flow of intravenous fluid;
- (14) use automated external defibrillators;
- (15) administer epinephrine auto-injectors provided that:
 - (A) The emergency medical technician successfully completes a course of instruction approved by the board in the administration of epinephrine;
 - (B) the emergency medical technician serves with an ambulance service or a first response organization that provides emergency medical services; and
 - (C) the emergency medical technician is acting pursuant to medical protocols;
- (16) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols; or
- (17) when authorized by medical protocol, assist the patient in the administration of the following medications which have been prescribed for that patient: Auto-injection epinephrine, sublingual nitroglycerin and inhalers for asthma and emphysema.
 - (b) An individual who holds a valid certificate as an emergency medical technician at the current basic level once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an

emergency medical technician.

(c) "Renewal" as used in subsection (b), refers to the first opportunity after December 31, 2011, that an emergency medical technician has to apply for renewal of a certificate following the effective date of this act.

(d) Emergency medical technicians who fail to meet the transition requirements as specified may successfully complete the board prescribed emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Alternatively, upon application for renewal of an emergency medical technician certificate, the applicant shall be deemed to hold a certificate as an emergency medical responder under this act, and such individual shall not be required to file an original application for certification as an emergency medical responder.

(e) Failure to successfully complete either an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.

(f) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any activities identified in K.S.A. 65-6144, and amendments thereto, and any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced *practice* registered nurse ~~practitioner~~ when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person:

- (1) Airway maintenance including use of:
 - (A) Single lumen airways as approved by the board;
 - (B) multilumen airways;
 - (C) ventilator devices;
 - (D) forceps removal of airway obstruction;
 - (E) CO2 monitoring;
 - (F) airway suctioning;
 - (2) apply pneumatic anti-shock garment;
 - (3) assist with childbirth;
 - (4) monitoring urinary catheter;
 - (5) capillary blood sampling;
 - (6) cardiac monitoring;
 - (7) administration of patient assisted medications as approved by the board;
 - (8) administration of medications as approved by the board by appropriate routes;
- and

(9) monitor, maintain or discontinue flow of IV line if a physician approves transfer by an emergency medical technician.

Sec. 63. On January 1, 2012, K.S.A. 2010 Supp. 65-6123, as amended by section 85 of this act, is hereby amended to read as follows: 65-6123. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-defibrillator may:

(1) Perform any of the activities identified in K.S.A. 65-6121, and amendments thereto;

(2) when approved by medical protocols or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced *practice* registered nurse ~~practitioner~~ where authorized by a physician, or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform electrocardiographic monitoring and defibrillation;

(3) perform, during an emergency, those activities specified in subsection (b) before contacting the persons identified in subsection (b) when specifically authorized to perform such activities by medical protocols; or

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-defibrillator once successfully completing an emergency medical technician-intermediate, initial course of instruction and the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician.

(c) "Renewal" as used in subsection (b), refers to the second opportunity after December 31, 2011, that an attendant has to apply for renewal of a certificate.

(d) Emergency medical technician-defibrillator attendants who fail to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-defibrillator may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(e) Failure to complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or an emergency medical responder transition course will result in loss of certification.

Sec. 64. On January 1, 2012, K.S.A. 2010 Supp. 65-6124, as amended by section 86 of this act, is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced *practice* registered nurse ~~practitioner~~ or licensed

professional nurse, who gives emergency instructions to an attendant as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages which may result from gross negligence in giving such instructions.

(b) No attendant as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the responsible physician for a physician assistant, advanced *practice* registered nurse ~~practitioner~~ or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of such attendant as defined by K.S.A. 65-6112, and amendments thereto.

(c) No person certified as an instructor-coordinator and no training officer shall be liable for any civil damages which may result from such instructor-coordinator's or training officer's course of instruction, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator or training officer.

(d) No medical adviser who reviews, approves and monitors the activities of attendants shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages which may result from gross negligence in such review, approval or monitoring.

Sec. 65. On January 1, 2012, K.S.A. 2010 Supp. 65-6129c is hereby amended to read as follows: 65-6129c. (a) Application for a training officer's certificate shall be made to the emergency medical services board upon forms provided by the administrator. The board may grant a training officer's certificate to an applicant who: (1) Is an emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, mobile intensive care technician, advanced emergency medical technician, paramedic, physician, physician assistant, advanced *practice* registered nurse ~~practitioner~~ or professional nurse; (2) successfully completes an initial course of training approved by the board; (3) passes an examination prescribed by the board; (4) is appointed by a provider of training approved by the board; and (5) has paid a fee established by the board.

(b) A training officer's certificate shall expire on the expiration date of the attendant's certificate if the training officer is an attendant or on the expiration date of the physician's, physician assistant's, advanced *practice* registered ~~nurse-practitioner's~~ *nurse's* or professional nurse's license if the training officer is a physician, physician assistant, advanced *practice* registered nurse ~~practitioner~~ or professional nurse. A training officer's certificate may be renewed for the same period as the attendant's certificate or the physician's, physician assistant's, advanced *practice* registered ~~nurse-practitioner's~~ *nurse's* or professional nurse's license upon payment of a fee as prescribed by rules and regulations and upon presentation of satisfactory proof that the training officer has successfully completed continuing education prescribed by the board and is certified as an emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, mobile-intensive care technician, advanced emergency medical technician, paramedic, physician, physician assistant, advanced *practice* registered nurse ~~practitioner~~ or professional nurse. The board may prorate to the nearest whole month the fee fixed under this subsection as necessary to implement the provisions of this subsection.

(c) A training officer's certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate if such individual:

(1) Fails to maintain certification or licensure as an emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, mobile intensive care technician, advanced emergency medical technician, paramedic, physician, physician assistant, advanced *practice* registered nurse ~~practitioner~~ or professional nurse;

(2) fails to maintain support of appointment by a provider of training;

(3) fails to successfully complete continuing education;

(4) has made intentional misrepresentations in obtaining a certificate or renewing a certificate;

(5) has demonstrated incompetence or engaged in unprofessional conduct as defined by rules and regulations adopted by the board;

(6) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations promulgated by the board; or

(7) has been convicted of any state or federal crime that is related substantially to the qualifications, functions and duties of a training officer or any crime punishable as a felony under any state or federal statute and the board determines that such individual has not been sufficiently rehabilitated to warrant public trust. A conviction means a plea of guilty, a plea of nolo contendere or a verdict of guilty. The board may take disciplinary action pursuant to this section when the time for appeal has elapsed, or after the judgment of conviction is affirmed on appeal or when an order granting probation is made suspending the imposition of sentence.

(d) The board may revoke, limit, modify or suspend a certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

(e) If a person who previously was certified as a training officer applies for a training officer's certificate within two years of the date of its expiration, the board may grant a certificate without the person completing an initial course of training or taking an examination if the person complies with the other provisions of subsection (a) and completes continuing education requirements.

Sec. 66. On January 1, 2012, K.S.A. 2010 Supp. 65-6135 is hereby amended to read as follows: 65-6135. (a) All ambulance services providing emergency care as defined by the rules and regulations adopted by the board shall offer service 24 hours per day every day of the year.

(b) Whenever an operator is required to have a permit, at least one person on each vehicle providing emergency medical service shall be an attendant certified as an emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, a mobile intensive care technician, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, a paramedic, a physician, a licensed physician assistant, ~~an~~ a *licensed advanced practice* registered nurse ~~practitioner~~ or a professional nurse.

Sec. 67. On January 1, 2012, K.S.A. 2010 Supp. 65-6144, as amended by section 91 of this act, is hereby amended to read as follows: 65-6144. (a) A first responder may perform any of the following activities:

(1) Initial scene management including, but not limited to, gaining access to the

individual in need of emergency care, extricating, lifting and moving the individual;

- (2) cardiopulmonary resuscitation and airway management;
- (3) control of bleeding;
- (4) extremity splinting excluding traction splinting;
- (5) stabilization of the condition of the individual in need of emergency care;
- (6) oxygen therapy;
- (7) use of oropharyngeal airways;
- (8) use of bag valve masks;
- (9) use automated external defibrillators; and
- (10) other techniques of preliminary care a first responder is trained to provide as approved by the board.

(b) An individual who holds a valid certificate as a first responder, once completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an emergency medical responder. Alternatively, upon application for renewal of such certificate, such individual shall be deemed to hold a certificate as an emergency medical responder under this act, provided such individual has completed all continuing education hour requirements inclusive of a transition course and such individual shall not be required to file an original application for certification as an emergency medical responder.

(c) "Renewal" as used in subsection (b), refers to the first opportunity after December 31, 2011, that an attendant has to apply for renewal of a certificate.

(d) First responder attendants who fail to meet the transition requirements as specified will forfeit their certification.

(e) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced *practice* registered nurse ~~practitioner~~ when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person: (1) Emergency vehicle operations; (2) initial scene management; (3) patient assessment and stabilization; (4) cardiopulmonary resuscitation and airway management; (5) control of bleeding; (6) extremity splinting; (7) spinal immobilization; (8) oxygen therapy; (9) use of bag-valve-mask; (10) use of automated external defibrillator; (11) nebulizer therapy; (12) intramuscular injections with auto-injector; (13) administration of oral glucose; (14) administration of aspirin; (15) recognize and comply with advanced directives; (16) insertion and maintenance of oral and nasal pharyngeal airways; (17) use of blood glucose monitoring; and (18) other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board.

Sec. 68. On January 1, 2012, K.S.A. 2010 Supp. 72-5213 is hereby amended to read as follows: 72-5213. (a) Every board of education shall require all employees of the school district, who come in regular contact with the pupils of the school district, to submit a certification of health on a form prescribed by the secretary of health and

environment and signed by a person licensed to practice medicine and surgery under the laws of any state, or by a person who is licensed as a physician assistant under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery, or by a person holding a *license certificate of qualification* to practice as an advanced *practice* registered nurse ~~practitioner~~ under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery. The certification shall include a statement that there is no evidence of physical condition that would conflict with the health, safety, or welfare of the pupils; and that freedom from tuberculosis has been established by chest x-ray or negative tuberculin skin test. If at any time there is reasonable cause to believe that any such employee of the school district is suffering from an illness detrimental to the health of the pupils, the school board may require a new certification of health.

(b) Upon presentation of a signed statement by the employee of a school district, to whom the provisions of subsection (a) apply, that the employee is an adherent of a religious denomination whose religious teachings are opposed to physical examinations, the employee shall be permitted to submit, as an alternative to the certification of health required under subsection (a), certification signed by a person licensed to practice medicine and surgery under the laws of any state, or by a person who is licensed as a physician assistant under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery, or by a person holding a *license certificate of qualification* to practice as an advanced *practice* registered nurse ~~practitioner~~ under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery that freedom of the employee from tuberculosis has been established.

(c) Every board of education may require persons, other than employees of the school district, to submit to the same certification of health requirements as are imposed upon employees of the school district under the provisions of subsection (a) if such persons perform or provide services to or for a school district which require such persons to come in regular contact with the pupils of the school district. No such person shall be required to submit a certification of health if the person presents a signed statement that the person is an adherent of a religious denomination whose religious teachings are opposed to physical examinations. Such persons shall be permitted to submit, as an alternative to a certification of health, certification signed by a person licensed to practice medicine and surgery under the laws of any state, or by a person who is licensed as a physician assistant under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery, or by a person holding a *license certificate of qualification* to practice as an advanced *practice* registered nurse ~~practitioner~~ under the laws of this state when such person is working at the direction of or in collaboration with a person licensed to practice medicine and surgery that freedom of such persons from tuberculosis has been established.

(d) The expense of obtaining certifications of health and certifications of freedom from tuberculosis may be borne by the board of education.

Sec. 69. On January 1, 2012, K.S.A. 2010 Supp. 72-8252 is hereby amended to read as follows: 72-8252. (a) As used in this section:

(1) "Medication" means a medicine prescribed by a health care provider for the treatment of anaphylaxis or asthma including, but not limited to, any medicine defined in section 201 of the federal food, drug and cosmetic act, inhaled bronchodilators and auto-injectible epinephrine.

(2) "Health care provider" means: (A) A physician licensed to practice medicine and surgery; (B) an advanced *practice* registered nurse practitioner issued a ~~certificate of qualification~~ license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs as provided by K.S.A. 65-1130, and amendments thereto; or (C) a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.

(3) "School" means any public or accredited nonpublic school.

(4) "Self-administration" means a student's discretionary use of such student's medication pursuant to a prescription or written direction from a health care provider.

(b) Each school district shall adopt a policy authorizing the self-administration of medication by students enrolled in kindergarten or any of the grades 1 through 12. A student shall meet all requirements of a policy adopted pursuant to this subsection. Such policy shall include:

(1) A requirement of a written statement from the student's health care provider stating the name and purpose of the medication; the prescribed dosage; the time the medication is to be regularly administered, and any additional special circumstances under which the medication is to be administered; and the length of time for which the medication is prescribed;

(2) a requirement that the student has demonstrated to the health care provider or such provider's designee and the school nurse or such nurse's designee the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed. If there is no school nurse, the school shall designate a person for the purposes of this subsection;

(3) a requirement that the health care provider has prepared a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours;

(4) a requirement that the student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan prepared as required by paragraph (3) and documents related to liability;

(5) a requirement that all teachers responsible for the student's supervision shall be notified that permission to carry medications and self-medicate has been granted; and

(6) any other requirement imposed by the school district pursuant to this section and subsection (e) of K.S.A. 72-8205, and amendments thereto.

(c) A school district shall require annual renewal of parental authorization for the self-administration of medication.

(d) A school district, and its officers, employees and agents, which authorizes the self-administration of medication in compliance with the provisions of this section shall not be held liable in any action for damage, injury or death resulting directly or indirectly from the self-administration of medication.

(e) A school district shall provide written notification to the parent or guardian of a student that the school district and its officers, employees and agents are not liable for damage, injury or death resulting directly or indirectly from the self-administration of

medication. The parent or guardian of the student shall sign a statement acknowledging that the school district and its officers, employees or agents incur no liability for damage, injury or death resulting directly or indirectly from the self-administration of medication and agreeing to release, indemnify and hold the school and its officers, employees and agents, harmless from and against any claims relating to the self-administration of such medication.

(f) A school district shall require that any back-up medication provided by the student's parent or guardian be kept at the student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(g) A school district shall require that information described in paragraphs (3) and (4) of subsection (b) be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

(h) An authorization granted pursuant to subsection (b) shall allow a student to possess and use such student's medication at any place where a student is subject to the jurisdiction or supervision of the school district or its officers, employees or agents.

(i) A board of education may adopt a policy pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto, which:

(1) Imposes requirements relating to the self-administration of medication which are in addition to those required by this section; and

(2) establishes a procedure for, and the conditions under which, the authorization for the self-administration of medication may be revoked.

Sec. 70. On January 1, 2012, K.S.A. 2010 Supp. 74-1106 is hereby amended to read as follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall appoint a board consisting of 11 members of which six shall be registered professional nurses, two shall be licensed practical nurses and three shall be members of the general public, which shall constitute a board of nursing, with the duties, power and authority set forth in this act.

(2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.

(3) On the effective date of this act, the Kansas federation of licensed practical nurses shall submit to the governor a list of licensed practical nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list, ~~with the first appointment being for a term of four years and the second appointment being for a term of two years. Upon the expiration of the term of any licensed practical nurse, a successor of like qualifications shall be appointed in the same manner as the original appointment for a term of four years and until a successor is appointed and qualified.~~

(4) Each member of the general public shall be appointed for a term of four years and successors shall be appointed for a like term.

(5) Whenever a vacancy occurs on the board of nursing, it shall be filled by appointment for the remainder of the unexpired term in the same manner as the preceding appointment. No person shall serve more than two consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on such board. ~~With the expiration of terms~~

~~for the registered professional nurse from education and one public member in July, 2003, the next appointments for those two positions will be for only one year. Thereafter the two positions shall be appointed for terms of four years.~~

(b) *Qualifications of members.* Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five years' experience in nursing as such and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state with at least five years' experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nurse membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced *practice* registered nurse practitioner or a registered nurse anesthetist. The consumer members shall represent the interests of the general public. At least one consumer member shall not have been involved in providing health care. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

(c) *Duties and powers.* (1) The board shall meet annually at Topeka during the month of September and shall elect from its members a president, vice-president and secretary, each of whom shall hold their respective offices for one year. The board shall employ an executive administrator, who shall be a registered professional nurse, who shall not be a member of the board and who shall be in the unclassified service under the Kansas civil service act, and shall employ such other employees, who shall be in the classified service under the Kansas civil service act as necessary to carry on the work of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.

(2) The board shall adopt rules and regulations consistent with this act necessary to carry into effect the provisions thereof, and such rules and regulations may be published and copies thereof furnished to any person upon application.

(3) The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and approve courses as meet the requirements of the appropriate act and rules and regulations of the board.

(4) The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or approval of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or approval of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through

institutes, conferences and other means.

(5) The board shall have a seal of which the executive administrator shall be the custodian. The president and the secretary shall have the power and authority to administer oaths in transacting business of the board, and the secretary shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or licenses granted or revoked, which register shall be open at all times to public inspection.

(6) The board may enter into contracts as may be necessary to carry out its duties.

(7) The board is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts. The board shall remit all moneys received by it under this paragraph (7) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the grants and gifts fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.

(8) A majority of the board of nursing including two professional nurse members shall constitute a quorum for the transaction of business.

(d) *Subpoenas.* In all investigations and proceedings, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all relevant and necessary papers, books, records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which such person may be lawfully questioned or to produce any books, papers, records, documentary evidence or relevant materials in the matter, after having been required by order of the board or by a subpoena of the board to do so, upon application by the board to any district judge in the state, may be ordered by such judge to comply therewith. Upon failure to comply with the order of the district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by the court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.

(e) *Compensation and expenses.* Members of the board of nursing attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. No member of the board of nursing shall be paid an amount as provided in K.S.A. 75-3223, and amendments thereto, if such member receives an amount from another governmental or private entity for the purpose for which such amount is payable under K.S.A. 75-3223, and amendments thereto.

Sec. 71. On January 1, 2012, K.S.A. 74-32,131 is hereby amended to read as follows: 74-32,131. This act shall be known and may be cited as the advanced *practice* registered nurse ~~practitioner~~ service scholarship program.

Sec. 72. On January 1, 2012, K.S.A. 74-32,132 is hereby amended to read as follows: 74-32,132. As used in this act:

(a) "Committee" means the nursing service scholarship review committee established under K.S.A. 74-3299, and amendments thereto.

(b) "Executive officer" means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto.

(c) "Educational and training program for advanced *practice* registered ~~nurse-practitioners~~ *nurses*" means a post-basic nursing education program a graduate of which meets the education requirements of the board of nursing for a ~~certificate of qualification~~ *licensure* as an advanced *practice* registered nurse-practitioner.

(d) "Medically underserved area" means a practice location designated medically underserved by the secretary of health and environment.

(e) "Rural area" means any county of this state other than Douglas, Johnson, Sedgwick, Shawnee and Wyandotte counties.

Sec. 73. On January 1, 2012, K.S.A. 74-32,133 is hereby amended to read as follows: 74-32,133. (a) There is hereby established the advanced *practice* registered nurse practitioner service scholarship program. Within the limits of appropriations therefor, a scholarship may be awarded under the program to any qualified student enrolled in or admitted to an educational and training program for advanced *practice* registered ~~nurse practitioners~~ *nurses*. The number of scholarships awarded under the program in any year shall not exceed 12.

(b) The determination of the individuals qualified for scholarships shall be made by the executive officer after seeking advice from the committee. Scholarships shall be awarded on a priority basis to qualified applicants in the advanced *practice* registered nurse practitioner ~~categories~~ *roles* of nurse clinician or *advanced practice* registered nurse practitioner or clinical specialist who have the greatest financial need for such scholarships and who are residents of this state. To the extent practicable and consistent with the other provisions of this section, consideration shall be given to minority applicants.

(c) Scholarships awarded under the program shall be awarded for the length of the course of instruction required for graduation as an advanced *practice* registered nurse practitioner unless terminated before expiration of such period of time. Such scholarships shall provide (1) to a student enrolled in or admitted to an educational and training program for advanced *practice* registered ~~nurse practitioners~~ *nurses* operated by a state educational institution the payment of an amount not to exceed 70% of the cost of attendance for a year, and (2) to a student enrolled in or admitted to an educational and training program for advanced *practice* registered ~~nurse practitioners~~ *nurses* operated by an independent institution of higher education the payment of an amount not to exceed 70% of the average amount of the cost of attendance for a year in educational and training programs for advanced *practice* registered ~~nurse practitioners~~ *nurses* operated by the state educational institutions. The amount of each scholarship shall be established annually by the executive officer and shall be financed by the state of Kansas.

Sec.74. On January 1, 2012, K.S.A. 74-32,134 is hereby amended to read as follows: 74-32,134. (a) An applicant for a scholarship under the advanced *practice* registered nurse practitioner service scholarship program shall provide to the executive officer, on forms supplied by the executive officer, the following information:

- (1) The name and address of the applicant;
- (2) the name and address of the educational and training program for advanced

practice registered ~~nurse practitioners~~ *nurses* in which the applicant is enrolled or to which the applicant has been admitted; and

(3) any additional information which may be required by the executive officer.

(b) As a condition to awarding a scholarship under this act, the executive officer and the applicant for a scholarship shall enter into an agreement which shall require that the scholarship recipient:

(1) Engage as a full-time student in and complete the required course of instruction leading to the ~~certificate of qualification~~ *licensure* as an advanced *practice* registered nurse ~~practitioner~~;

(2) within six months after graduation from the educational and training program for advanced *practice* registered ~~nurse practitioners~~ *nurses*, commence full-time practice as an advanced *practice* registered nurse ~~practitioner~~, or commence the equivalent to full-time practice, or commence part-time practice as an advanced *practice* registered nurse ~~practitioner~~, in a rural area or a medically underserved area, continue such practice for the total amount of time required under the agreement, and comply with such other terms and conditions as may be specified by the agreement;

(3) commence full-time practice, or the equivalent to full-time practice, as an advanced *practice* registered nurse ~~practitioner~~ in a rural area or medically underserved area and continue such full-time practice, or the equivalent to full-time practice, in a rural area or medically underserved area for the total amount of time required under the agreement, which shall be for a period of not less than the length of the course of instruction for which the scholarship assistance was provided, or commence part-time practice in a rural area or medically underserved area and continue such part-time practice in a rural area or medically underserved area for the total amount of time required under the agreement, which shall be for a period of time that is equivalent to full time, as determined by the state board of regents, multiplied by the length of the course of instruction for which the scholarship assistance was provided;

(4) maintain records and make reports to the executive officer as may be required by the executive officer to document the satisfaction of the obligation under this act; and

(5) upon failure to satisfy an agreement to engage in full-time practice as an advanced *practice* registered nurse ~~practitioner~~, or the equivalent to full-time practice, or in part-time practice, in a rural area or medically underserved area for the required period of time under any such agreement, repay to the state amounts as provided in K.S.A. 74-32,135, and amendments thereto.

Sec. 75. On January 1, 2012, K.S.A. 74-32,135 is hereby amended to read as follows: 74-32,135. (a) Except as provided in K.S.A. 74-32,136, and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to this act, such person shall pay to the executive officer an amount equal to the total amount of money received by such person pursuant to such agreement which is financed by the state of Kansas plus accrued interest at a rate which is equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement plus five percentage points. Installment payments of such amounts may be made in accordance with rules and regulations of the state board of regents, except that such installment payments shall commence six months after the date of the action or circumstances that cause the failure of the person to satisfy the obligations of such agreements, as determined by the

executive officer based upon the circumstances of each individual case. Amounts paid under this section to the executive officer shall be deposited in the advanced *practice* registered nurse practitioner service scholarship program fund in accordance with K.S.A. 74-32,138, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the advanced *practice* registered nurse practitioner service scholarship program over to a designated loan servicer or collection agency, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this section.

Sec. 76. On January 1, 2012, K.S.A. 74-32,136 is hereby amended to read as follows: 74-32,136. (a) An obligation under any agreement entered into under the advanced *practice* registered nurse practitioner service scholarship program shall be postponed: (1) During any required period of active military service; (2) during any period of service in the peace corps; (3) during any period of service as a part of volunteers in service to America (VISTA); (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code as in effect on December 31, 2000; (6) during any period of time the person obligated is unable because of temporary medical disability to practice as an advanced *practice* registered nurse practitioner; (7) during any period of time the person obligated is enrolled and actively engaged on a full-time basis in a course of study leading to a graduate degree in a field for which such person was awarded a scholarship under this act which degree is higher than that formerly attained; (8) during any period of time the person obligated is on job-protected leave under the federal family and medical leave act of 1993; or (9) during any period of time the state board of regents determines that the person obligated is unable because of special circumstances to practice as an advanced *practice* registered nurse practitioner. Except for clauses (6), (8) and (9), an obligation under any agreement entered into as provided in the advanced *practice* registered nurse practitioner service scholarship program shall not be postponed more than five years from the time the obligation was to have been commenced under any such agreement. An obligation under any agreement as provided in the advanced *practice* registered nurse practitioner service scholarship program shall be postponed under clause (6) during the period of time the medical disability exists. An obligation to engage in practice as an advanced *practice* registered nurse practitioner in accordance with an agreement under the advanced *practice* registered nurse practitioner service scholarship program shall be postponed under clause (8) during the period of time the person obligated remains on FMLA leave. An obligation to engage in practice as an advanced *practice* registered nurse practitioner in accordance with an agreement under the advanced *practice* registered nurse practitioner service scholarship program shall be postponed under clause (9) during the period of time the state board of regents determines that the special circumstances exist. The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for determination of the existence of special circumstances causing an inability to practice as an advanced *practice* registered nurse practitioner, and shall determine the documentation required to prove the existence of such circumstances.

(b) An obligation under any agreement entered into in accordance with the advanced *practice* registered nurse practitioner service scholarship program shall be

satisfied: (1) If the obligation has been completed in accordance with the agreement; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to satisfy the obligation; (4) if the person obligated fails to satisfy the requirements for completion of the educational and training program after making the best effort possible to do so; or (5) if the person obligated is unable to obtain employment as an advanced *practice* registered nurse ~~practitioner~~ and continue in such employment after making the best effort possible to do so.

Sec. 77. On January 1, 2012, K.S.A. 74-32,137 is hereby amended to read as follows: 74-32,137. The state board of regents, after consultation with the committee, may adopt rules and regulations establishing minimum terms, conditions and obligations which shall be incorporated into the provisions of any agreement under the advanced *practice* registered nurse ~~practitioner~~ service scholarship program. The terms, conditions and obligations shall be consistent with the provisions of law relating to the advanced *practice* registered nurse ~~practitioner~~ service scholarship program. The terms, conditions and obligations so established shall include, but not be limited to, the terms of eligibility for financial assistance under the advanced *practice* registered nurse ~~practitioner~~ service scholarship program, the amount of financial assistance to be offered, the length of practice in a rural area or medically underserved area required as a condition to the receipt of such financial assistance to be offered, the amount of money required to be repaid because of failure to satisfy the obligations under an agreement and the method of repayment and such other additional provisions as may be necessary to carry out the provisions of the advanced *practice* registered nurse ~~practitioner~~ service scholarship program. The state board of regents, after consultation with the committee, shall adopt rules and regulations establishing criteria for evaluating the financial need of applicants for scholarships and may adopt such other rules and regulations as may be necessary to administer the advanced *practice* registered nurse ~~practitioner~~ service scholarship program.

Sec. 78. On January 1, 2012, K.S.A. 74-32,138 is hereby amended to read as follows: 74-32,138. There is hereby created in the state treasury the advanced *practice* registered nurse ~~practitioner~~ service scholarship program fund. The executive officer shall remit all moneys received under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the advanced *practice* registered nurse ~~practitioner~~ service scholarship program fund. All expenditures from the advanced *practice* registered nurse ~~practitioner~~ service scholarship program fund shall be for scholarships awarded under this act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

Sec. 79. K.S.A. 2010 Supp. 65-1117 is hereby amended to read as follows: 65-1117. (a) All licenses issued under the provisions of this act, whether initial or renewal, shall expire every two years. The expiration date shall be established by the rules and regulations of the board. The board shall send a notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 days prior to the expiration date of such person's license. Every person so licensed who desires to renew such license shall file with the board, on or before the date of expiration of such license, a renewal application together with the prescribed biennial renewal fee. Every licensee

who is no longer engaged in the active practice of nursing may so state by affidavit and submit such affidavit with the renewal application. An inactive license may be requested along with payment of a fee which shall be fixed by rules and regulations of the board. Except for the first renewal for a license that expires within 30 months following licensure examination or for renewal of a license that expires within the first nine months following licensure by reinstatement or endorsement, every licensee with an active nursing license shall submit with the renewal application evidence of satisfactory completion of a program of continuing nursing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing nursing education. Continuing nursing education means learning experiences intended to build upon the educational and experiential bases of the registered professional and licensed practical nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the health of the public. Upon receipt of such application, payment of fee, upon receipt of the evidence of satisfactory completion of the required program of continuing nursing education and upon being satisfied that the applicant meets the requirements set forth in K.S.A. 65-1115 or 65-1116 and amendments thereto in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license.

(b) Any person who fails to secure a renewal license within the time specified herein may secure a reinstatement of such lapsed license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board. A reinstatement application for licensure will be held awaiting completion of such documentation as may be required, but such application shall not be held for a period of time in excess of that specified in rules and regulations.

(c) *Any person whose license as a registered professional nurse has lapsed for a period of more than 13 years beyond its expiration date and who has been employed for at least 10 of the last 13 years in an allied health profession which employment required substantially comparable patient care to that of care provided by a registered professional nurse may apply for reinstatement as a registered professional nurse and shall not be required to complete a refresher course as established by the board, but shall be reinstated as a registered professional nurse by the board upon application to the board for reinstatement of such license on a form provided by the board, upon presentation to the board of an affidavit from such person detailing such person's work history, upon determination by the board that the work history with regard to patient care is substantially comparable to patient care provided by a registered professional nurse, upon determination by the board that such person is otherwise qualified to be licensed as a registered professional nurse and upon paying to the board the reinstatement fee established by the board. This subsection shall expire on January 1, 2012.*

(d) (1) Each licensee shall notify the board in writing of (A) a change in name or address within 30 days of the change or (B) a conviction of any felony or misdemeanor, that is specified in rules and regulations adopted by the board, within 30 days from the date the conviction becomes final.

(2) As used in this subsection, "conviction" means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Also, for the purposes of this subsection, a forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. Failure to so notify the board shall not constitute a defense in an action relating to failure to renew a license, nor shall it constitute a defense in any other proceeding.

Sec. 80. On July 1, 2011, K.S.A. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.

(b) The emergency medical services board shall be composed of ~~13~~ 15 members to be appointed as follows:

(1) ~~Nine~~ Eleven members shall be appointed by the governor. Of such members: (A) ~~One~~ Three shall be a member of the Kansas medical society physicians who is *are* actively involved in emergency medical services;

(B) two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;

(C) one shall be an instructor-coordinator;

(D) one shall be a hospital administrator actively involved in emergency medical services;

(E) one shall be a member of a firefighting unit which provides emergency medical service; and

(F) three shall be attendants who are actively involved in emergency medical service. At least two classifications of attendants shall be represented. At least one of such members shall be from a volunteer emergency medical service; and

(2) four members shall be appointed as follows:

(A) One shall be a member of the Kansas senate to be appointed by the president of the senate;

(B) one shall be a member of the Kansas senate to be appointed by the minority leader of the senate;

(C) one shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and

(D) one shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.

All members of the board shall be residents of the state of Kansas. Appointments to the board shall be made with due consideration that representation of the various geographical areas of the state is ensured. The governor may remove any member of the board upon recommendation of the board. Any person appointed to a position on the board shall forfeit such position upon vacating the office or position which qualified such person to be appointed as a member of the board.

(c) ~~Of the members first appointed to the board, four shall be appointed for terms of one year, three for terms of two years, three for terms of three years and three for terms of four years. Of the two additional physician members appointed by the governor on and after July 1, 2011, one shall be appointed for a term of three years and one shall be appointed for a term of four years.~~ Thereafter, members shall be appointed

for terms of four years and until their successors are appointed and qualified. In the case of a vacancy in the membership of the board, the vacancy shall be filled for the unexpired term.

(d) The board shall meet at least six times annually and at least once each quarter and at the call of the chairperson or at the request of the administrator of the emergency medical services board or of any six members of the board. At the first meeting of the board after January 1 each year, the members shall elect a chairperson and a vice-chairperson who shall serve for a term of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, the board shall fill such vacancy by election of one of its members to serve the unexpired term of such office. Members of the board attending meetings of the board or attending a subcommittee meeting thereof authorized by the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(e) Except as otherwise provided by law, all vouchers for expenditures and all payrolls of the emergency medical services board shall be approved by the emergency medical services board or a person designated by the board.

Sec. 81. On July 1, 2011, K.S.A. 65-6110 is hereby amended to read as follows:

65-6110. (a) The board shall adopt any rules and regulations necessary for the regulation of ambulance services. Such rules and regulations shall include: (1) A classification of the different types of ambulance services; (2) requirements as to equipment necessary for ambulances and rescue vehicles; (3) qualifications and training of attendants, instructor-coordinators and training officers; (4) requirements *and fees* for the licensure, *temporary licensure*, and renewal of licensure for ambulances and rescue vehicles; (5) records and equipment to be maintained by operators, instructor-coordinators, training officers, providers of training and attendants; ~~and~~ (6) *requirements for a quality assurance and improvement program for ambulance services; and* (7) such other matters as the board deems necessary to implement and administer the provisions of this act.

(b) The provisions of this act shall not apply to rescue vehicles operated by a fire department.

(c) *Nothing in this act or in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall authorize the board to specify the individuals who may or may not ride on a helicopter while used as an ambulance.*

Sec. 82. On July 1, 2011, K.S.A. 2010 Supp. 65-6112 is hereby amended to read as follows: 65-6112. As used in this act:

(a) "Administrator" means the executive director of the emergency medical services board.

(b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) "Advanced registered nurse practitioner" means an advanced registered nurse practitioner as defined in K.S.A. 65-1113, and amendments thereto.

(d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(f) "Attendant" means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, mobile intensive care technician or paramedic certified pursuant to this act.

(g) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(h) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency which includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced registered nurse practitioner, professional nurse, a licensed physician assistant or attendant.

(i) "Emergency medical technician" means a person who holds an emergency medical technician certificate issued pursuant to this act.

(j) "Emergency medical technician-defibrillator" means a person who holds an emergency medical technician-defibrillator certificate issued pursuant to this act.

(k) "Emergency medical technician-intermediate" means a person who holds an emergency medical technician-intermediate certificate issued pursuant to this act.

(l) "Emergency medical technician-intermediate/defibrillator" means a person who holds both an emergency medical technician-intermediate and emergency medical technician defibrillator certificate issued pursuant to this act.

(m) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.

(n) "First responder" means a person who holds a first responder certificate issued pursuant to this act.

(o) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

(p) "Instructor-coordinator" means a person who is certified under this act to teach initial ~~courses of certification of instruction~~ *certification* and continuing education classes.

(q) "Medical ~~adviser~~ *director*" means a physician.

(r) "Medical protocols" mean written guidelines which authorize attendants to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced registered nurse practitioner authorized by a physician or professional nurse authorized by a physician. The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.

(s) "Mobile intensive care technician" means a person who holds a mobile intensive care technician certificate issued pursuant to this act.

(t) "Municipality" means any city, county, township, fire district or ambulance service district.

(u) "Nonemergency transportation" means the care and transport of a sick or

injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the attendant whether within or outside the vehicle as part of such transportation services.

(v) "Operator" means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.

(w) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.

(x) "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.

(y) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

(z) "Physician assistant" means a person who is licensed under the physician assistant licensure act and who is acting under the direction of a responsible physician.

(aa) "Professional nurse" means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

(bb) "Provider of training" means a corporation, partnership, accredited postsecondary education institution, ambulance service, fire department, hospital or municipality that conducts training programs that include, but are not limited to, initial courses of instruction and continuing education for attendants, instructor-coordinators or training officers.

(cc) "Responsible physician" means responsible physician as such term is defined under K.S.A. 65-28a02, and amendments thereto.

(dd) "Training officer" means a person who is certified pursuant to this act to teach, *coordinate or both*, initial courses of instruction for first responders or emergency medical responders and continuing education as prescribed by the board.

Sec. 83. On July 1, 2011, K.S.A. 2010 Supp. 65-6120 is hereby amended to read as follows: 65-6120. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-intermediate may:

(1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto;

(2) when approved by medical protocols ~~and~~ *or* where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced registered nurse practitioner where authorized by a physician or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform veni-puncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions, endotracheal intubation and administration of nebulized albuterol;

(3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting the persons identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; or

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-intermediate once *successfully* completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by

rules and regulations of the board, *may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.*

(c) "Renewal" as used in subsection (b), refers to the *first or second opportunity after December 31, 2011, that an emergency medical technician-intermediate has to apply for renewal of a certificate following the effective date of this act.*

(d) ~~Emergency medical technician-intermediates who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-intermediate may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.~~

(e) *Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.*

~~(e)-(f)~~ Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:

(1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto; and

(2) *perform* any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, *as specifically identified in rules and regulations*, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, *or* upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician upon order of such a person: (A) Continuous positive airway pressure devices; (B) advanced airway management; (C) referral of patient of alternate medical care site based on assessment; (D) transportation of a patient with a capped arterial line; (E) veni-puncture for obtaining blood sample; (F) initiation and maintenance of intravenous infusion or saline lock; (G) initiation of intraosseous infusion; (H) nebulized therapy; (I) manual

defibrillation and cardioversion; (J) cardiac monitoring; (K) ~~medication administration via electrocardiogram interpretation~~; (L) *administration of generic or trade name medications by one or more of the following methods*: (i) Aerosolization; (ii) nebulization; (iii) intravenous; (iv) intranasal; (v) rectal; (vi) subcutaneous; (vii) intraosseous; (viii) intramuscular; or (ix) sublingual.

~~(f)~~(g) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician-defibrillator once *successfully* completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course*, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

~~(g)~~(h) "Renewal" as used in subsection ~~(f)~~(g), refers to the *first or second opportunity after December 31, 2011*, that an emergency medical technician-intermediate and emergency medical technician-defibrillator has to apply for renewal of a certificate following the effective date of this act.

~~(h)~~(i) ~~Emergency medical technician-intermediate and emergency medical technician-defibrillator who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification.~~An individual who holds both an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, who fails to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, and provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such individual may apply to transition to become an emergency medical technician or emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(j) *Failure to successfully complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or the emergency medical responder transition course will result in loss of certification.*

Sec. 84. On July 1, 2011, K.S.A. 2010 Supp. 65-6121 is hereby amended to read as follows: 65-6121. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any of the following activities:

- (1) Patient assessment and vital signs;

- (2) airway maintenance including the use of:
 - (A) Oropharyngeal and nasopharyngeal airways;
 - (B) esophageal obturator airways with or without gastric suction device;
 - (C) multi-lumen airway; and
 - (D) oxygen demand valves.
- (3) Oxygen therapy;
- (4) oropharyngeal suctioning;
- (5) cardiopulmonary resuscitation procedures;
- (6) control accessible bleeding;
- (7) apply pneumatic anti-shock garment;
- (8) manage outpatient medical emergencies;
- (9) extricate patients and utilize lifting and moving techniques;
- (10) manage musculoskeletal and soft tissue injuries including dressing and bandaging wounds or the splinting of fractures, dislocations, sprains or strains;
- (11) use of backboards to immobilize the spine;
- (12) administer activated charcoal and glucose;
- (13) monitor ~~peripheral~~ intravenous line delivering intravenous fluids during interfacility transport with the following restrictions:
 - (A) The physician approves the transfer by an emergency medical technician;
 - (B) no medications or nutrients have been added to the intravenous fluids; and
 - (C) the emergency medical technician may monitor, maintain and shut off the flow of intravenous fluid;
- (14) use automated external defibrillators;
- (15) administer epinephrine auto-injectors provided that:
 - (A) The emergency medical technician successfully completes a course of instruction approved by the board in the administration of epinephrine; ~~and~~
 - (B) the emergency medical technician serves with an ambulance service or a first response organization that provides emergency medical services; and
 - (C) the emergency medical technician is acting pursuant to medical protocols;
- (16) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols; or
- (17) when authorized by medical protocol, assist the patient in the administration of the following medications which have been prescribed for that patient: Auto-injection epinephrine, sublingual nitroglycerin and inhalers for asthma and emphysema.
 - (b) An individual who holds a valid certificate as an emergency medical technician at the current basic level once *successfully* completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to become an emergency medical technician. Alternatively,* upon application for renewal, *such individual* shall be deemed to hold a certificate as an emergency medical technician under this act, *provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course,* and such individual shall not be required to file an original application for certification as an emergency medical technician ~~under this act.~~
 - (c) "Renewal" as used in subsection (b); refers to the first opportunity *after December 31, 2011,* that an emergency medical technician has to apply for renewal of a

certificate following the effective date of this act.

(d) Emergency medical technicians who fail to meet the transition requirements as specified ~~will be required, at a minimum, to gain the continuing education applicable to emergency medical responder as defined by rules and regulations of the board. Failure to do so will result in loss of certification.~~ *may successfully complete the board prescribed emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Alternatively, upon application for renewal of an emergency medical technician certificate, the applicant shall be deemed to hold a certificate as an emergency medical responder under this act, and such individual shall not be required to file an original application for certification as an emergency medical responder.*

(e) *Failure to successfully complete either an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.*

~~(e)-(f)~~ (f) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any activities identified in K.S.A. 65-6144, and amendments thereto, and any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, *or* upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person:

- (1) Airway maintenance including use of:
 - (A) Single lumen airways as approved by the board;
 - (B) multilumen airways;
 - (C) ventilator devices;
 - (D) forceps removal of airway obstruction;
 - (E) CO2 monitoring;
 - (F) airway suctioning;
 - (2) apply pneumatic anti-shock garment;
 - (3) assist with childbirth;
 - (4) monitoring urinary catheter;
 - (5) capillary blood sampling;
 - (6) cardiac monitoring;
 - (7) administration of patient assisted medications as approved by the board;
 - (8) administration of medications as approved by the board by appropriate routes;
- and
- (9) monitor, maintain or discontinue flow of IV line if a physician approves transfer by an emergency medical technician.

Sec. 85. On July 1, 2011, K.S.A. 2010 Supp. 65-6123 is hereby amended to read as follows: 65-6123. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-defibrillator may:

- (1) Perform any of the activities identified in K.S.A. 65-6121, and amendments thereto;

(2) when approved by medical protocols ~~and~~ or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform electrocardiographic monitoring and defibrillation;

(3) perform, during an emergency, those activities specified in subsection (b) before contacting the persons identified in subsection (b) when specifically authorized to perform such activities by medical protocols; or

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-defibrillator once *successfully completing an emergency medical technician-intermediate, initial course of instruction and the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively,* upon application for renewal, *such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course,* and such individual shall not be required to file an original application for certification as an advanced emergency medical technician ~~under this act.~~

(c) "Renewal" as used in subsection (b), refers to the second opportunity *after December 31, 2011, that an attendant has to apply for renewal of a certificate following the effective date of this act.*

(d) ~~EMT-D—Emergency medical technician-defibrillator~~ attendants who fail to meet the transition requirements as specified ~~will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-defibrillator may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.~~

(e) *Failure to complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or an emergency medical responder transition course will result in loss of certification.*

Sec. 86. On July 1, 2011, K.S.A. 2010 Supp. 65-6124 is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced registered nurse

practitioner or licensed professional nurse, who gives emergency instructions to an attendant as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages which may result from gross negligence in giving such instructions.

(b) No attendant as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the responsible physician for a physician assistant, advanced registered nurse practitioner or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of such attendant as defined by K.S.A. 65-6112, and amendments thereto.

(c) No person certified as an instructor-coordinator and no training officer shall be liable for any civil damages which may result from such instructor-coordinator's or training officer's course of instruction, except such damages which may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator or training officer.

(d) No medical ~~adviser~~-director who reviews, approves and monitors the activities of attendants shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages which may result from gross negligence in such review, approval or monitoring.

Sec. 87. On July 1, 2011, K.S.A. 65-6126 is hereby amended to read as follows: 65-6126. Each emergency medical service shall have a medical ~~adviser~~-director appointed by the operator of the service to review; *and implement medical protocols*, approve and monitor the activities *and education* of the attendants. The board may approve an alternative procedure for medical oversight if no medical ~~adviser~~-director is available.

Sec. 88. On July 1, 2011, K.S.A. 2010 Supp. 65-6129 is hereby amended to read as follows: 65-6129. (a) Application for an attendant's certificate shall be made to the board. The board shall not grant an attendant's certificate unless the applicant meets the following requirements:

(1) (A) Has successfully completed coursework required by the rules and regulations adopted by the board; or

(B) has successfully completed coursework in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board; ~~and~~

(2) (A) has passed the examination required by the rules and regulations adopted by the board; or

(B) has passed the certification or licensing examination in another jurisdiction that has been approved by the board; *and*

(3) *has paid an application fee required by the rules and regulations adopted by the board.*

(b) (1) The board shall not grant a temporary attendant's certificate unless the applicant meets the following requirements:

(A) If the applicant is certified or licensed as an attendant in another jurisdiction, but the applicant's coursework is determined not to be substantially equivalent to that required by the board, such temporary certificate shall be valid for one year from the date of issuance or until the applicant has completed the required coursework,

whichever occurs first; or

(B) if the applicant has completed the required coursework, has taken the required examination, but has not received the results of the examination, such temporary certificate shall be valid for 120 days from the date of the examination.

(2) An applicant who has been granted a temporary certificate shall be under the direct supervision of a physician, a physician's assistant, a professional nurse or an attendant holding a certificate at the same level or higher than that of the applicant.

(c) The board shall not grant an initial emergency medical technician-intermediate certificate, advanced emergency medical technician certificate, mobile intensive care technician certificate or paramedic certificate as a result of successful course completion in the state of Kansas, unless the applicant for such an initial certificate is certified as an emergency medical technician.

(d) An attendant's certificate shall expire on the date prescribed by the board. An attendant's certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the attendant has successfully completed continuing education as prescribed by the board.

(e) All fees received pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services operating fund established by K.S.A. 65-6151, and amendments thereto.

(f) If a person who was previously certified as an attendant applies for an attendant's certificate after the certificate's expiration, the board may grant a certificate without the person completing an initial course of instruction or passing a certification examination if the person has completed education requirements and has paid a fee as specified in rules and regulations adopted by the board.

(g) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, which shall specify the number and severity of violations for the imposition of each level of sanction.

Sec. 89. On July 1, 2011, K.S.A. 65-6132 is hereby amended to read as follows: 65-6132. (a) An operator's permit may be denied, revoked, limited, modified or suspended by the board upon proof that such operator or any agent or employee thereof:

(1) Has been guilty of misrepresentation in obtaining the permit or in the operation of the ambulance service;

(2) has engaged or attempted to engage in, or represented themselves as entitled to perform, any ambulance service not authorized in the permit;

(3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has shown themselves otherwise unable to provide adequate ambulance service;

(4) has failed to keep and maintain the records required by the provisions of this act, or the rules and regulations ~~promulgated thereunder~~ *adopted by the board*, or has failed to make reports when and as required;

(5) has knowingly operated faulty or unsafe equipment; ~~or~~

(6) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations ~~promulgated thereunder~~ *adopted by the board*; or

(7) *has engaged in unprofessional conduct as defined by rules and regulations adopted by the board.*

(b) The board shall not limit, modify, revoke or suspend any operator's permit pursuant to this section without first conducting a hearing in accordance with the provisions of the administrative procedure act.

Sec. 90. On July 1, 2011, K.S.A. 65-6133 is hereby amended to read as follows: 65-6133. (a) An attendant's, ~~or~~ instructor-coordinator's *or training officer's* certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate upon proof that such individual:

(1) Has made intentional misrepresentations in obtaining a certificate or renewing a certificate;

(2) has performed or attempted to perform activities not authorized by statute at the level of certification held by the individual;

(3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has provided inadequate patient care as determined by the board;

(4) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations ~~promulgated thereunder~~ *adopted by the board*;

(5) has been convicted of a felony and, after investigation by the board, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust;

(6) has demonstrated an inability to perform authorized activities with reasonable skill and safety by reason of illness, alcoholism, excessive use of drugs, controlled substances or any physical or mental condition; ~~or~~

(7) has engaged in unprofessional conduct, as defined by rules and regulations adopted by the board-; *or*

(8) *has had a certificate, license or permit to practice emergency medical services as an attendant denied, revoked, limited or suspended or has been publicly or privately censured, by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country or has had other disciplinary action taken against the applicant or holder of a permit, license or certificate by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country shall constitute prima facie evidence of such a fact for purposes of this paragraph.*

(b) The board may limit, modify, revoke or suspend an attendant's or instructor-coordinator's certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

Sec. 91. On July 1, 2011, K.S.A. 2010 Supp. 65-6144 is hereby amended to read as follows: 65-6144. (a) A first responder may perform any of the following activities:

(1) Initial scene management including, but not limited to, gaining access to the individual in need of emergency care, extricating, lifting and moving the individual;

(2) cardiopulmonary resuscitation and airway management;

(3) control of bleeding;

(4) extremity splinting excluding traction splinting;

(5) stabilization of the condition of the individual in need of emergency care;
 (6) oxygen therapy;
 (7) use of oropharyngeal airways;
 (8) use of bag valve masks;
 (9) use automated external defibrillators; and
 (10) other techniques of preliminary care a first responder is trained to provide as approved by the board.

(b) An individual who holds a valid certificate as a first responder, once completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to become an emergency medical responder. Alternatively, upon application for renewal of such certificate, such individual shall be deemed to hold a certificate as an emergency medical responder under this act, provided such individual has completed all continuing education hour requirements inclusive of a transition course and such individual shall not be required to file an original application for certification as an emergency medical responder under this act.*

(c) "Renewal" as used in subsection (b), refers to the first opportunity *after December 31, 2011*, that an attendant has to apply for renewal of a certificate ~~following the effective date of this act.~~

(d) First responder attendants who fail to meet the transition requirements as specified will forfeit their certification.

(e) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, *or* upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person: (1) Emergency vehicle operations; (2) initial scene management; (3) patient assessment and stabilization; (4) cardiopulmonary resuscitation and airway management; (5) control of bleeding; (6) extremity splinting; (7) spinal immobilization; (8) oxygen therapy; (9) use of bag-valve-mask; (10) use of automated external defibrillator; (11) nebulizer therapy; (12) intramuscular injections with auto-injector; (13) administration of oral glucose; (14) administration of aspirin; (15) recognize and comply with advanced directives; (16) insertion and maintenance of oral and nasal pharyngeal airways; (17) use of blood glucose monitoring; and (18) other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board.

Sec. 92. K.S.A. 65-1424 is hereby amended to read as follows: 65-1424. ~~(a) The term "proprietor" as used in this act includes~~ *As used in this act: (1) "Proprietor" means any person who:*

~~(a)~~ *employs dentists or dental hygienists in the operation of a dental office.;*
 (2) *"Dental franchisor" means any person or entity, pursuant to a written agreement, who provides a licensed dentist any dental practice management consulting services, which may include marketing or advertising services, signage or branding consulting, or places in possession of a licensed dentist such dental material or*

equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation. A person or entity is not a dental franchisor if the agreement with the dentist:

(A) Permits the person or entity to interfere with the professional judgment of the dentist; or

(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

~~(b) places in possession of a dentist or dental hygienists or other agent such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices; or~~

~~(c) retains the ownership or control of dental equipment or material or office and makes the same available in any manner for the use by dentists or dental hygienists or other agents except that nothing in this subsection (c) shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement.~~

(3) "Unlicensed proprietor" means any person or entity not authorized to own or operate a dental practice that enters into an agreement with a dentist or dental hygienist related to the practice of dentistry or dental hygiene which:

(A) Permits the person or entity to interfere with the professional judgment of the dentist; or

(B) contains terms that would constitute a violation of the dental practices act, rules and regulations adopted by the board, any orders and directives issued by the board or any other applicable law.

A licensee of dentistry who enters into ~~any of the above described arrangements~~ any arrangement with an unlicensed proprietor may have such license limited, suspended or revoked by the board.

(b) The estate or agent for a deceased or substantially disabled dentist may employ dentists, for a period of not more than one year, to provide service to patients until the practice can be sold.

Sec. 93. K.S.A. 65-1425 is hereby amended to read as follows: 65-1425. Except as provided in K.S.A. 17-2706 et seq., and amendments thereto, no corporation shall practice, offer, or undertake to practice or hold itself out as practicing dentistry. Every person practicing dentistry as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice is conducted: ~~Provided, however, That nothing herein contained.~~ Nothing in this section shall prohibit a licensed dentist from practicing dentistry as the agent or employee of another licensed dentist in this state, or from practicing dentistry as the agent or employee of any state hospital or state institution where ~~his~~ such dentist's only remuneration is from the state, or from any corporation which provides dental service for its employees at no profit to the corporation. Nothing in this section shall prohibit a licensed dentist from practicing dentistry as an employee of a general hospital defined in K.S.A. 65-425, and amendments thereto, in a county with population of less than 50,000.

Sec. 94. K.S.A. 2010 Supp. 65-1435 is hereby amended to read as follows: 65-1435. (a) Except as otherwise provided in this section, it shall be unlawful for any person or persons to practice or offer to practice dentistry under any name except such

person's own name, which shall be the name used on the license granted to such person as a dentist as provided in *the dental practices* ~~this~~ act.

(b) A licensed dentist may use the name of any association, corporation, clinic, trade name or business name in connection with the practice of dentistry, as defined in *the dental practices* ~~this~~ act, except that such name may not misrepresent the dentist to the public as determined by the Kansas dental board.

(c) Nothing herein contained shall be construed to prevent two or more licensed dentists:

(1) From associating together for the practice of dentistry, each in such person's own proper name; or

(2) from associating together for the practice of dentistry, each as owners, in a professional corporation, organized pursuant to the professional corporation law of Kansas, or, each as owners, in a limited liability company organized pursuant to the Kansas revised limited liability company act, and using a name that may or may not contain the proper name of any such person or persons *except that such name may not misrepresent the dentist to the public* ~~if such name has been approved by the board~~ and from employing nonowning licensees; or

(3) from associating together with persons licensed to practice medicine and surgery in a clinic or professional association under a name that may or may not contain the proper name of any such person or persons and may contain the word "clinic."

(d) It shall be unlawful, and a licensee may have a license suspended or revoked, for any licensee to conduct a dental office in the name of the licensee, or to advertise the licensee's name in connection with any dental office or offices, or to associate together for the practice of dentistry with other licensed dentists in a professional corporation or limited liability company, under a name that may or may not contain the proper name of any such person or persons or to associate together with persons licensed to practice medicine and surgery in a clinic or professional association under a name that may or may not contain the proper name of any such person or persons and may contain the word "clinic," unless such licensee is personally present in the office operating as a dentist or personally overseeing such operations as are performed in the office or each of the offices during a majority of the time the office or each of the offices is being operated.

~~(e) Nothing in this section shall be construed to permit the franchise practice of dentistry.~~

~~(f)~~(e) The violation of any of the provisions of this section by any dentist shall subject such dentist to suspension or revocation of a license.

~~(g)~~(f) Notwithstanding the provisions of *subsection* ~~subsections~~ (d) ~~and (e)~~, a licensee shall be permitted to own two dental offices in addition to the licensee's primary office location under the following conditions:

(1) The licensee's secondary dental office is located within a 125 mile radius of the licensee's primary office; and

(2) the licensee's secondary dental office is located in a county with a population of less than 10,000 according to the 2000 United States census.

Sec. 95. K.S.A. 2010 Supp. 65-1436 is hereby amended to read as follows: 65-1436. (a) The Kansas dental board may refuse to issue the license *under the dental practices* ~~provided for in this~~ act, or may take any of the actions with respect to any dental or dental hygiene license as set forth in subsection (b), whenever it is established,

after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that any applicant for a dental or dental hygiene license or any licensed dentist or dental hygienist practicing in the state of Kansas has:

(1) Committed fraud, deceit or misrepresentation in obtaining any license, money or other thing of value;

(2) habitually used intoxicants or drugs which have rendered such person unfit for the practice of dentistry or dental hygiene;

(3) been determined by the board to be professionally incompetent;

(4) committed gross, wanton or willful negligence in the practice of dentistry or dental hygiene;

(5) employed, allowed or permitted any unlicensed person or persons to perform any work in the licensee's office which constitutes the practice of dentistry or dental hygiene under the provisions of *the dental practices* ~~this act~~;

(6) willfully violated the laws of this state relating to the practice of dentistry or dental hygiene or the rules and regulations of the secretary of health and environment or of the board regarding sanitation;

(7) engaged in the division of fees, or agreed to split or divide the fee received for dental service with any person for bringing or referring a patient without the knowledge of the patient or the patient's legal representative, except:

(A) The division of fees between dentists practicing in a partnership and sharing professional fees;

(B) ~~the division of fees between, or in case of~~ one licensed dentist employing another; or

(C) ~~the division of fees between a licensed dentist and a proprietor as defined in K.S.A. 65-1424, and amendments thereto~~ dental franchisor;

(8) committed complicity in association with or allowed the use of the licensed dentist's name in conjunction with any person who is engaged in the illegal practice of dentistry;

(9) been convicted of a felony or a misdemeanor involving moral turpitude in any jurisdiction and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;

(10) prescribed, dispensed, administered or distributed a prescription drug or substance, including a controlled substance, in an excessive, improper or inappropriate manner or quantity outside the scope of practice of dentistry or in a manner that impairs the health and safety of an individual;

(11) prescribed, purchased, administered, sold or given away prescription drugs, including a controlled substance, for other than legal and legitimate purposes;

(12) violated or been convicted of any federal or state law regulating possession, distribution or use of any controlled substance;

(13) failed to pay license fees;

(14) used the name "clinic," "institute" or other title that may suggest a public or semipublic activity except that the name "clinic" may be used as authorized in K.S.A. 65-1435, and amendments thereto;

(15) committed, after becoming a licensee, any conduct which is detrimental to the public health, safety or welfare as defined by rules and regulations of the board;

(16) engaged in a misleading, deceptive, untrue or fraudulent misrepresentation in the practice of dentistry or on any document connected with the practice of dentistry by

knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement, including the systematic waiver of patient co-payment or co-insurance;

(17) failed to keep adequate records;

(18) the licensee has had a license to practice dentistry revoked, suspended or limited, has been censured or has had other disciplinary action taken, *has had* an application for license denied, or voluntarily surrendered the license after formal proceedings have been commenced by the proper licensing authority or another state, territory or the District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof;

(19) failed to furnish the board, or its investigators or representatives any information legally requested by the board; or

(20) assisted suicide in violation of *K.S.A. 21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas* ~~K.S.A. 21-3406~~, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of *K.S.A. 21-3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session Laws of Kansas* ~~K.S.A. 21-3406~~, and amendments thereto;:-

(B) a copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto; or-

(C) a copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

(b) Whenever it is established, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that a licensee is in any of the circumstances or has committed any of the acts described in subsection (a), the Kansas dental board may take one or any combination of the following actions with respect to the license of the licensee:

(1) Revoke the license;-

(2) suspend the license for such period of time as may be determined by the board;:-

(3) restrict the right of the licensee to practice by imposing limitations upon dental or dental hygiene procedures which may be performed, categories of dental disease which may be treated or types of patients which may be treated by the dentist or dental hygienist. Such restrictions shall continue for such period of time as may be determined by the board, and the board may require the licensee to provide additional evidence at hearing before lifting such restrictions; or-

(4) grant a period of probation during which the imposition of one or more of the actions described in subsections (b)(1) through (b)(3) will be stayed subject to such conditions as may be imposed by the board including a requirement that the dentist or dental hygienist refrain from any course of conduct which may result in further violation of the dental practice act or the dentist or dental hygienist complete additional or remedial instruction. The violation of any provision of the dental practice act or failure to meet any condition imposed by the board as set forth in the order of the board will result in immediate termination of the period of probation and imposition of such other action as has been taken by the board.

(c) As used in this section, "professionally incompetent" means:

(1) One or more instances involving failure to adhere to the applicable standard of dental or dental hygienist care to a degree which constitutes gross negligence, as

determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of dental or dental hygienist care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of dental or dental hygienist practice or other behavior which demonstrates a manifest incapacity or incompetence to practice dentistry.

(d) In addition to or in lieu of one or more of the actions described in subsections (b)(1) through (b)(4) or in subsection (c) of K.S.A. 65-1444, and amendments thereto, the board may assess a fine not in excess of \$10,000 against a licensee. All fines collected pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and of the amount so remitted, an amount equal to the board's actual costs related to fine assessment and enforcement under this subsection, as certified by the president of the board to the state treasurer, shall be credited to the dental board fee fund and the balance shall be credited to the state general fund.

(e) The board, upon its own motion or upon the request of any licensee who is a party to a licensure action, may require a physical or mental examination, or both, of such licensee either prior to a hearing to be held as a part of a licensure action or prior to the termination of any period of suspension or the termination of any restrictions imposed upon the licensee as provided in subsection (b).

New Sec. 96. (a) Any person who is not licensed as a dentist under the dental practices act, or any entity that is not a professional corporation or limited liability company composed of dentists which enter into an agreement with a dentist to provide dental office administrative services shall register with the Kansas dental board.

(b) (1) The registration shall include the company name, contact information and responsible person of such person or entity along with the address and licensed dentist practice owner names for which administrative services are being provided.

(2) Any person or entity registered under this section shall provide updated information to the Kansas dental board within 30 days of any changes to the information provided in paragraph (1). Any person or entity required to register pursuant to this section shall have 30 days from the execution of any contract or agreement with a dentist or professional corporation or limited liability company to complete the registration.

(c) Any such person or entity required to register pursuant to this section operating under a contract or agreement executed prior to the effective date of this section shall be subject to the provisions of this section and shall have 30 days from the effective date of this section to complete the registration. A copy of all contracts or agreements providing for dental office administrative services shall be maintained by the registered dental office administrative services company and shall be subject to inspection during regular business hours at any time by the Kansas dental board.

New Sec. 97. (a) As used in this section, "licensed dentist" means a dentist licensed under the dental practices act.

(b) No person who is a licensed dentist or any entity that is not a professional corporation or limited liability company owned by a licensed dentist shall enter into or continue to maintain a contract or agreement with a licensed dentist in which such contract or agreement allows or provides for the following functions to be controlled by

any person or entity other than a licensed dentist pursuant to this section:

- (1) Providing dental treatment to patients;
- (2) the decision to accept individual patients for treatment;
- (3) the direction or delegation of all professional dental services;
- (4) the ownership of dental charts or patient records;
- (5) except as provided in subsection (d), the ownership of dental equipment or dental materials; and

(6) the supervision of clinical dental staff.

(c) It shall not be a violation of this section for a person or entity to act on behalf of a licensed dentist to perform or arrange for others to perform office administrative services including, but not limited to:

- (1) Purchasing, billing or tax preparation;
- (2) compliance or quality assurance programs;
- (3) legal advice or representation; and
- (4) payroll, advertising, training, recruiting, recordkeeping, programming or other similar functions under the direction or with the consent or approval of a licensed dentist or professional corporation or limited liability company owned by a licensed dentist.

(d) Nothing in this section shall prohibit a licensed dentist, professional corporation or limited liability company owned by a licensed dentist from entering into real estate lease, equipment lease or lease purchase agreement or bona fide sale of dental equipment or material secured by a chattel mortgage or retain title agreements with equipment manufacturers, landlords, lending institutions, leasing companies, dental franchisors or persons or entities providing dental office administrative services or similar commercial financing transactions.

(e) No contract or provision in any such agreement shall require either party to indemnify the other party for negligence, intentional acts or omissions that constitute a violation of K.S.A. 65-1422 et seq., and amendments thereto.

Sec. 98. K.S.A. 2010 Supp. 21-4010 is hereby amended to read as follows: 21-4010. (a) No person shall smoke in an enclosed area or at a public meeting including, but not limited to:

- (1) Public places;
- (2) taxicabs and limousines;
- (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
- (4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
- (5) access points of all buildings and facilities not exempted pursuant to subsection (d); and
- (6) any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 21-4011 or 21-4012, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

(1) The outdoor areas of any building or facility beyond the access points of such building or facility;

(2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;

(3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;

(4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;

(5) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;

(6) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;

(7) tobacco shops;

(8) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; ~~and~~

(9) a private club in designated areas where minors are prohibited; *and*

(10) *any benefit cigar dinner or other cigar dinner of a substantially similar nature that:*

(A) Is conducted specifically and exclusively for charitable purposes by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(B) is conducted no more than once per calendar year by such organization; and

(C) has been held during each of the previous three years prior to January 1, 2011.";

Also on page 41, by striking all in lines 6 through 12; following line 12 by inserting the following:

"Sec. 99. K.S.A 65-1424 and 65-1425 and K.S.A. 2010 Supp. 21-4010, 65-1117, 65-1435 and 65-1436 are hereby repealed.

Sec. 100. On July 1, 2011, K.S.A. 16-1602, 65-4970, 65-4972, 65-4973, 65-6102, 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.A. 2010 Supp. 65-1669, 65-1671, 65-2901, 65-2913, 65-4971, 65-6112, 65-6120, 65-6121, 65-6123, 65-6124, 65-6129, 65-6144, 75-5664, 75-5665 and section 2, section 3, section 4, section 7, section 8, section 9 and section 10 of chapter 45 of the 2010 Session Laws of Kansas are hereby repealed.

Sec. 101. On January 1, 2012, K.S.A. 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, as amended by section 236 of 2011 House Bill No. 2339, 65-1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468, 65-1132, 65-1626, 65-1626d, 65-2921, 65-4101, 65-5402, 65-6112, as amended by section 82 of this act, 65-6119, 65-6120, as amended by section 83 of this act, 65-6121, as amended by section 84 of this act, 65-6123, as amended by section 85 of this act, 65-6124, as amended by section 86 of this act, 65-6129c, 65-6135, 65-6144, as amended by section 91 of this act, 72-5213, 72-8252 and 74-1106 are hereby repealed.

Sec. 102. This act shall take effect and be in force from and after its publication in the Kansas register.":

On page 1, in the title, by striking all in lines 5 through 11 and inserting the following:

"health and health care; providers thereof; health safety requirements; amending K.S.A. 16-1602, 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, as amended by section 236 of 2011 House Bill No. 2339, 65-1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 65-1424, 65-1425, 65-6102, 65-6110, 65-6126, 65-6132, 65-6133, 74-32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 21-4010, 39-7,119, 40-2,111, 65-468, 65-1117, 65-1132, 65-1435, 65-1436, 65-1626, 65-1669, 65-1671, 65-2901, 65-2913, 65-2921, 65-4101, 65-5402, 65-6112, 65-6112, as amended by section 82 of this act, 65-6119, 65-6120, 65-6120, as amended by section 83 of this act, 65-6121, 65-6121, as amended by section 84 of this act, 65-6123,65-6123, as amended by section 85 of this act, 65-6124, 65-6124, as amended by section 86 of this act, 65-6129, 65-6129c, 65-6135, 65-6144, 65-6144, as amended by section 91 of this act, 72-5213, 72-8252, 74-1106, 75-5664 and 75-5665 and section 2, section 3, section 4, section 7, section 8, section 9 and section 10 of chapter 45 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 65-4970, 65-4972 and 65-4973 and K.S.A. 2010 Supp. 65-1626d and 65-4971.";

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

VICKI SCHMIDT

PETE BRUNGARDT

LAURA KELLY

Conferees on part of Senate

BRENDA LANDWEHR

OWEN DONOHUE

GERALDINE FLAHARTY

Conferees on part of House

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **HB 2182**.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-

Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley.

Absent or Not Voting: Donovan.

The Conference Committee Report was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1867—

A RESOLUTION congratulating Chief Bearskin on his service to all citizens in the State of Kansas and the United States of America.

WHEREAS, Chief Leaford Bearskin has distinguished himself and the Wyandotte Nation with his outstanding service to The Wyandotte Tribe and The United States of America; and

WHEREAS, Chief Leaford Bearskin is retiring on May 31, 2011 after serving 28 years as Principal Chief of the Wyandotte Nation, and in recognition of his outstanding service and dedication to all citizens in the Wyandotte Nation and the United States of America; and

WHEREAS, Wyandotte Nation Chief Leaford Bearskin was born September 11, 1921 on his parents' allotment of land in northeast Oklahoma. He was reared and educated in the Wyandotte, Oklahoma area, graduating from high school in 1939; and

WHEREAS, Immediately following graduation, Chief Leaford Bearskin entered military service and made it a lifetime career where he received numerous commendations for his heroic service. After basic training, he was first assigned to Alaska as a crew chief in World War II. Chief Leaford Bearskin then entered flying cadet school and after receiving his pilot wings, entered heavy bombardment training. Chief Leaford Bearskin was sent to New Guinea as an Aircraft commander on a B-24 Liberator Bomber. Altogether, Chief Leaford Bearskin flew 46 combat missions in heavy bombers; and

WHEREAS, Chief Leaford Bearskin's next assignment was to train heavy bomber crews in various phases of warfare before going to Japan as a ground force officer. He was a squadron commander, director of material and deputy commander at a fighter base in Georgia. From this base, he participated in the first flight of jet fighter aircraft across the Pacific. Chief Leaford Bearskin was Air Base Group Commander in support of this flight; and

WHEREAS, After graduating from a Staff Logistics Course at the Air University, Montgomery, Alabama, he was assigned to a Squadron Commander's position in Korea. His next assignment was as Squadron Commander and Assistant Headquarters Commandant at Strategic Air command Headquarters, Omaha, Nebraska, with the rank of Lieutenant Colonel. He retired from the Air Force at Omaha in 1960; and

WHEREAS, After retirement from the United States Air Force, he began his second career in federal civil service, as Chief of Vehicle and Aerospace Ground Equipment in the First Strategic Aerospace Division at Vandenberg Air Force Base, California. There, Chief Leaford Bearskin was responsible for the supervision of the utilization and maintenance of automotive equipment and for the testing, monitoring and analyzing of ground handling equipment for the Atlas, Titan and Minuteman missile weapons

systems; and

WHEREAS, Chief Leaford Bearskin later moved to March Air Force Base, California, as Chief, Traffic Management Branch, Directorate of Transportation, Headquarters 15th Air Force. With his promotion to Deputy Director, as a GS-13, he was responsible for the monitoring and development of transportation systems in support of nineteen Air Force bases throughout the western United States; and

WHEREAS, In 1969, Chief Leaford Bearskin was promoted to Deputy Director, Directorate of Logistic Plans in the same headquarters. He was second in charge of a plans organization which supervised the planning and operation of material requirements to support war plans for bomber and missile weapons systems located throughout the western states and in several overseas locations; and

WHEREAS, In 1970, Chief Leaford Bearskin was assigned as Executive Officer to the Director of Operations, Headquarters Fifteenth Air Force. He was the Administrative Manager for seven major directorates within the Fifteenth Air Force headquarters, and nineteen Air Force bases; and

WHEREAS, Chief Leaford Bearskin retired from federal civil service in 1979, having served forty-one years in government service. He and his wife, Barbara Cannon Bearskin, moved to his native Wyandotte, Oklahoma, where they built their retirement home on Grand Lake O' the Cherokees. He is the father of two children and has six grandchildren; and

WHEREAS, In September 1983, he was elected Chief of the Wyandotte Nation, where he has rededicated all efforts to the objective of better service to his people. He has steadily served in the capacity of Chief and is currently in his twenty-third year of service to the tribe and community. Vast improvements in health care, education, adult services, employment, emergency services, culture and heritage are the result of his many achievements. Chief Leaford Bearskin has led his people into various financial ventures that have made the tribe self sufficient: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby proclaim Chief Leaford Bearskin a Kansan at heart and congratulate Chief Leaford Bearskin on his service to all citizens in the State of Kansas and the United States of America; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Haley.

On emergency motion of Senator Haley **SR 1867** was adopted unanimously.

On motion of Senator Emler the Senate stood at ease until the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments on **HB 2336** and requests return of the bill.

The House adopts the Conference Committee report on **SB 21**.

The House adopts the Conference Committee report on **S Sub for HB 2014**.

The House adopts the Conference Committee report on **SB 76**.

On motion of Senator Emler the Senate recessed until 3:45 a.m.

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

CHANGE OF REFERENCE

The President withdrew **SB 240, SB 248; HB 2241; S Sub for HB 2383** from the Calendar under the heading of General Orders and re-referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 43** from the Calendar under the heading of General Orders and re-referred the bill to the Committee on **Ethics and Elections**.

The President withdrew **Sub SB 7, SB 56** from the Calendar under the heading of General Orders and re-referred the bills to the Committee on **Judiciary**.

The President withdrew **SB 54, SB 241** from the Calendar under the heading of General Orders and re-referred the bills to the Committee on **Federal and State Affairs**.

The President withdrew **HB 2077** from the Calendar under the heading of General Orders and re-referred the bills to the Committee on **Financial Institutions and Insurance**.

ORIGINAL MOTION

Senator Emler 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 21, SB 76**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 21** submits the following report:

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

On page 7, in line 7, by striking "budgetary and proprietary (real) accounts" and inserting "all funds held by a school district regardless of the source of the moneys held in such funds, including, but not limited to, all funds funded by fees or other sources of revenue not derived from tax levies"; in line 16, by striking "unliquidated obligations" and inserting "unencumbered cash balances, excluding state aid receivable"; in line 21, by striking all after "(g)"; in line 22, by striking "this section,"; in line 23, by striking all after "on"; in line 24, by striking all before the period and inserting "all construction activity undertaken by the school district which was financed by the issuance of bonds and which such bonds have not matured. Such report shall include all revenue receipts, all expenditures of bond proceeds authorized by law, the dates for commencement and completion of such construction activity, the estimated cost and the actual cost of such construction activity. The information provided in the report shall be in a form so as to readily identify such information with a specific construction project";

On page 8, in line 12, by striking "and" where it appears the first time;

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

LANA GORDON
STEVE HUEBERT
VALDENIA C. WINN

Conferees on part of House

JEAN KURTIS SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 21**.

On roll call, the vote was: Yeas 34, Nays 0, Present and Passing 3, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Umbarger, Vratil, Wagle.

Present and Passing: Francisco, Kelly, Teichman.

Absent or Not Voting: Donovan, Lynn, Steineger.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 76** submits the following report:

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

On page 1, by striking all in lines 7 through 33;

By striking all on pages 2 through 5 and inserting:

"Section 1. K.S.A. 2010 Supp. 79-4701 is hereby amended to read as follows: 79-4701. As used in this act:

(a) "Act" means the bingo act.

(b) "Administrator" means the administrator of charitable gaming designated by the secretary pursuant to K.S.A. 2010 Supp. 79-4717, and amendments thereto.

(c) "Bingo" or "games of bingo" means the games of call bingo and instant bingo.

(d) "Bingo card" or "card" means a reusable card which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two cards in the same game shall be identical.

(e) "Bingo face" or "face" means a piece of paper which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word "free." No two bingo faces in the same game shall be identical. Faces shall be disposable and shall not be reused after the game in which a player has used such face.

(f) "Call bingo" means a game in which: (1) Each player pays a charge; (2) a prize or prizes are awarded to the winner or winners; (3) each player receives one or more cards or faces; and (4) each player covers the squares on each card or face as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations

of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first covering properly a predetermined and announced pattern of squares upon the card or face being used by such player or players.

"Call bingo" shall include any regular, special, mini and progressive game of bingo.

"Call bingo" shall not include any game utilizing an electronic or computerized card system.

(g) "Department" means the department of revenue.

(h) "Director" means the director of taxation.

(i) "Distributor" means any person or entity that sells or distributes instant bingo tickets, bingo cards or bingo faces.

(j) "Instant bingo" means a game: (1) In which each player pays a charge; (2) in which a prize or prizes are awarded to the winner or winners; (3) in which each player receives one or more disposable pull-tab or break-open tickets which accord a player an opportunity to win something of value by opening or detaching the paper covering from the back of the ticket to reveal a set of numbers, letters, symbols or configurations, or any combination thereof; (4) which is conducted by a licensee under this act; (5) the conduct of which must be in the presence of the players; and (6) which does not utilize any dice, normal playing cards, instant ticket with a removable latex covering or slot machines. Winners of instant bingo shall be determined either: (1) By a combination of letters, numbers or symbols determined and posted prior to the sale of instant bingo tickets or; (2) by matching a letter, number or symbol under a tab of an instant bingo ticket with the winning letter, number or symbol in a designated call game of bingo during the same session; or (3) by matching a letter, number or symbol under a tab of an instant bingo ticket with one or more letters, numbers or symbols announced in, or as a continuation of, a designated call game of bingo during the same session.

"Instant bingo" shall not include any game utilizing electronically generated or computer-generated tickets.

(k) "Lessor" means the owner, co-owner, lessor or sublessor of premises upon which a licensee is permitted to manage, operate or conduct games of bingo, whether or not a written lease has been entered into and submitted to the administrator as required in subsection (c) of K.S.A. 79-4703, and amendments thereto, and includes all political subdivisions and other public agencies.

(l) "Licensee" means any nonprofit organization holding a license to manage, operate or conduct games of bingo pursuant to K.S.A. 79-4701 et seq., and amendments thereto.

(m) "Mini bingo" means a game of call bingo in which the prizes awarded are not less than 50% of the gross receipts derived from the sale of cards or faces for participation in the game, but not more than \$50.

(n) "Net proceeds" means the gross receipts received by the licensee from charges imposed on players for participation in games of bingo and any admission fees or charges less amounts actually paid as prizes in games of bingo and any tax payable by the licensee.

(o) "Nonprofit religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings

inures to the benefit of any private shareholder or individual member of such organization, and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined by the administrator to be organized and created as a bona fide religious organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit religious organization by the administrator.

(p) "Nonprofit charitable organization" means any organization which is organized and operated for:

(1) The relief of poverty, distress, or other condition of public concern within this state; or

(2) for financially supporting the activities of a charitable organization as defined in paragraph (1); or

(3) for conferring direct benefits on the community at large; and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization and has been determined by the administrator to be organized and operated as a bona fide charitable organization and which has been exempted from the payment of federal income taxes as provided by sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit charitable organization by the administrator.

(q) "Nonprofit fraternal organization" means any organization within this state which exists for the common benefit, brotherhood, or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the administrator to be organized and operated as a bona fide fraternal organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the administrator.

(r) "Nonprofit educational organization" means any public or private elementary or secondary school or institution of higher education which has been determined by the administrator to be organized and operated as a bona fide educational organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit educational organization by the administrator.

(s) "Nonprofit veterans' organization" means any organization within this state or any branch, lodge, or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society of such a nonprofit veterans' organization the membership of which consists exclusively of individuals who were or are members of the armed services or forces of the United States, or are cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any

private shareholder or individual member of such organization, and has been determined by the administrator to be organized and operated as a bona fide veterans' organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(4) or 501(c)(19) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit veterans' organization by the administrator.

(t) "Person" means any natural person, corporation, partnership, trust or association.

(u) "Premises" means any room, hall, building, enclosure or outdoor area used for the management, operation or conduct of a game of bingo by a licensee.

(v) "Progressive bingo" means a game of call bingo in which either the established prize amount or number of bingo balls or objects called, or both, may be increased from one session to the next scheduled session if no player completes the required pattern within the specified number of bingo balls or objects drawn. The player's opportunity to win shall increase as the prize amount increases.

(w) "Regular game of bingo" means any game of bingo which is subject to the 25 game limit, and \$50 prize limit and the \$1 charge limit imposed under subsections (g), (h) and (j) of by K.S.A. 79-4706, and amendments thereto.

(x) "Secretary" means the secretary of revenue or the secretary's designee.

(y) "Session" means a day on which a licensee conducts games of bingo.

Sec. 2. K.S.A. 2010 Supp. 79-4706 is hereby amended to read as follows: 79-4706. Games of bingo shall be managed, operated and conducted in accordance with the bingo act and rules and regulations adopted pursuant thereto and the following restrictions:

(a) The entire gross receipts received by any licensee from the operation or conduct of games of bingo, except that portion utilized for the payment of the cost of prizes and license fees and taxes on games of bingo imposed under the provisions of this act, shall be used exclusively for the lawful purposes of the licensee permitted to conduct that game.

(b) Games of bingo managed, conducted or operated by a licensee, shall be managed, conducted or operated only by a bona fide member or spouse of a bona fide member of the licensee or parent organization or an auxiliary unit or society of such licensee *or of the beneficiary organization. During each session of bingo there must be at least one member of the licensee organization on duty and assisting with the game. Such member must be listed with the office of charitable gaming.*

(c) No lessor, employee of such lessor or employee, officer or shareholder of a for profit corporation which is the lessor shall play any game of bingo or participate in any drawing on premises leased by any such lessor nor shall such person be responsible for or assist in the management, operation or conduct of any game of bingo or drawing on such premises.

(d) No person may participate in the management, conduct or operation of bingo games by a licensee if such person, within five years prior to such participation, has been convicted of or pleaded guilty or *nolo contendere* to any felony or illegal gambling activity or purchased a tax stamp for wagering or gambling activity.

(e) No person may receive any remuneration or profit for participating in the management, conduct or operation of any game of bingo managed, conducted or operated by a licensee. *Food offered in the course of a volunteer duty shift and*

consumed on the premises shall not be considered remuneration, provided the retail value of such food offered does not exceed \$10 per volunteer.

(f) The aggregate value of all prizes including the retail value of all merchandise awarded or offered by a licensee in a single session to winners of games of regular and special call bingo shall not exceed \$1,200. The value of a prize awarded in a progressive or mini bingo game shall not be included when determining the limit imposed by this subsection. Any monetary prize of \$500 or more awarded in games of bingo shall be paid by a check drawn on the bingo trust bank account of the licensee. Any monetary prize awarded in games of bingo shall be paid by a check on the bingo trust bank account of the licensee upon the request of the winner of such award.

(g) The total number of regular, special and progressive call bingo games managed, operated or conducted by any licensee in any session shall not exceed 25 and not more than five of such games shall be special games. Not more than one licensee may conduct bingo games at a given location or registered premises in any one session.

(h) The prize awarded by a licensee in any one regular call bingo game shall not exceed \$50. The prize in any one special call bingo game shall not exceed \$500.

(i) The retail value of any merchandise received by a winner of a bingo game shall be considered as the cash value for the purposes of determining the value of the prize.

~~(j) The charge made by a licensee for a bingo card or equivalent number of bingo faces to play in regular bingo games in any one session shall not exceed \$1. Such bingo card or equivalent number of bingo faces shall be valid for all such regular bingo games conducted or operated by the licensee in any one session. The charge made by a licensee for a single bingo card or bingo face to play in any single, mini or progressive special game shall not exceed \$1. The charge made by a licensee for a single instant bingo ticket shall not exceed \$1 \$2.~~

(k) Games of bingo shall not be managed, operated or conducted by any licensee on more than two calendar days in any one week.

(l) All licenses issued under the provisions of this act shall be issued in the name of the organization licensed.

(m) Each licensee shall keep a record of all games of bingo managed, operated or conducted by it for a period of three years following the date the game is managed, operated or conducted.

(n) No person under the age of 18 years shall participate in the management, operation or conduct of any game of bingo managed, operated or conducted by a licensee under the provisions of this act and no licensee shall sell any instant bingo ticket to a person under the age of 18 years.

(o) A lessor of premises used for the management, operation or conduct of games of bingo or a licensee may not advertise games of bingo except to the extent and in the manner prescribed by the rules and regulations adopted pursuant to the bingo act. Any advertisement of any game of bingo by or on behalf of such lessor or licensee shall specify the organization which is managing, operating or conducting such game. The announcement of the cancellation of a game of bingo shall not be considered to be an advertisement.

(p) (1) Except as provided by paragraph (2) of this subsection, no game of chance or contest where a prize is awarded, other than games of bingo, shall be conducted on any premises where licensees are conducting games of bingo, where the intent of such game of chance or contest is to induce participation in such games of bingo.

(2) One drawing during a session may be conducted by the licensee or the lessor of the premises. Only a nonmonetary prize having a value not exceeding \$25 shall be awarded to the winner of such drawing. There shall be no charge for participation in such drawing. There shall be no requirement to purchase anything of value in order to participate in such drawing. No more than four of such drawings shall be conducted by each licensee or lessor during any calendar year.

(q) No licensee shall manage, operate or conduct bingo on any leased premises or with leased equipment unless all of the terms and conditions of rental or use, including the rental of chairs, bingo equipment, tables, security guards, janitor service or any other services, are set forth in a lease submitted, approved and on file with the administrator.

(r) No premises shall be used for the management, operation or conduct of games of bingo by licensees on more than three calendar days in any one week.

(s) No premises shall be subdivided to provide multiple premises where games of bingo are managed, operated or conducted by licensees, whether or not the multiple premises have different addresses.

(t) No game of bingo shall be managed, operated or conducted by licensees on leased premises if at any time during the immediately preceding 44 hours the premises, or any leased premises within 1,000 feet of them, have been used for the management, operation or conduct of a game of bingo.

(u) Every licensee who has gross receipts of \$1,000 or more received from participation in games, admission fees or charges and from any other source directly related to the operation or conduct of any games of bingo in any calendar month shall maintain a bingo trust bank account into which all such receipts are deposited daily and from which all payments are made relating to the management, operation or conduct of any games of bingo, except payment of prizes of less than \$200. Having once established such bingo trust bank account, the licensee shall continue to make deposits of all receipts therein. Every licensee shall notify the administrator of the name of the bank in which the bingo trust bank account is maintained, together with the number and name of the account. Every licensee who maintains a bingo trust bank account shall maintain a complete record of all deposits and withdrawals from such bank account and the same shall be available to the administrator to audit at any reasonable time.

The records required under this subsection are in addition to all other records required to be kept by the licensee. The records required by this subsection shall be maintained in the same place as all other records required to be kept by the licensee.

(v) No instant bingo ticket shall be sold by a licensee more than ~~one hour~~ *two hours* prior to the start of the first regular or special game of call bingo of a session or *one hour* after the termination of the last game of call bingo operated or conducted by the licensee for such session.

(w) No licensee shall purchase or obtain bingo faces or instant bingo tickets from any person or entity other than a distributor registered pursuant to K.S.A. 79-4712a, and amendments thereto.

(x) All instant bingo tickets sold or distributed to licensees shall bear on the face thereof a unique serial number which shall not be repeated on the same manufacturer's form number less than every three years. All instant bingo tickets shall be sold or distributed in boxes. Each box shall be sealed by the manufacturer with a seal which includes a warning to the purchaser that the box may have been tampered with if the

box was received by the purchaser with the seal broken. Each box of instant bingo tickets shall contain tickets printed in such a manner as to insure that at least 60% of the gross revenues generated by the ultimate sale of all tickets from such box shall be returned to the final purchasers of such tickets. No box of instant bingo tickets may be opened by a licensee unless all tickets contained in a previously opened box with the same form number have been sold.

(y) Each box of instant bingo tickets sold or distributed to licensees shall be accompanied by a flare which contains the following information: (1) The name of the game; (2) the manufacturer's name or logo; (3) the game form number; (4) the ticket count in the game; (5) the prize structure for the game, which includes the number of winning tickets by denomination and their respective winning symbol or number combinations; (6) the cost per ticket; (7) the game serial number; (8) the winning numbers or symbols for the top three winning tiers set out in such a manner that each prize may be marked off as the prize is won and awarded; (9) the business name of the distributor; and (10) if sold or distributed to a licensee under the bingo act, the Kansas bingo license number of the licensee to which the game is sold.

(z) (1) No progressive game may exceed 20 consecutive sessions conducted by a licensee prior to the awarding of the established prize.

(2) No more than two progressive bingo games may be conducted in any one session.

(3) A prize for a progressive game may start at an amount not to exceed ~~\$250 and may be increased by no more than \$100 for each session during which the progressive game is continued.~~ The prize awarded at the end of any progressive game shall not exceed ~~\$1,000~~ \$400.

(4) If the progressive bingo game prize is not awarded at a bingo session, the progressive bingo game shall be continued at a future occasion until such time a winner is determined. The winning prize shall be the full amount. If there is no winner of a progressive bingo game at a session, a stated consolation prize in an amount not to exceed ~~\$250~~ \$400 may be awarded. Any consolation prize shall be less than the value of the progressive bingo game prize amount.

(5) All progressive bingo games and rules for such games shall be described fully and posted in the house rules prior to the start of the session. Such games shall comply with requirements imposed under the bingo act and any rules and regulations adopted pursuant thereto.

(6) When a person achieves the first preannounced winning combination, the game shall be completed and the next progressive bingo game and winning combination shall be commenced with a new bingo card or face and all objects or balls in the receptacle.

(7) The rules for a progressive bingo game shall remain in effect until the game ends and the winner is determined.

(8) Progressive bingo games may not be conducted in conjunction with a session of bingo conducted at a location other than that specified in the license as authorized by subsection (c) of 79-4703, and amendments thereto.

(9) A licensee shall not cease bingo operations unless all progressive bingo games are completed and prizes are awarded, unless prior approval has been received from the secretary.

(aa) Except as specifically provided by rules and regulations adopted pursuant to the bingo act, the distribution, sale or use of bingo cards is prohibited from and after

July 1, 2003, and thereafter, only bingo faces shall be distributed, sold or used in call bingo games operated and conducted by licensees.

(bb) ~~Only three games of~~ *There shall be no limit on the number of games of* instant bingo, in which the winner or winners of such game is determined by matching a letter, number or symbol under a tab of an instant bingo ticket with the winning letter, number or symbol in a designated call game of bingo during the same session ~~shall be, which may be played in any one session.~~ There shall be no limit on the number of instant bingo tickets which may be sold for participation in any such game of instant bingo.

(cc) The total number of mini games of bingo managed, operated or conducted by a licensee during a session shall not exceed ~~20~~ 30 games. No mini bingo game shall be conducted by a licensee more than ~~one hour~~ *two hours* prior to *the first regular or special game of call bingo operated or conducted by the licensee for such session,* or *one hour* after the ~~commencement~~ *termination* of, the ~~first~~ *last* regular or special game of call bingo operated or conducted by the licensee for such session.

Sec. 3. K.S.A. 2010 Supp. 79-4701 and 79-4706 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.";

Also on page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 4, and inserting "concerning bingo games; relating to the operation thereof and prizes awarded; amending K.S.A. 2010 Supp. 79-4701 and 79-4706 and repealing the existing sections.";

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

BRENDA LANDWHER
OWEN DONOHOE
GERALDINE FLAHARTY
Conferees on part of House

VICKI SCHMIDT
PETE BRUNGARHT
LAURA KELLY
Conferees on part of Senate

Senator V. Schmidt moved the Senate adopt the Conference Committee Report on **SB 76**.

On roll call, the vote was: Yeas 34, Nays 2, Present and Passing 1, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Olson, Pyle.

Present and Passing: Wagle.

Absent or Not Voting: Donovan, Lynn, Steineger.

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **House Substitute for Sub SB 111**.

ORIGINAL MOTION

Senator Emler moved that Joint Rule 3(f) be suspended and the Senate dispense with distribution of copies of the Conference Committee Report on **H Sub for Sub SB 111**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 111** submits the following report:

The House recedes from all of the amendments to the bill made in House Committee of the Whole;

The Senate accedes to all other House amendments to the bill;

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

CLAY AURAND

STEVE HUEBERT

JIM WARD

Conferees on part of House

JEAN KURTIS SCHODORF

JOHN VRATIL

Conferees on part of Senate

Senator Schodorf moved the Senate adopt the Conference Committee Report on **H Sub for Sub SB 111**.

On roll call, the vote was: Yeas 34, Nays 3, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Francisco, Haley, Hensley.

Absent or Not Voting: Donovan, Lynn, Steineger.

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee Report on **House Substitute for Substitute SB 127**.

ORIGINAL MOTION

Senator Emler 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 for Sub SB 127**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 127** submits the following report:

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

On page 1, by striking all in lines 7 through 35;

By striking all on pages 2 through 17 and inserting the following:

"New Section 174. Sections 1 through 8, and amendments thereto, shall be known and may be cited as the university engineering initiative act.

New Sec. 175. (a) The legislature of the state of Kansas hereby finds and declares that:

(1) Engineering intensive industries represent approximately one-third of the statewide payroll and tax base;

(2) under the university engineering initiative act, the secretary of commerce, in consultation with the board of regents, state educational institutions and private industry, shall develop a plan to ensure engineering industry partners find the new talent, designs and techniques needed to fuel economic growth and business success in Kansas;

(3) the goal of the university engineering initiative act is to increase the number of engineering graduates to 1,365 graduates per year in 2021, and all moneys appropriated pursuant to this act shall be used to meet this goal; and

(4) the needs of the citizens of the state of Kansas will be best served if the secretary of commerce, the board of regents and the state educational institutions under the control and supervision of the board of regents are granted specific authority to assist in the expansion of the engineering programs.

(b) The exercise of the powers authorized by this act are deemed an essential governmental function in matters of public necessity for the entire state to increase the number of engineering graduates.

New Sec. 176. As used in this act, the following words and phrases have the following meanings unless a different meaning clearly appears from the content:

(a) "Board of regents" means the state board of regents of the state of Kansas established by K.S.A. 74-3202a, and amendments thereto.

(b) "Engineering initiative facility" means any facility, including real and personal property, for which the primary purpose is to educate additional engineers and which is under the control of a state educational institution.

(c) "Secretary" means the secretary of commerce.

(d) "State" means the state of Kansas.

(e) "State educational institution" means Kansas state university of agriculture and applied science, university of Kansas and Wichita state university.

(f) "This act" means the university engineering initiative act.

New Sec. 177. (a) The secretary, the board of regents and the state educational institutions shall have all the powers necessary or convenient to carry out the purposes and provisions of this act.

(b) When reviewing plans of each state educational institution and making decisions regarding expenditures from the Kan-grow engineering fund – KU, Kan-grow engineering fund – KSU and Kan-grow engineering fund – WSU, the secretary, in consultation with the board of regents, shall consider the different needs of each state educational institution to expand such institution's program to increase the number of engineering graduates.

(d) On or before the first day of the 2017 regular session, the secretary shall conduct a review of each state educational institution's plan to meet the goals established in the university engineering initiative act. The report shall include an analysis of whether or not the institutions are on course to meet the goals established in this act.

New Sec. 178. (a) The board of regents and the state educational institutions are authorized to acquire, construct and equip engineering facilities on state-owned property of the board of regents or any state educational institution for purposes of educating engineers from any moneys of the board of regents or the state educational institutions available therefor, except that no such engineering facilities shall be acquired, constructed or equipped and no moneys shall be expended therefor unless the board of regents has first advised and consulted with the secretary and the joint committee on state building construction regarding the proposed engineering facilities and each capital improvement project proposed therefor. The engineering facilities shall become the property of the state upon completion and acceptance by the board of regents.

(b) The board of regents and the state educational institutions are authorized to initiate and complete capital improvement projects to repair, remodel or renovate state buildings and facilities of the state educational institutions for use as engineering facilities from any moneys of the board of regents or the state educational institutions, except that no such capital improvement project for such repair, remodeling or renovation shall be initiated unless the board of regents has first advised and consulted with the secretary and the joint committee on state building construction regarding the proposed engineering facilities and each such capital improvement project proposed therefor.

(c) Each state educational institution shall submit to the secretary and the board of regents a plan to provide for the annual maintenance and operation costs of any newly constructed engineering facility or capital improvement of an existing engineering facility when seeking funding for the making of such construction or improvement from the secretary or the board of regents.

New Sec. 6. (a) (1) There is hereby created in the state treasury the Kan-grow engineering fund – KU. The secretary shall remit all moneys received under the university engineering initiative act for engineering initiative facilities at the university of Kansas, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kan-grow engineering fund – KU.

(2) All expenditures from the Kan-grow engineering fund – KU shall be for purposes of the university engineering initiative act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary. Each expenditure from the Kan-grow engineering fund – KU which is transferred from expanded lottery act revenues fund moneys shall be required to be matched on a \$1 for \$1 basis from nonstate sources.

(b) (1) There is hereby created in the state treasury the Kan-grow engineering fund – KSU. The secretary shall remit all moneys received under the university engineering initiative act for engineering initiative facilities at Kansas state university, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kan-grow engineering fund – KSU.

(2) All expenditures from the Kan-grow engineering fund – KSU shall be for purposes of the university engineering initiative act and shall be made in accordance

with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary. Each expenditure from the Kan-grow engineering fund – KSU which is transferred from expanded lottery act revenues fund moneys shall be required to be matched on a \$1 for \$1 basis from nonstate sources.

(c) (1) There is hereby created in the state treasury the Kan-grow engineering fund – WSU. The secretary shall remit all moneys received under the university engineering initiative act for engineering initiative facilities at Wichita state university, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kan-grow engineering fund – WSU.

(2) All expenditures from the Kan-grow engineering fund – WSU shall be for purposes of the university engineering initiative act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary. Each expenditure from the Kan-grow engineering fund – WSU which is transferred from expanded lottery act revenues fund moneys shall be required to be matched on a \$1 for \$1 basis from nonstate sources.

New Sec. 7. Purchases by the board of regents or the state educational institutions relating to engineering initiative facilities shall not be subject to sales tax under K.S.A. 79-3601 et seq., and amendments thereto, or use tax under K.S.A. 79-3701 et seq., and amendments thereto.

New Sec. 8. This act shall be liberally construed. Except as otherwise expressly provided, nothing contained in this act is or shall be construed as a restriction or limitation upon any powers which the secretary, the board of regents or the state educational institutions might otherwise have under other law of this state, and the provisions of this act are cumulative to such powers. The provisions of this act do and shall be construed to provide a complete, additional and alternative method for doing the things authorized and shall be regarded as supplemental and additional to any other laws. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general, specific or local, the provisions of this act shall be controlling.

Sec. 9. K.S.A. 2010 Supp. 74-8768 is hereby amended to read as follows: 74-8768. (a) There is hereby created the expanded lottery act revenues fund in the state treasury. All expenditures and transfers from such fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be expended or transferred only for the purposes of reduction of state debt, state infrastructure improvements, *the university engineering initiative act*, and reduction of local ad valorem tax in the same manner as provided for allocation of amounts in the local ad valorem tax reduction fund.

(b) *On July 1, 2012, July 1, 2013, July 1, 2014, July 1, 2015, July 1, 2016, July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021, or as soon thereafter such date as moneys are available, the first \$10,500,000 credited to the expanded lottery act revenues fund shall be transferred by the director of accounts and reports from the expanded lottery act revenues fund in one or more substantially equal amounts, to each of the following: the Kan-grow engineering fund – KU, Kan-grow engineering fund – KSU and Kan-grow engineering fund – WSU. Each such special revenue fund shall receive \$3,500,000 annually in each of such years.*

Sec. 10. K.S.A. 2010 Supp. 74-8768 is hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.";

Also on page 1, in the title, by striking all in lines 1 through 4 and inserting the following:

"AN ACT enacting the university engineering initiative act; amending K.S.A. 2010 Supp. 74-8768 and repealing the existing section.";

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

MARC RHOADES

KASHA KELLEY

BILL FEUERBORN

Conferees on part of House

CAROLYN MCGINN

JOHN VRATIL

LAURA KELLY

Conferees on part of Senate

Senator McGinn moved the Senate adopt the Conference Committee Report on **H Sub for Sub SB 127**

On roll call, the vote was: Yeas 36, Nays 1, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pilcher-Cook.

Absent or Not Voting: Donovan, Lynn, Steineger.

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee Report on **House Substitute for SB 154**.

ORIGINAL MOTION

Senator Emler 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 for SB 154**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 154** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 154, as follows:.

On page 2, following line 31, by inserting the following:

"New Sec. 2. The university of Kansas is hereby authorized to initiate and complete a capital improvement project for the university of Kansas school of engineering

expansion project phase II and such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute. The university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project, except that expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$65,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds. All moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants. Debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds of the university of Kansas.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 2, following the semicolon by inserting "relating to engineering expansion";

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

MARC RHOADES

KASHA KELLEY

BILL FEUERBORN

Conferees on part of House

CAROLYN MCGINN

JOHN VRATIL

LAURA KELLY

Conferees on part of Senate

Senator McGinn moved the Senate adopt the Conference Committee Report on **H Sub for SB 154**

On roll call, the vote was: Yeas 35, Nays 2, Present and Passing 0, Absent or Not Voting 3.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan, Lynn, Steineger.

The Conference Committee Report was adopted.

REPORT ON ENROLLED BILLS

SB 10; Sub SB 50; SB 93, SB 97, SB 124 reported correctly enrolled, properly signed and presented to the Governor on May 13, 2011.

Also, **SR 1866, SR 1867** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 13, 2011.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**SENATE CONCURRENT RESOLUTION No. 1609—**

By Senators Morris, Emler and Hensley

A CONCURRENT RESOLUTION relating to the 2011 regular session of the legislature and providing for an adjournment thereof.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on May 12, 2011, until the hour of 10:00 a.m. on June 1, 2011, at which time the legislature shall reconvene and shall continue in session until sine die adjournment at the close of business on June 1, 2011; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the President of the Senate, the Speaker of the House of Representatives or the Legislative Coordinating Council during the period of adjournment for which members are not authorized per diem compensation and subsistence allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On motion of Senator Emler **SCR 1609** was adopted by voice vote.

On motion of Senator Emler and in compliance with **SCR 1609**, the Senate adjourned until Sine Die at 10:00 a.m., Wednesday, June 1, 2011.

Journal of the Senate

SIXTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, June 1, 2011, 10:00 a.m.

As provided by **SCR 1609**, the Sine Die Session of the regular 2011 Kansas Senate was called to order by President Stephen Morris.

The roll was called with thirty-eight Senators present.

Senators Bruce and Steineger were excused.

President Morris introduced as guest chaplain, Senator Dick Kelsey, who delivered the invocation:

Heavenly Father we come to you on the official last day of the legislative session thanking you for the honor of serving here in the Senate this past year. We pray that the decisions we made will be in the best interest of our state. Give us the courage to admit our error when we find that some decision we made was not correct and that next session we will take corrective action.

We pray for our colleague, Senator Donovan, that you will give him grace and strength as we mourn the loss of his wife Sissy. We thank you for her life and the inspiration she was to each of us.

Lord, as we all go our different directions this summer and fall, give each one safety, health and wisdom. Bless those in the administration as they strive to continue to fashion a new executive branch of our government.

The Pledge of Allegiance was led by President Stephen Morris.

REPORT ON ENGROSSED BILLS

SB 21, SB 115; H Sub for Sub SB 127, H Sub for SB 154 reported correctly engrossed May 13, 2011.

Also, **SB 76, SB 77, SB 150** correctly re-engrossed May 13, 2011.

H Sub for Sub SB 111 reported correctly engrossed May 16, 2011.

H Sub for SB 55 reported correctly engrossed May 17, 2011.

Also, **H Sub for SB 6** correctly re-engrossed May 18, 2011.

REPORT ON ENROLLED BILLS

SB 77, SB 193, SB 247 reported correctly enrolled, properly signed and presented to the Governor on May 17, 2011.

H Sub for SB 6; SB 21; H Sub for SB 37, H Sub for SB 55; SB 61; H Sub for SB

63; SB 76; H Sub for SB 111; SB 115; H Sub for Sub SB 127; SB 143, SB 150; H Sub for SB 154, H Sub for SB 196 reported correctly enrolled, properly signed and presented to the Governor on May 20, 2011.

SCR 1609 reported correctly enrolled, properly signed and presented to the Secretary of State on May 20, 2011.

MESSAGE FROM THE GOVERNOR

H Sub for SB 23; SB 67, SB 123, SB 136, SB 170, H Sub for SB 213, H Sub for SB 214, approved on May 12, 2011.

H Sub for SB 36 approved on May 16, 2011.

SB 50, SB 77 approved on May 18, 2011.

SB 10, SB 97, SB 124, SB 247 approved on May 19, 2011.

H Sub for SB 6; SB 21; H Sub for SB 37, H Sub for SB 55; SB 61; H Sub for SB 63; H Sub for Sub SB 111; SB 115; H Sub for SB 127; SB 143, SB 150; H Sub for SB 154 approved on May 25, 2011.

SB 193; H Sub for SB 196 approved on May 26, 2011.

SB 76 approved on May 27, 2011.

MESSAGE FROM THE GOVERNOR

Senate Bill **93** has been signed into law.

Senate Bill **93** establishes that it shall be unlawful in Kansas for any law enforcement officer to unreasonably rely on race, ethnicity, national origin, gender or religion to make a decision to arrest a person; a decision to stop or detain a person; or a decision to search a person or vehicle. **SB 93** also establishes that all law enforcement agencies in Kansas will put in place a detailed written policy prohibiting biased policing and explaining the requirements of the law. In addition, those agencies will be required to provide annual training on the subject of biased policing and to subject that training curricula to the review of an advisory panel. Finally, **SB 93** sets forth a variety of mechanisms whereby the intent of the law to eliminate and prevent biased policing can be practically carried out, including: provisions for a community review board; provisions for receiving complaints of biased policing; and reporting requirements from local law enforcement agencies to the office of the Kansas Attorney General.

Many in the minority communities of Kansas have told me that **SB 93** does not go far enough in addressing issues of fundamental justice for their communities. I have listened to their suggestions carefully and I have heard their heartfelt concern. I am firmly committed to continuing to work closely with all Kansans, and especially minority Kansans, to improve and expand full equality under the law.

Approved on May 20, 2011.

Sam Brownback
Governor

MESSAGE FROM THE GOVERNOR

May 25, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-09 for your information.

With Warm Regards,

Sam Brownback
Governor

The President announced Executive Order No. 11-09, Authorizing 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.

MESSAGE FROM THE GOVERNOR

May 26, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-10 for your information.

With Warm Regards,

Sam Brownback
Governor

The President announced Executive Order No. 11-10, Authorizing Conditional and Temporary Relief from Healing Arts Act Rules and Regulations, is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE GOVERNOR

May 31, 2011

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 11-11 for your information.

With Warm Regards,

Sam Brownback
Governor

The President announced Executive Order No. 11-11, Authorizing Conditional and Temporary Relief from Kansas Banking Code, is on file in the office of the Secretary of the Senate and is available for review at any time.

COMMUNICATIONS FROM STATE OFFICERS

May 12, 2011

UTAH STATE LEGISLATURE

A communication was received from Utah State Legislature concerning **SJR 12**, urging Congress to resolve immigration policy issues or give states the authority to address these issues within their own borders; **SCR 15**, urging the United States Congress to exempt wolves from the Endangered Species Act in every state and **HJR 19**, expressing opposition to the Environmental Protection Agency's regulation of green house gasses without Congressional approval.

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

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2015**.

The House reconsidered its action and adopts the conference committee report on **HB 2075**.

The House reconsidered its action and adopts the conference committee report on **HB 2139**.

The House adopts the Conference Committee report on **HB 2182**.

Announcing adoption of **SCR 1609**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Apple introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1868—

A RESOLUTION congratulating and commending the Louisburg High School football team for winning the 2010 Class 4A state championship.

WHEREAS, The Louisburg High School football team won the 2010 Class 4A state championship with a 24-16 victory over Holton High School on November 27, 2010, at Salina; and

WHEREAS, The Louisburg Wildcats scored 14 points in the fourth quarter to break a 10-10 tie and racked up 24 consecutive points in their comeback over Holton; and

WHEREAS, The victory in the state championship game capped off a perfect 14-0 season for Louisburg. The Wildcats never trailed during the season until the first half of the state championship game. The team set a goal of a perfect season at the beginning of the year and achieved it through countless hours of training and practice; and

WHEREAS, The Wildcats reached the state championship game with a dominating 28-7 Sub-State victory over their cross-county rival Paola; and

WHEREAS, The state title was the biggest win in the program's storied history. Louisburg football has not had a losing season since 1989, but the program had never before been able to bring home the state crown. The 2010 Wildcats were finally able to silence all the critics who said that Louisburg couldn't win the big game; and

WHEREAS, Head Coach Gary Griffin was named the 2010 Kansas Football Coach of the Year by the Kansas Football Coaches Association; and

WHEREAS, Defensive lineman Tyler Ewy was named the 2010 Bobby Bell Award

Winner, which is given to the top small-school lineman/linebacker in the Kansas City metro area. He was also named to the Topeka Capital-Journal and Wichita Eagle Top 11 in 2010 and was named to the Class 4A All-State team. Tyler will represent the East Team in the 2011 Kansas Shrine Bowl and will continue his football career at Washburn University; and

WHEREAS, Four Louisburg seniors were selected to play in the Metro All Star Game: Tyler Ewy, along with fullback Alex Gentges, guard Ross Dvorak and quarterback/defensive back Kody Cook. Ross Dvorak and Kody Cook were also named to the Class 4A All-State team. Ross will play college football at Northeastern State University and Kody and Alex both signed to play for Hutchinson Community College. All four were leaders of a senior class that compiled a record of 45-7 during their four seasons; and

WHEREAS, The team could not have achieved its goals without the enthusiastic support of the school's administrators, faculty and students, the players' parents and members of the Louisburg community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Louisburg Wildcats and Head Coach Gary Griffin for winning the 2010 Class 4A state football championship. The Wildcats exemplify what dedication, determination and team work can accomplish. We wish all the team members and coaches continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate shall send 30 enrolled copies of this resolution to Senator Apple.

On emergency motion of Senator Apple **SR 1868** was adopted unanimously.

Senator Apple congratulated and commended the Louisburg High School football team for winning the 2010 Class 4A state championship. Head Coach Gary Griffin was recognized for being named the 2010 Kansas Football Coach of the Year. Four seniors were introduced for playing in the Metro All Star Game: Tyler Ewy, Alex Gentges, Ross Dvorak and Kody Cook. Also introduced were the remaining football team members. The Senate acknowledged their achievement with a standing ovation.

Senator Lynn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1869—

A RESOLUTION recognizing Farmers Insurance Group and its support of Be a Hero for Babies Day, benefiting the March of Dimes.

WHEREAS, The state of Kansas takes great pride in recognizing those who provide the highest standards of service and contribute in a meaningful way to the creation of a better and more productive society; and

WHEREAS, Farmers Insurance Group will participate in Be a Hero for Babies Day, benefiting the March of Dimes, on June 29, 2011; and

WHEREAS, Farmers Insurance Group is the largest insurance company sponsor of the March of Dimes and is also the exclusive national sponsor of March for Babies; and

WHEREAS, Farmers Insurance Group has worked with the March of Dimes for 23 years to raise awareness and millions of dollars in support of the mission for healthy babies and mothers; and

WHEREAS, Through Be a Hero for Babies Day, the network of Farmers Insurance agencies and district offices throughout the United States will work to raise \$2,000,000

in support of this worthy cause: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize and pay tribute to Farmers Insurance Group for its dedicated efforts to support the March of Dimes and extend our warmest wishes for a future replete with increasing success and service to the community; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Farmers Insurance Group, 11880 College Boulevard, Overland Park, Kansas 66210.

On emergency motion of Senator Lynn **SR 1869** was adopted unanimously.

As provided by **SCR 1609**, Senator Emler moved the Senate adjourn Sine Die. The motion prevailed.

President Morris thereupon announced: "By virtue of the authority vested in me as president of the Senate, I now declare the 2011 Session of the Kansas Senate adjourned Sine Die."

MESSAGE FROM THE HOUSE

Announcing a veto message from the Governor **Senate Substitute for HB 2014**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, reducing compensation for state officers, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2010 Supp. 2-223, 12-5256, 49-514, 55-193, 72-8814, 74-99b34, 75-2319, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections; also repealing section 138 of chapter 165 of the 2010 Session Laws of Kansas, was received on May 28, 2011 and read on June 1, 2011.

Message to the Legislature of the State of Kansas:

I want to congratulate the 2011 Legislature on putting together a fair budget in the midst of a down economy. Filling a \$500 million budget hole without raising taxes is a difficult task, but the Committees on Appropriations and Ways and Means and the entire House and Senate took on the challenge and produced a budget that funds state priorities while maintaining a responsible \$50 million real ending balance. And this balance will grow throughout FY 2012. In fact, in the time period between passage of this bill and today, it is estimated that KPERS will show \$4 million in additional savings in FY 2011 and \$11 million in FY 2012. I am proud of everyone's hard work. I will sign this bill.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Substitute for House Bill No. 2014 with my signature approving the bill, except for the items enumerated below. The net effect of these line item vetoes will be an increase in the ending balance of \$498,000.

Kansas Technology Enterprise Corporation Pipeline

Section 26 has been line-item vetoed in its entirety.

As part of my agency reorganizations, I recommended elimination of KTEC. This is an unnecessary appropriation from a fund (the EDIF) that is short of cash for an agency that will not exist on July 1. Other sources are now available to keep the entrepreneurial program running.

Members were given the opportunity to reconsider the line item veto. There having been no motion to reconsider the line item veto, the Speaker of the House ruled the line item veto sustained.

Department of Health & Environment—Division of Health Care Finance Preferred Mental Health Drug List

Section 108(e) has been line-item vetoed in its entirety.

The Preferred Drug List for the Medicaid Program has been in use for several years and has helped in controlling pharmacy expenditures which had been growing exponentially. Expanding the Preferred Drug List to include mental health drugs and using the Mental Health Preferred Drug List (PDL) Advisory Committee to recommend appropriate medically-indicated management of mental health drugs dispensed under the MediKan program will reduce expenditures. My veto of this provision will not require implementation of a PDL, but would allow for improved patient safety; timely access to medications, support of systematic, best-practice guidance for providers, and lower overall costs. The use of a PDL is standard practice in most private health insurance plans.

Members were given the opportunity to reconsider the line item veto. There having been no motion to reconsider the line item veto, the Speaker of the House ruled the line item veto sustained.

State Employee Health Benefits Program Surcharge

Section 108(f) has been line-item vetoed in its entirety.

After further review of this provision, it appears that the revenues that might be generated from a surcharge on state employee health premiums are far less than originally anticipated. After a thorough review, the actual revenues that can reasonably be anticipated from this surcharge are \$790,000. Given the legal concerns the provision may create as it relates to the Kansas Wage Payment Act coupled with the smaller revenues produced, I am compelled to veto the surcharge. I have further directed the Secretary of the Kansas Department of Health and Environment that upon the effective date of the state reorganization of the Kansas Health Policy Authority, the state employee gift card program shall be phased out. This administrative action is reasonably anticipated to generate savings to the Health Plan of \$600,000, which amount shall essentially offset the lost revenue as a result of this specific line-item veto.

Members were given the opportunity to reconsider the line item veto. There having been no motion to reconsider the line item veto, the Speaker of the House ruled the line item veto sustained.

**Department of Social and Rehabilitation Services
Quarterly Reporting**

That portion of Section 111(a) that reads as follows has been line-item vetoed:

“And provided further, That in addition to the other purposes for which expenditures may be made by the above agency from the state operations account for fiscal year 2012, expenditures shall be made by the above agency from the state operations account for fiscal year 2012 to report, at least quarterly during such fiscal year, to the legislative budget committee concerning the budget and financial status of the department of social and rehabilitation services and any other matter the committee may request.”

I have directed my administration to maintain open lines of communication with the Legislature, instructing them to operate transparently and provide timely information on our policies, ongoing progress, and the challenges we must meet. The language contained in this provision would place an unfair and unnecessary administrative burden on one state agency, so I have vetoed it.

Members were given the opportunity to reconsider the line item veto.. There having been no motion to reconsider the line item veto, the Speaker of the House ruled the line item veto sustained.

**Kansas Arts Commission
Agency Operations**

Section 115(a) has been line-item vetoed in its entirety. That portion of Section 143(a) that reads as follows has been line-item vetoed:
“Kansas Arts Commission.....6.00”

This veto strikes State General Fund appropriations made to the Commission and removes the Commission’s FTE position limitation. My FY 2012 Budget Report recommended no funding for the Commission and outlined a transition plan in order to fund the arts in Kansas with private donations while maintaining the state’s federal match. In difficult fiscal times such as these, the state must prioritize how to spend its limited resources and focus its attention on providing core services. The arts will continue to thrive in Kansas when funded by private donations, and I intend to personally involve myself in efforts to make this happen.

A motion was made that, notwithstanding the Governor’s objections, the line item be reconsidered. By a vote of 50 Yeas and 44 Nays, the motion failed to receive the necessary two-thirds constitutional majority vote of the elected members of the House of Representatives, and the line item veto was sustained.

Across the Board Reduction

That portion of Section 175 that reads as follows has been line-item vetoed:

“Provided further, That the aggregate amount lapsed in each account of the state general fund of the state agency under this section shall be the amount in the account budgeted for state operations which bears the same relation to \$5,900,000 as the aggregate amount budgeted for state operations from the state general fund for the state agency in the Governor’s Budget Report for FY 2012 bears to the aggregate amount budgeted for state operations from the state general fund for all state agencies in the Governor’s Budget Report for FY 2012.”

My administration remains committed to right-sizing the state budget and reducing the likelihood of allotments by maintaining a responsible ending balance. While I fully intend to make these reductions, I must have the flexibility to impose them where I believe they can be made without harming key services. The \$5.9 million reduction is left intact with this veto and the certification of reductions will be made as provided for in the bill. These reductions, however, should not be made on a pro-rata basis, so I have vetoed this proviso.

Members were given the opportunity to reconsider the line item veto.. There having been no motion to reconsider the line item veto, the Speaker of the House ruled the line item veto sustained.

Moving Forward

As we look toward more challenges ahead, I encourage the Legislature to join me in thoroughly reviewing areas where we can reduce the reach of state government. One of these areas is state subsidization of public broadcasting. I intend again to include no funding for public broadcasting operations grants in my FY 2013 budget, so I encourage recipients of these grants to make appropriate preparations.

Again, I commend the Legislature for its work during the 2011 session, and I look forward to working with all of you in the coming months and years as we get our state’s budget and economy back on track.

Approved with line item vetoes: May 27, 2011
Signed, Sam Brownback
Governor

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*
PAT SAVILLE, *Secretary of the Senate.*



SHORT TITLE AND HISTORY
OF
SENATE BILLS,
SENATE RESOLUTIONS,
SENATE PETITIONS
AND
EXECUTIVE REORGANIZATION ORDERS

TITLE AND HISTORY OF SENATE BILLS

- S 1** Bill by Senator Haley
House Substitute for SB 1 by Committee on Taxation – Reduction to state income tax rates based on selected actual state general fund receipts computations.
12/10/2010 Senate—Prefiled for Introduction
01/10/2011 Senate—Introduced—SJ 7
01/11/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 20
02/21/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 218
02/24/2011 Senate—Committee of the Whole—Be passed as amended—SJ 261
02/24/2011 Senate—Motion to Reconsider Adopted—SJ 262
02/24/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 266
02/24/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 266
02/25/2011 House—Received and Introduced—HJ 411
03/02/2011 House—Referred to Committee on Taxation—HJ 415
03/15/2011 House—Committee Report recommending substitute bill be passed by Committee on Taxation—HJ 506
03/17/2011 House—Committee of the Whole—Motion to recommend favorably for passage failed Yea: 56 Nay: 61—HJ 540
03/18/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 567
03/18/2011 House—Emergency Final Action—Passed as amended; Yea: 73 Nay: 47—HJ 584
03/21/2011 Senate—Ruled materially changed and referred to Committee on Assessment and Taxation—SJ 404
- S 2** Bill by Legislative Post Audit Committee
Requiring bidders on state contracts to sign a statement they will not hire former state employees that participated in awarding the contract unless otherwise allowed by law.
12/10/2010 Senate—Prefiled for Introduction
01/10/2011 Senate—Introduced—SJ 7
01/11/2011 Senate—Referred to Committee on Ways and Means—SJ 20
- S 3** Bill by Legislative Post Audit Committee
Concerning water; establishing the Kansas natural resources subcabinet.
01/04/2011 Senate—Prefiled for Introduction
01/10/2011 Senate—Introduced—SJ 7
01/11/2011 Senate—Referred to Committee on Ways and Means—SJ 20
- S 4** Bill by Senator Kelsey
Board of healing arts; licensure and education of perfusionists.
01/07/2011 Senate—Prefiled for Introduction
01/10/2011 Senate—Introduced—SJ 7
01/11/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 20
- S 5** Bill by Senator Kelsey
Board of healing arts; licensure and education of perfusionists.
01/11/2011 Senate—Introduced—SJ 20
01/12/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 23
02/07/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 119
02/14/2011 Senate—Committee of the Whole—Be passed as amended—SJ 191
02/15/2011 Senate—Final Action—Passed as amended; Yea: 38 Nay: 0—SJ 195

- 02/16/2011 House—Received and Introduced—HJ 265
 02/17/2011 House—Referred to Committee on Health and Human Services—HJ 276
- S 6** Bill by Judiciary
House Substitute for SB 6 by Committee on Corrections and Juvenile Justice -- Driving under the influence.
 01/13/2011 Senate—Introduced—SJ 26
 01/14/2011 Senate—Referred to Committee on Judiciary—SJ 30
 02/14/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 190
 02/21/2011 Senate—Committee of the Whole—Be passed—SJ 221
 02/22/2011 Senate—Final Action—Passed as amended; Yea: 38 Nay: 1—SJ 226
 02/24/2011 House—Received and Introduced—HJ 348
 02/25/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 393
 03/21/2011 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 593
 03/23/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 707
 03/23/2011 House—Emergency Final Action—Substitute passed as amended; Yea: 122 Nay: 1—HJ 712
 03/28/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Owens, Senator King and Senator Haley as conferees—SJ 519
 03/29/2011 House—Motion to accede adopted; Representative Colloton, Representative Kinzer and Representative McCray-Miller appointed as conferees—HJ 782
 05/12/2011 House—Conference Committee Report was adopted; Yea: 121 Nay: 0—HJ 1241
 05/12/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 880
- S 7** 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
 Bill by Judiciary
Substitute for SB 7 by Committee on Judiciary -- Driving under the influence.
 01/13/2011 Senate—Introduced—SJ 26
 01/14/2011 Senate—Referred to Committee on Judiciary—SJ 30
 02/24/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 249
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 271
 03/18/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Judiciary—SJ 386
 05/12/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 1296
- S 8** Bill by Legislative Educational Planning Committee
Defining information technology project for state universities under the control of the state board of regents.
 01/13/2011 Senate—Introduced—SJ 26
 01/14/2011 Senate—Referred to Committee on Education—SJ 30
 02/07/2011 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 119

- 02/21/2011 Senate—Committee of the Whole—Be passed as amended—SJ 221
 02/22/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 227
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Education Budget—HJ 348
- S 9**
 Bill by Judiciary
Amendments to the code of civil procedure.
 01/13/2011 Senate—Introduced—SJ 26
 01/14/2011 Senate—Referred to Committee on Judiciary—SJ 30
 02/22/2011 Senate—Committee Report recommending bill be passed as amended by
 Committee on Judiciary—SJ 232
 02/23/2011 Senate—Committee of the Whole—Be passed as amended—SJ 246
 02/24/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 249
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Judiciary—HJ 394
 03/21/2011 House—Committee Report recommending bill be passed as amended by
 Committee on Judiciary—HJ 594
 03/23/2011 House—Committee of the Whole—Be passed as amended—HJ 707
 03/23/2011 House—Emergency Final Action—Passed as amended; Yea: 123 Nay: 0—
 HJ 710
 03/29/2011 Senate—Concurred with amendments; Yea: 39 Nay: 0—SJ 529
 04/13/2011 Senate—Approved by Governor on Wednesday, 13 April 2011—SJ 615
- S 10**
 Bill by Ways and Means
**Countywide retailer's sales tax, periods of limitation for certain refunds and
 credits; property taxation, delinquent or underpaid taxes and overpayment of
 taxes, clerical errors, rate of interest.**
 01/13/2011 Senate—Introduced—SJ 26
 01/14/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 30
 01/25/2011 Senate—Committee Report recommending bill be passed by Committee on
 Assessment and Taxation—SJ 65
 02/24/2011 Senate—Committee of the Whole—Be passed—SJ 261
 02/24/2011 Senate—Emergency Final Action—Passed; Yea: 39 Nay: 0—SJ 266
 02/25/2011 House—Received and Introduced—HJ 411
 03/02/2011 House—Referred to Committee on Taxation—HJ 415
 03/16/2011 House—Committee Report recommending bill be passed by Committee on
 Taxation—HJ 534
 03/22/2011 House—Committee of the Whole—Be passed as amended—HJ 671
 03/23/2011 House—Final Action—Passed as amended; Yea: 111 Nay: 13—HJ 676
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Apple, Senator King and Senator Holland as
 conferees—SJ 507
 03/28/2011 House—Motion to accede adopted; Representative Carlson, Representative
 Kleeb and Representative Dillmore appointed as conferees—HJ 720
 05/03/2011 House—Conference Committee Report was adopted; Yea: 91 Nay: 33—HJ
 974
 05/04/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ
 668
 05/20/2011 Senate—Approved by Governor on Thursday, 19 May 2011—SJ 1313
- S 11**
 Bill by Ways and Means
**Authorizing attendance and transportation of certain nonresident pupils by school
 district.**

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 01/13/2011 Senate—Introduced—SJ 26
 01/14/2011 Senate—Referred to Committee on Education—SJ 30
 01/31/2011 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 86
 02/08/2011 Senate—Committee of the Whole—Be passed—SJ 137
 02/09/2011 Senate—Final Action—Passed; Yea: 38 Nay: 0—SJ 145
 02/09/2011 House—Received and Introduced—HJ 218
 02/10/2011 House—Referred to Committee on Education—HJ 220
 03/22/2011 House—Committee of the Whole—Be passed as amended—HJ 671
 03/23/2011 House—Final Action—Passed as amended; Yea: 112 Nay: 12—HJ 677
 03/28/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Schodorf, Senator Vratil and Senator Hensley as conferees—SJ 513
 03/29/2011 House—Motion to accede adopted; Representative Aurand, Representative Huebert and Representative Ward appointed as conferees—HJ 788
- S 12** Bill by Ways and Means
Allowing debtors to exempt the right to receive earned income tax credits from bankruptcy proceedings.
 01/13/2011 Senate—Introduced—SJ 26
 01/14/2011 Senate—Referred to Committee on Judiciary—SJ 30
 02/09/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 146
 02/14/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 192
 02/15/2011 Senate—Final Action—Passed as amended; Yea: 38 Nay: 0—SJ 196
 02/16/2011 House—Received and Introduced—HJ 265
 02/17/2011 House—Referred to Committee on Judiciary—HJ 276
 03/21/2011 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 594
 03/23/2011 House—Committee of the Whole—Be passed—HJ 707
 03/23/2011 House—Emergency Final Action—Passed; Yea: 118 Nay: 5—HJ 711
 04/07/2011 Senate—Approved by Governor on Thursday, 07 April 2011—SJ 615
- S 13** Bill by Legislative Educational Planning Committee
Career and technical education; amendments.
 01/13/2011 Senate—Introduced—SJ 26
 01/14/2011 Senate—Referred to Committee on Education—SJ 30
 01/31/2011 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 86
 02/03/2011 Senate—Committee of the Whole—Be passed—SJ 99
 02/03/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 0—SJ 99
 02/04/2011 House—Received and Introduced—HJ 160
 02/07/2011 House—Referred to Committee on Education—HJ 171
- S 14** Bill by Financial Institutions and Insurance
Health care; Kansas uninsurable health insurance plan act; lifetime limit; participation by in certain children; health care freedom act.
 01/14/2011 Senate—Introduced—SJ 29
 01/18/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 32
 01/26/2011 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 69
 02/03/2011 Senate—Committee of the Whole—Be passed—SJ 99

- 02/03/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 0—SJ 100
 02/04/2011 House—Received and Introduced—HJ 160
 02/07/2011 House—Referred to Committee on Health and Human Services—HJ 171
 03/17/2011 House—Committee Report recommending bill be passed as amended by
 Committee on Health and Human Services—HJ 551
 03/21/2011 House—Committee of the Whole—Be passed as amended—HJ 600
 03/22/2011 House—Final Action—Passed as amended; Yea: 108 Nay: 15—HJ 635
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Teichman, Senator Masterson and Senator A.
 Schmidt as conferees—SJ 483
 03/23/2011 House—Motion to accede adopted; Representative Landwehr,
 Representative Donohoe and Representative Flaharty appointed as conferees
 —HJ 715
- S 15** Bill by Financial Institutions and Insurance
Insurance; risk-based capital requirements.
 01/14/2011 Senate—Introduced—SJ 29
 01/18/2011 Senate—Referred to Committee on Financial Institutions and Insurance—
 SJ 32
 01/26/2011 Senate—Committee Report recommending bill be passed by Committee on
 Financial Institutions and Insurance—SJ 69
 02/03/2011 Senate—Committee of the Whole—Be passed—SJ 99
 02/03/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 0—SJ 100
 02/04/2011 House—Received and Introduced—HJ 160
 02/07/2011 House—Referred to Committee on Insurance—HJ 171
 03/15/2011 House—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Insurance—HJ 504
 03/18/2011 House—Final Action—Passed; Yea: 120 Nay: 0—HJ 564
 03/31/2011 Senate—Approved by Governor on Thursday, 31 March 2011—SJ 591
- S 16** Bill by Ways and Means
Supplemental appropriations for FY 2011 for various state agencies.
 01/14/2011 Senate—Introduced—SJ 29
 01/18/2011 Senate—Referred to Committee on Ways and Means—SJ 32
- S 17** Bill by Education
**Increasing campaign contribution limits for candidates for the state board of
 education.**
 01/14/2011 Senate—Introduced—SJ 30
 01/18/2011 Senate—Referred to Committee on Ethics and Elections—SJ 32
 01/26/2011 Senate—Committee Report recommending bill be passed by Committee on
 Ethics and Elections—SJ 69
 02/03/2011 Senate—Committee of the Whole—Be passed—SJ 99
 02/03/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 0—SJ 100
 02/04/2011 House—Received and Introduced—HJ 160
 02/07/2011 House—Referred to Committee on Elections—HJ 171
- S 18** Bill by Special Committee on Education
School districts; finance; at-risk funds; limits on use.
 01/14/2011 Senate—Introduced—SJ 30
 01/18/2011 Senate—Referred to Committee on Education—SJ 32
 02/24/2011 Senate—Withdrawn from Committee on Education; Referred to Committee
 on Ways and Means—SJ 249

- 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Education—SJ 271
- S 19** Bill by Legislative Educational Planning Committee
School districts; finance; KPERS weighting.
 01/14/2011 Senate—Introduced—SJ 30
 01/18/2011 Senate—Referred to Committee on Education—SJ 32
 02/23/2011 Senate—Withdrawn from Committee on Education; Referred to Committee on Ways and Means—SJ 246
 02/24/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Education—SJ 249
- S 20** Bill by Special Committee on Education
School districts; at-risk pupils; age limit.
 01/14/2011 Senate—Introduced—SJ 30
 01/18/2011 Senate—Referred to Committee on Education—SJ 32
 02/24/2011 Senate—Withdrawn from Committee on Education; Referred to Committee on Ways and Means—SJ 249
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Education—SJ 271
- S 21** Bill by Legislative Educational Planning Committee
Amendments relating to school district funds; enacting the uniform financial accounting and reporting act.
 01/14/2011 Senate—Introduced—SJ 30
 01/18/2011 Senate—Referred to Committee on Education—SJ 32
 02/04/2011 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 104
 02/08/2011 Senate—Committee of the Whole—Be passed—SJ 137
 02/09/2011 Senate—Final Action—Passed; Yea: 38 Nay: 0—SJ 145
 02/09/2011 House—Received and Introduced—HJ 218
 02/10/2011 House—Referred to Committee on Education Budget—HJ 220
 03/10/2011 House—Committee Report recommending bill be passed by Committee on Education Budget—HJ 452
 03/14/2011 House—Withdrawn from Calendar; Referred to Committee on Education—HJ 478
 03/18/2011 House—Withdrawn from Committee on Education; Referred to Committee on Appropriations—HJ 583
 03/21/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Education Budget—HJ 632
 03/29/2011 House—Committee Report recommending bill be passed as amended by Committee on Education Budget—HJ 789
 05/04/2011 House—Committee of the Whole—Be passed as amended—HJ 1017
 05/05/2011 House—Final Action—Passed as amended; Yea: 116 Nay: 1—HJ 1027
 05/05/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Schodorf, Senator Hensley and Senator Vratil as conferees—SJ 697
 05/05/2011 House—Motion to accede adopted; Representative Gordon, Representative Aurand and Representative Winn appointed as conferees—HJ 1067
 05/12/2011 House—Conference Committee Report not adopted; Representative Gordon, Representative Aurand and Representative Winn appointed as 2nd conferees—HJ 1185

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 05/12/2011 Senate—Motion to accede adopted; Senator Schodorf, Senator Vratil and Senator Hensley appointed as 2nd conferees—SJ 879
- 05/12/2011 House—Representative Huebert replaces Representative Aurand on the Conference Committee—HJ 1186
- 05/12/2011 House—Conference Committee Report was adopted; Yea: 122 Nay: 2—HJ 1269
- 05/12/2011 Senate—Conference Committee Report was adopted; Yea: 34 Nay: 0—SJ 1296
- S 22 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
Bill by Special Committee on Education
School districts; finance; transportation state aid.
- 01/14/2011 Senate—Introduced—SJ 30
- S 23 01/18/2011 Senate—Referred to Committee on Education—SJ 32
Bill by Judiciary
House Substitute for SB 23 by Committee on Corrections and Juvenile Justice -- Establishing juvenile's rights to trial by jury, grandparents as interested parties in juvenile proceedings, and provisions for the awarding of high school diplomas to certain persons.
- 01/18/2011 Senate—Introduced—SJ 31
- 01/19/2011 Senate—Referred to Committee on Judiciary—SJ 38
- 02/14/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 190
- 02/21/2011 Senate—Committee of the Whole—Be passed—SJ 221
- 02/22/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 227
- 02/23/2011 House—Received and Introduced—HJ 328
- 02/24/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 348
- 03/18/2011 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 569
- 03/22/2011 House—Committee of the Whole—Substitute bill be passed—HJ 671
- 03/23/2011 House—Final Action—Substitute passed; Yea: 124 Nay: 0—HJ 677
- 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Owens, Senator King and Senator Haley as conferees—SJ 507
- 03/28/2011 House—Motion to accede adopted; Representative Colloton, Representative Kinzer and Representative McCray-Miller appointed as conferees—HJ 720
- 04/01/2011 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—HJ 867
- 04/27/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 620
- S 24 05/12/2011 Senate—Approved by Governor on Thursday, 12 May 2011—SJ 879
Bill by Judiciary
Domestic relations; relating to the recodification of certain domestic relations matters.
- 01/18/2011 Senate—Introduced—SJ 31
- 01/19/2011 Senate—Referred to Committee on Judiciary—SJ 38
- 02/09/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 146
- 02/21/2011 Senate—Committee of the Whole—Be passed—SJ 221

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 02/22/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 227
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Judiciary—HJ 348
 03/21/2011 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 594
 03/23/2011 House—Committee of the Whole—Be passed—HJ 707
 03/23/2011 House—Emergency Final Action—Passed; Yea: 123 Nay: 0—HJ 711
 04/07/2011 Senate—Approved by Governor on Thursday, 07 April 2011—SJ 615
- S 25** Bill by Federal and State Affairs
House Substitute for SB 25 by Committee on Federal and State Affairs -- Community defense act; sexually oriented businesses regulations.
 01/18/2011 Senate—Introduced—SJ 32
 01/19/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 38
 01/27/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 79
 02/03/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 99
 02/03/2011 Senate—Emergency Final Action—Passed as amended; Yea: 38 Nay: 0—SJ 100
 02/08/2011 House—Received and Introduced—HJ 211
 02/09/2011 House—Referred to Committee on Federal and State Affairs—HJ 213
 03/30/2011 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 833
 04/28/2011 House—Committee of the Whole—Substitute bill be passed—HJ 932
 04/29/2011 House—Final Action—Substitute passed; Yea: 96 Nay: 23—HJ 937
 05/03/2011 Senate—Ruled materially changed and referred to Committee on Federal and State Affairs—SJ 660
 05/04/2011 Senate—Motion to withdraw from Committee on Federal and State Affairs not adopted; Yea: 17 Nay: 22—SJ 667
- S 26** Bill by Legislative Post Audit Committee
Concerning the state lottery; relating to security audits; background investigation requirements.
 01/18/2011 Senate—Introduced—SJ 32
 01/19/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 38
 01/27/2011 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 79
 02/03/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 89
- S 27** Bill by Education
School districts; finance; bilingual weighting based on program enrollment.
 01/18/2011 Senate—Introduced—SJ 32
 01/19/2011 Senate—Referred to Committee on Education—SJ 38
- S 28** Bill by Legislative Educational Planning Committee
Johnson county education research triangle authority; interest earnings on fund.
 01/18/2011 Senate—Introduced—SJ 32
 01/19/2011 Senate—Referred to Committee on Education—SJ 38
 02/10/2011 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 151
 02/21/2011 Senate—Committee of the Whole—Be passed—SJ 221
 02/22/2011 Senate—Final Action—Passed; Yea: 38 Nay: 1—SJ 228

- 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Education Budget—HJ 348
- S 29** Bill by Public Health and Welfare
Amending the drug schedule by adding additional unlawful substances.
 01/18/2011 Senate—Introduced—SJ 32
 01/19/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 38
- S 30** Bill by Utilities
Concerning 911 emergency services; prepaid wireless fees, collection and distribution.
 01/18/2011 Senate—Introduced—SJ 32
 01/19/2011 Senate—Referred to Committee on Utilities—SJ 38
 02/25/2011 Senate—Withdrawn from Committee on Utilities; Referred to Committee on Ways and Means—SJ 271
 03/02/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Utilities—SJ 273
- S 31** Bill by Ethics and Elections
Campaign finance; electioneering communications; reporting.
 01/19/2011 Senate—Introduced—SJ 38
 01/20/2011 Senate—Referred to Committee on Ethics and Elections—SJ 50
 02/22/2011 Senate—Withdrawn from Committee on Ethics and Elections; Referred to Committee on Ways and Means—SJ 224
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Ethics and Elections—SJ 237
- S 32** Bill by Special Committee on Education
School districts; finance; at-risk weighting calculated on FTE basis.
 01/19/2011 Senate—Introduced—SJ 38
 01/20/2011 Senate—Referred to Committee on Education—SJ 50
- S 33** Bill by Public Health and Welfare
Substitute for SB 33 by Committee on Public Health and Welfare – School sports head injury prevention act.
 01/19/2011 Senate—Introduced—SJ 38
 01/20/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 50
 02/17/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Public Health and Welfare—SJ 209
 02/22/2011 Senate—Committee of the Whole—Substitute bill be passed as amended—SJ 234
 02/23/2011 Senate—Final Action—Substitute passed as amended; Yea: 37 Nay: 0—SJ 237
 02/24/2011 House—Received and Introduced—HJ 348
 02/25/2011 House—Referred to Committee on Education—HJ 393
 03/18/2011 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 570
 03/28/2011 House—Stricken from Calendar by Rule 1507—HJ 719
- S 34** Bill by Judiciary
House Substitute for SB 34 by Committee on Federal and State Affairs – Amending statutes regulating late-term and partial birth abortion.
 01/19/2011 Senate—Introduced—SJ 38
 01/20/2011 Senate—Referred to Committee on Judiciary—SJ 50
 02/09/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 146

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

02/14/2011 Senate—Committee of the Whole—Be passed—SJ 191
 02/15/2011 Senate—Final Action—Passed; Yea: 34 Nay: 4—SJ 196
 02/16/2011 House—Received and Introduced—HJ 265
 02/17/2011 House—Referred to Committee on Judiciary—HJ 276
 03/21/2011 House—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—HJ 632
 03/23/2011 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 714

S 35

Bill by Judiciary

House Substitute for SB 35 by Committee on Federal and State Affairs -- Abortion regulation based on capacity of unborn child to feel pain.

01/19/2011 Senate—Introduced—SJ 38
 01/20/2011 Senate—Referred to Committee on Judiciary—SJ 50
 02/03/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 99
 02/08/2011 Senate—Committee of the Whole—Be passed—SJ 137
 02/09/2011 Senate—Final Action—Passed; Yea: 38 Nay: 0—SJ 145
 02/09/2011 House—Received and Introduced—HJ 218
 02/10/2011 House—Referred to Committee on Judiciary—HJ 220
 03/21/2011 House—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—HJ 632
 03/23/2011 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 695
 03/29/2011 House—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—HJ 819

S 36

Bill by Judiciary

House Substitute for SB 36 by Committee on Federal and State Affairs -- Licensing of abortion clinics by department of health and environment.

01/19/2011 Senate—Introduced—SJ 38
 01/20/2011 Senate—Referred to Committee on Judiciary—SJ 50
 02/14/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 190
 02/21/2011 Senate—Committee of the Whole—Be passed—SJ 221
 02/22/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 228
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Judiciary—HJ 348
 03/21/2011 House—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—HJ 632
 03/23/2011 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 714
 03/30/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 830
 03/31/2011 House—Final Action—Substitute passed as amended; Yea: 97 Nay: 26—HJ 839
 04/01/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Owens, Senator King and Senator Haley as conferees—SJ 611
 04/01/2011 House—Motion to accede adopted; Representative Kinzer, Representative Patton and Representative Pauls appointed as conferees—HJ 878

- 04/27/2011 House—Representative Loganbill replaces Representative Pauls on the Conference Committee—HJ 885
- 04/27/2011 Senate—Concurred with amendments in conference; Yea: 24 Nay: 15—SJ 626
- 05/16/2011 Senate—Approved by Governor on Monday, 16 May 2011—SJ 1313
- S 37** Bill by Judiciary
House Substitute for SB 37 by Committee on Corrections and Juvenile Justice -- Amendments to the Kansas offender registration act.
- 01/19/2011 Senate—Introduced—SJ 38
- 01/20/2011 Senate—Referred to Committee on Judiciary—SJ 50
- 02/10/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 151
- 02/14/2011 Senate—Committee of the Whole—Be passed as amended—SJ 191
- 02/15/2011 Senate—Final Action—Passed as amended; Yea: 32 Nay: 6—SJ 196
- 02/17/2011 House—Received and Introduced—HJ 277
- 02/18/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 285
- 03/17/2011 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 561
- 03/21/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 602
- 03/22/2011 House—Final Action—Substitute passed as amended; Yea: 120 Nay: 3—HJ 635
- 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Owens, Senator King and Senator Haley as conferees—SJ 483
- 03/23/2011 House—Motion to accede adopted; Representative Colloton, Representative Kinzer and Representative McCray-Miller appointed as conferees—HJ 715
- 05/03/2011 House—Conference Committee Report agree to disagree adopted; Representative Colloton, Representative Kinzer and Representative McCray-Miller appointed as 2nd conferees—HJ 974
- 05/03/2011 Senate—Conference Committee Report agree to disagree adopted; Senator Owens, Senator King and Senator Haley appointed as 2nd conferees—SJ 663
- 05/05/2011 House—Conference Committee Report was adopted; Yea: 118 Nay: 0—HJ 1029
- 05/09/2011 Senate—Conference Committee Report not adopted; Yea: 6 Nay: 33—SJ 707
- 05/10/2011 Senate—Motion to Reconsider Adopted—SJ 759
- 05/10/2011 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 1—SJ 759
- 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
- S 38** Bill by Judiciary
Children; permanency and priority of orders.
- 01/19/2011 Senate—Introduced—SJ 38
- 01/20/2011 Senate—Referred to Committee on Judiciary—SJ 50
- 02/03/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 99
- 02/08/2011 Senate—Committee of the Whole—Be passed—SJ 137
- 02/09/2011 Senate—Final Action—Passed; Yea: 38 Nay: 0—SJ 145

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 02/09/2011 House—Received and Introduced—HJ 218
 02/10/2011 House—Referred to Committee on Judiciary—HJ 220
 03/21/2011 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 594
 03/23/2011 House—Committee of the Whole—Be passed—HJ 707
 03/23/2011 House—Emergency Final Action—Passed; Yea: 123 Nay: 0—HJ 712
 04/07/2011 Senate—Approved by Governor on Thursday, 07 April 2011—SJ 615
- S 39** Bill by Senator Olson
Creating the classification of "aggravated sex offender;" creating additional penalties and restrictions for sex offenders.
 01/20/2011 Senate—Introduced—SJ 50
 01/21/2011 Senate—Referred to Committee on Judiciary—SJ 52
 02/24/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 249
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 271
- S 40** Bill by Senator Reitz
Counties; certain contracts exempt from bidding.
 01/21/2011 Senate—Introduced—SJ 51
 01/24/2011 Senate—Referred to Committee on Local Government—SJ 54
 01/25/2011 Senate—Committee Report recommending bill be passed by Committee on Local Government—SJ 65
 02/03/2011 Senate—Committee of the Whole—Be passed—SJ 99
 02/03/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 0—SJ 101
 02/04/2011 House—Received and Introduced—HJ 160
 02/07/2011 House—Referred to Committee on Local Government—HJ 171
 03/18/2011 House—Committee Report recommending bill be passed as amended by Committee on Local Government—HJ 582
 03/23/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 697
- S 41** Bill by Legislative Educational Planning Committee
Private and out of state postsecondary educational institution act; fees.
 01/21/2011 Senate—Introduced—SJ 52
 01/24/2011 Senate—Referred to Committee on Education—SJ 54
 02/10/2011 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 151
 02/21/2011 Senate—Committee of the Whole—Be passed—SJ 221
 02/22/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 228
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Education Budget—HJ 348
 03/10/2011 House—Committee Report recommending bill be passed as amended by Committee on Education Budget—HJ 452
 03/18/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 583
 03/21/2011 House—Withdrawn from Committee on Appropriations; Rereferred to Committee on Education Budget—HJ 632
- S 42** Bill by Commerce
Abolishing KTEC: transferring duties to department of commerce and board of regents.
 01/21/2011 Senate—Introduced—SJ 52

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 01/24/2011 Senate—Referred separately to Committee on Commerce and Committee on Ways and Means—SJ 54
- 01/26/2011 Senate—Withdrawn from Committee on Ways and Means; Referred Separately to Committee on Commerce and Committee on Ways and Means—SJ 67
- S 43** Bill by Ethics and Elections
Campaign finance; transfer of campaign money to another candidacy.
 01/21/2011 Senate—Introduced—SJ 52
 01/24/2011 Senate—Referred to Committee on Ethics and Elections—SJ 54
 02/17/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 207
 05/12/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Ethics and Elections—SJ 1296
- S 44** Bill by Judiciary
Removing the gifts from a spouse exception from marital property in a divorce.
 01/24/2011 Senate—Introduced—SJ 53
 01/25/2011 Senate—Referred to Committee on Judiciary—SJ 60
- S 45** Bill by Judiciary
House Substitute for SB 45 by Committee on Federal and State Affairs -- Abortion; late-term, partial birth, fetal pain; abortion facility licensure; other.
 01/24/2011 Senate—Introduced—SJ 53
 01/25/2011 Senate—Referred to Committee on Judiciary—SJ 60
 02/10/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 151
 02/15/2011 Senate—Committee of the Whole—Be passed—SJ 198
 02/15/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 0—SJ 199
 02/16/2011 House—Received and Introduced—HJ 265
 02/17/2011 House—Referred to Committee on Judiciary—HJ 276
 03/21/2011 House—Withdrawn from Committee on Judiciary; Referred to Committee on Federal and State Affairs—HJ 632
 03/28/2011 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 726
 03/30/2011 House—Withdrawn from Calendar; Referred to Committee on Insurance—HJ 821
- S 46** Bill by Judiciary
Amending civil procedure code general provisions relating to electronic filing.
 01/24/2011 Senate—Introduced—SJ 53
 01/25/2011 Senate—Referred to Committee on Judiciary—SJ 60
 02/14/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 190
 02/21/2011 Senate—Committee of the Whole—Be passed—SJ 221
 02/22/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 229
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Judiciary—HJ 348
- S 47** Bill by Judiciary
Amendments to the uniform trust code.
 01/24/2011 Senate—Introduced—SJ 54
 01/25/2011 Senate—Referred to Committee on Judiciary—SJ 60
- S 48** Bill by Judiciary
Amendments to the probate code.

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 01/24/2011 Senate—Introduced—SJ 54
 01/25/2011 Senate—Referred to Committee on Judiciary—SJ 60
- S 49** Bill by Joint Committee on Pensions, Investments, and Benefits
Increased employee and employer contribution rates and benefit formula multiplier.
 01/24/2011 Senate—Introduced—SJ 54
 01/25/2011 Senate—Referred to Committee on KPERS Select—SJ 60
 02/24/2011 Senate—Withdrawn from Committee on KPERS Select; Referred to Committee on Ways and Means—SJ 249
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on KPERS Select—SJ 271
- S 50** Bill by Utilities
Substitute for SB 50 by Committee on Utilities – Emergency communications service; relating to fees, charges, collection and distribution.
 01/24/2011 Senate—Introduced—SJ 54
 01/25/2011 Senate—Referred to Committee on Utilities—SJ 60
 02/23/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Utilities—SJ 245
 02/24/2011 Senate—Committee of the Whole—Substitute bill be passed as amended—SJ 261
 02/24/2011 Senate—Emergency Final Action—Substitute passed as amended; Yea: 39 Nay: 0—SJ 266
 02/25/2011 House—Received and Introduced—HJ 411
 03/02/2011 House—Referred to Committee on Energy and Utilities—HJ 415
 03/21/2011 House—Committee Report recommending bill be passed as amended by Committee on Energy and Utilities—HJ 594
 03/23/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 695
 03/23/2011 House—Emergency Final Action—Passed as amended; Yea: 119 Nay: 4—HJ 708
 03/28/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Apple, Senator Petersen and Senator Kultala as conferees—SJ 519
 03/29/2011 House—Motion to accede adopted; Representative C. Holmes, Representative Knox and Representative Kuether appointed as conferees—HJ 782
 05/04/2011 House—Conference Committee Report was adopted; Yea: 119 Nay: 0—HJ 988
 05/04/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 672
 05/18/2011 Senate—Approved by Governor on Wednesday, 18 May 2011—SJ 1313
- S 51** Bill by Senator Faust-Goudeau
School districts; requiring only parental consent to dispense over-the-counter medication to students.
 01/25/2011 Senate—Introduced—SJ 59
 01/26/2011 Senate—Referred to Committee on Education—SJ 67
 02/24/2011 Senate—Withdrawn from Committee on Education; Referred to Committee on Ways and Means—SJ 249
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Education—SJ 271

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 03/09/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 301
- 03/15/2011 Senate—Committee of the Whole—Be passed as amended—SJ 357
- 03/15/2011 Senate—Emergency Final Action—Passed as amended; Yea: 38 Nay: 1—SJ 358
- 03/17/2011 House—Received and Introduced—HJ 536
- 03/18/2011 House—Referred to Committee on Education—HJ 564
- S 52** Bill by Federal and State Affairs
Concerning grandparent's custody of children.
 01/25/2011 Senate—Introduced—SJ 59
 01/26/2011 Senate—Referred to Committee on Judiciary—SJ 67
 02/14/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 190
 02/21/2011 Senate—Committee of the Whole—Be passed—SJ 221
 02/22/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 229
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Judiciary—HJ 348
- S 53** Bill by Federal and State Affairs
Inclusion of sexual orientation and gender identity in Kansas act against discrimination.
 01/25/2011 Senate—Introduced—SJ 60
 01/26/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 67
- S 54** Bill by Federal and State Affairs
Creating classes of license to sell alcoholic beverages at retail; fees, term and eligibility.
 01/25/2011 Senate—Introduced—SJ 60
 01/26/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 67
 02/24/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 256
 05/12/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 1296
- S 55** Bill by Judiciary
House Substitute for SB 55 by Committee on Corrections and Juvenile Justice -- Authorizing relief from firearm disability for mentally ill and allowing access to certain information; house arrest and other sentencing conditions as penalties for certain crimes, interception of third-party communications, use of immigration status for appearance bond considerations; grand juries, payment of prisoners for work release, community corrections, harassment by telecommunications device.
 01/25/2011 Senate—Introduced—SJ 60
 01/26/2011 Senate—Referred to Committee on Judiciary—SJ 67
 02/14/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 190
 02/21/2011 Senate—Committee of the Whole—Be passed as amended—SJ 221
 02/22/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 229
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 348
 03/16/2011 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 516
 03/22/2011 House—Committee of the Whole—Substitute bill be passed—HJ 671

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 03/23/2011 House—Final Action—Substitute passed; Yea: 124 Nay: 0—HJ 678
- 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Owens, Senator King and Senator Haley as conferees—SJ 507
- 03/28/2011 House—Motion to accede adopted; Representative Colloton, Representative Kinzer and Representative McCray-Miller appointed as conferees—HJ 720
- 05/03/2011 House—Conference Committee Report agree to disagree adopted; Representative Colloton, Representative Kinzer and Representative McCray-Miller appointed as 2nd conferees—HJ 963
- 05/03/2011 Senate—Conference Committee Report agree to disagree adopted; Senator Owens, Senator King and Senator Haley appointed as 2nd conferees—SJ 663
- 05/11/2011 House—Conference Committee Report was adopted; Yea: 109 Nay: 13—HJ 1175
- 05/11/2011 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 1—SJ 805
- 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
- S 56** Bill by Judiciary
Amending the crime of criminal sodomy.
 01/25/2011 Senate—Introduced—SJ 60
 01/26/2011 Senate—Referred to Committee on Judiciary—SJ 67
 02/14/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 190
 05/12/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Judiciary—SJ 1296
- S 57** Bill by Ways and Means
School districts; amendments to base state aid per pupil for local option budget purposes.
 01/25/2011 Senate—Introduced—SJ 60
 01/26/2011 Senate—Referred to Committee on Education—SJ 67
- S 58** Bill by Transportation
Designating the US-24 and KS-7 highway the Representative Margaret Long interchange.
 01/25/2011 Senate—Introduced—SJ 60
 01/26/2011 Senate—Referred to Committee on Transportation—SJ 67
 02/09/2011 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 146
 02/15/2011 Senate—Committee of the Whole—Be passed—SJ 198
 02/15/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 0—SJ 199
 02/16/2011 House—Received and Introduced—HJ 265
 02/17/2011 House—Referred to Committee on Transportation—HJ 276
- S 59** Bill by Assessment and Taxation
Property tax; interest rate charged; delinquent or unpaid tax and overpayment of taxes; clerical errors.
 01/26/2011 Senate—Introduced—SJ 67
 01/27/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 71
 02/21/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 218
 02/23/2011 Senate—Committee of the Whole—Be passed as amended—SJ 245
 02/24/2011 Senate—Final Action—Passed as amended; Yea: 27 Nay: 12—SJ 250

- 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Taxation—HJ 394
- S 60** Bill by Judiciary
House Substitute for SB 60 by Committee on Corrections and Juvenile Justice -- Relating to house arrest as a sanction for certain crimes, expungement of certain criminal records, authorizing grand jury petitions, eliminating automatic supreme court appeals for certain crimes and amending community corrections success and funding provisions.
- 01/26/2011 Senate—Introduced—SJ 67
 01/27/2011 Senate—Referred to Committee on Judiciary—SJ 71
 02/10/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 151
 02/15/2011 Senate—Committee of the Whole—Be passed—SJ 198
 02/15/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 0—SJ 200
 02/16/2011 House—Received and Introduced—HJ 265
 02/17/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 276
 03/17/2011 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 562
 03/23/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 695
 03/23/2011 House—Emergency Final Action—Substitute passed as amended; Yea: 122 Nay: 1—HJ 708
 03/28/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Owens, Senator King and Senator Haley as conferees—SJ 519
 03/29/2011 House—Motion to accede adopted; Representative Colloton, Representative Kinzer and Representative McCray-Miller appointed as conferees—HJ 782
- S 61** Bill by Assessment and Taxation
Increasing income tax credit for the individual development account program, and disclosure of tax information to state treasurer for unclaimed property.
- 01/26/2011 Senate—Introduced—SJ 67
 01/27/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 71
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 218
 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 245
 02/24/2011 Senate—Final Action—Passed; Yea: 32 Nay: 7—SJ 250
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Taxation—HJ 394
 03/15/2011 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 506
 03/18/2011 House—Committee of the Whole—Be passed as amended—HJ 566
 03/18/2011 House—Emergency Final Action—Passed as amended; Yea: 98 Nay: 22—HJ 584
 03/22/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Apple, Senator King and Senator Holland as conferees—SJ 438
 03/28/2011 House—Motion to accede adopted; Representative Carlson, Representative Kleeb and Representative Dillmore appointed as conferees—HJ 720

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 05/10/2011 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ 1120
- 05/10/2011 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 2—SJ 760
- S 62 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
Bill by Judiciary
Assessment of court costs under the Kansas standard asset seizure and forfeiture act.
- 01/26/2011 Senate—Introduced—SJ 67
- 01/27/2011 Senate—Referred to Committee on Judiciary—SJ 71
- 02/10/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 151
- 02/15/2011 Senate—Committee of the Whole—Be passed—SJ 198
- 02/15/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 0—SJ 200
- 02/16/2011 House—Received and Introduced—HJ 265
- 02/17/2011 House—Referred to Committee on Judiciary—HJ 276
- S 63 Bill by Judiciary
House Substitute for SB 63 by Committee on Corrections and Juvenile Justice -- Amending the crime of sexual exploitation of a child.
- 01/26/2011 Senate—Introduced—SJ 67
- 01/27/2011 Senate—Referred to Committee on Judiciary—SJ 71
- 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 219
- 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 245
- 02/24/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 250
- 02/24/2011 House—Received and Introduced—HJ 360
- 02/25/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 393
- 03/17/2011 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 547
- 03/21/2011 House—Committee of the Whole—Substitute bill be passed—HJ 601
- 03/22/2011 House—Final Action—Substitute passed; Yea: 123 Nay: 0—HJ 636
- 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Owens, Senator King and Senator Haley as conferees—SJ 483
- 03/23/2011 House—Motion to accede adopted; Representative Colloton, Representative Kinzer and Representative McCray-Miller appointed as conferees—HJ 715
- 05/09/2011 House—Conference Committee Report was adopted; Yea: 119 Nay: 1—HJ 1083
- 05/10/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 763
- S 64 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
Bill by Financial Institutions and Insurance
Banking; criminal record history information, requiring fingerprints.
- 01/27/2011 Senate—Introduced—SJ 71
- 01/28/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 82
- S 65 Bill by Financial Institutions and Insurance
Health insurance; internal and external review of health care decisions.

- 01/27/2011 Senate—Introduced—SJ 71
 01/28/2011 Senate—Referred to Committee on Financial Institutions and Insurance—
 SJ 82
 02/10/2011 Senate—Committee Report recommending bill be passed by Committee on
 Financial Institutions and Insurance—SJ 151
 02/15/2011 Senate—Committee of the Whole—Be passed—SJ 198
 02/15/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 0—SJ 200
 02/16/2011 House—Received and Introduced—HJ 265
 02/17/2011 House—Referred to Committee on Insurance—HJ 276
 03/16/2011 House—Committee Report recommending bill be passed as amended by
 Committee on Insurance—HJ 517
 03/28/2011 House—Stricken from Calendar by Rule 1507—HJ 719
- S 66**
 Bill by Ethics and Elections
**Elections; campaign finance; public service advertisements near elections; civil
 fine.**
 01/27/2011 Senate—Introduced—SJ 71
 01/28/2011 Senate—Referred to Committee on Ethics and Elections—SJ 82
- S 67**
 Bill by Ethics and Elections
Gubernatorial inauguration donations; disposition of residual monies.
 01/27/2011 Senate—Introduced—SJ 71
 01/28/2011 Senate—Referred to Committee on Ethics and Elections—SJ 82
 02/17/2011 Senate—Committee Report recommending bill be passed as amended by
 Committee on Ethics and Elections—SJ 209
 02/22/2011 Senate—Committee of the Whole—Be passed as amended—SJ 234
 02/23/2011 Senate—Final Action—Passed as amended; Yea: 37 Nay: 1—SJ 237
 02/24/2011 House—Received and Introduced—HJ 348
 02/25/2011 House—Referred to Committee on Elections—HJ 393
 03/09/2011 House—Committee Report recommending bill be passed by Committee on
 Elections—HJ 444
 03/11/2011 House—Committee of the Whole—Motion to rerefer to committee failed
 Committee on Elections—HJ 456
 03/11/2011 House—Committee of the Whole—Be passed as amended—HJ 456
 03/14/2011 House—Final Action—Passed as amended; Yea: 113 Nay: 10—HJ 462
 03/15/2011 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Huntington, Senator V. Schmidt and Senator
 Faust-Goudeau as conferees—SJ 347
 03/17/2011 House—Motion to accede adopted; Representative Schwab, Representative
 Goico and Representative Mah appointed as conferees—HJ 536
 03/22/2011 Senate—Senator Francisco replaces Senator Faust-Goudeau on the
 Conference Committee—SJ 432
 04/01/2011 House—Conference Committee Report was adopted; Yea: 113 Nay: 6—HJ
 868
 04/27/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ
 623
 05/12/2011 Senate—Approved by Governor on Thursday, 12 May 2011—SJ 879
- S 68**
 Bill by Education
Creating the Kansas healthy youth act.
 01/27/2011 Senate—Introduced—SJ 71
 01/28/2011 Senate—Referred to Committee on Education—SJ 82

- S 69** Bill by Education
Requiring school districts to adopt policies against dating violence.
 01/27/2011 Senate—Introduced—SJ 71
 01/28/2011 Senate—Referred to Committee on Education—SJ 82
- S 70** Bill by Ways and Means
Limitation on entitlement to capital improvement state aid.
 01/27/2011 Senate—Introduced—SJ 71
 01/28/2011 Senate—Referred to Committee on Education—SJ 82
 02/23/2011 Senate—Withdrawn from Committee on Education; Referred to Committee on Ways and Means—SJ 246
 02/24/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Education—SJ 249
- S 71** Bill by Financial Institutions and Insurance
Increasing continuing education requirements for insurance agents.
 01/27/2011 Senate—Introduced—SJ 71
 01/28/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 82
 02/22/2011 Senate—Withdrawn from Committee on Financial Institutions and Insurance; Referred to Committee on Ways and Means—SJ 224
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Financial Institutions and Insurance—SJ 237
- S 72** Bill by Utilities
Substitute for SB 72 by Committee on Utilities -- Telecommunications.
 01/28/2011 Senate—Introduced—SJ 80
 01/31/2011 Senate—Referred to Committee on Utilities—SJ 85
 02/23/2011 Senate—Withdrawn from Committee on Utilities; Referred to Committee on Ways and Means—SJ 246
 02/24/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Utilities—SJ 249
 02/25/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Utilities—SJ 271
 03/03/2011 Senate—Committee of the Whole—Substitute bill be passed as amended—SJ 284
 03/03/2011 Senate—Emergency Final Action—Substitute passed as amended; Yea: 32 Nay: 7—SJ 285
 03/08/2011 House—Received and Introduced—HJ 431
 03/09/2011 House—Referred to Committee on Energy and Utilities—HJ 437
 03/28/2011 House—Committee Report recommending bill be passed as amended by Committee on Energy and Utilities—HJ 724
 03/30/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 832
 03/31/2011 House—Final Action—Substitute passed as amended; Yea: 98 Nay: 25—HJ 840
 04/01/2011 Senate—Concurred with amendments; Yea: 31 Nay: 7—SJ 591
 04/14/2011 Senate—Approved by Governor on Thursday, 14 April 2011—SJ 615
- S 73** Bill by Judiciary
Amending criminal discovery statute to prohibit release of child pornography evidence to the defense.
 01/31/2011 Senate—Introduced—SJ 85
 02/03/2011 Senate—Referred to Committee on Judiciary—SJ 89

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- S 74** Bill by Judiciary
Conduct and offenses giving rise to civil forfeiture.
 01/31/2011 Senate—Introduced—SJ 85
 02/03/2011 Senate—Referred to Committee on Judiciary—SJ 89
 02/21/2011 Senate—Committee Report recommending bill be passed as amended by
 Committee on Judiciary—SJ 219
 02/23/2011 Senate—Committee of the Whole—Be passed as amended—SJ 245
 02/24/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 250
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Judiciary—HJ 394
- S 75** Bill by Education
Dyslexia and other reading problems; requiring certain testing.
 01/31/2011 Senate—Introduced—SJ 85
 02/03/2011 Senate—Referred to Committee on Education—SJ 89
 02/24/2011 Senate—Withdrawn from Committee on Education; Referred to Committee
 on Ways and Means—SJ 249
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
 Committee on Education—SJ 271
- S 76** Bill by Public Health and Welfare
Operation and management of bingo games.
 01/31/2011 Senate—Introduced—SJ 85
 02/03/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 89
 02/21/2011 Senate—Committee Report recommending bill be passed as amended by
 Committee on Public Health and Welfare—SJ 220
 02/23/2011 Senate—Committee of the Whole—Be passed as amended—SJ 245
 02/24/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 251
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Health and Human Services—HJ 394
 03/17/2011 House—Committee Report recommending bill be passed as amended by
 Committee on Health and Human Services—HJ 551
 03/21/2011 House—Committee of the Whole—Be passed as amended—HJ 599
 03/22/2011 House—Final Action—Passed as amended; Yea: 109 Nay: 14—HJ 636
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator V. Schmidt, Senator Brungardt and Senator
 Kelly as conferees—SJ 507
 03/28/2011 House—Motion to accede adopted; Representative Landwehr,
 Representative Donohoe and Representative Flaharty appointed as conferees
 —HJ 720
 05/12/2011 House—Representative Brunk replaces Representative Landwehr on the
 Conference Committee—HJ 1261
 05/12/2011 House—Representative Patton replaces Representative Donohoe on the
 Conference Committee—HJ 1261
 05/12/2011 House—Representative Loganbill replaces Representative Flaharty on the
 Conference Committee—HJ 1261
 05/12/2011 House—Representative Landwehr replaces Representative Brunk on the
 Conference Committee—HJ 1267
 05/12/2011 House—Representative Donohoe replaces Representative Patton on the
 Conference Committee—HJ 1267
 05/12/2011 House—Representative Flaharty replaces Representative Loganbill on the
 Conference Committee—HJ 1267

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 05/12/2011 House—Conference Committee Report was adopted; Yea: 86 Nay: 38—HJ 1293
- 05/12/2011 Senate—Conference Committee Report was adopted; Yea: 34 Nay: 2—SJ 1297
- S 77 05/27/2011 Senate—Approved by Governor on Friday, 27 May 2011—SJ 1313
Bill by Commerce
Employment security law; interest payment assessment; duties of secretary.
- 01/31/2011 Senate—Introduced—SJ 85
- 02/03/2011 Senate—Referred to Committee on Commerce—SJ 89
- 02/14/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 162
- 02/15/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 198
- 02/15/2011 Senate—Emergency Final Action—Passed as amended; Yea: 30 Nay: 8—SJ 200
- 02/17/2011 House—Received and Introduced—HJ 277
- 02/18/2011 House—Referred to Committee on Commerce and Economic Development—HJ 285
- 03/10/2011 House—Committee Report recommending bill be passed as amended by Committee on Commerce and Economic Development—HJ 451
- 03/14/2011 House—Committee of the Whole—Be passed as amended—HJ 473
- 03/14/2011 House—Emergency Final Action—Passed as amended; Yea: 90 Nay: 33—HJ 473
- 03/15/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wagle, Senator Lynn and Senator Holland as conferees—SJ 347
- 03/28/2011 House—Motion to accede adopted; Representative Brown, Representative Suellentrop and Representative Slattery appointed as conferees—HJ 720
- 04/01/2011 House—Conference Committee Report agree to disagree adopted. Representative Brown, Representative Suellentrop and Representative Slattery appointed as 2nd Conference conferees.—HJ 868
- 04/27/2011 Senate—Conference Committee Report agree to disagree adopted; Senator Wagle, Senator Lynn and Senator Holland appointed as 2nd conferees—SJ 623
- 05/09/2011 Senate—Concurred with amendments in conference; Yea: 22 Nay: 17—SJ 707
- S 78 05/18/2011 Senate—Approved by Governor on Wednesday, 18 May 2011—SJ 1313
Bill by Commerce
Transferring KTEC appointment authority to Governor.
- 01/31/2011 Senate—Introduced—SJ 85
- 02/03/2011 Senate—Referred to Committee on Commerce—SJ 89
- 02/22/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 231
- 02/24/2011 Senate—Committee of the Whole—Referred to Committee on Ways and Means—SJ 265
- 04/27/2011 Senate—Committee of the Whole—Rereferred to Committee on Ways and Means—SJ 615
- S 79 Bill by Judiciary
Requiring the debt setoff collection assistance fee to be an additional cost to all debts owed to the court.
- 01/31/2011 Senate—Introduced—SJ 85

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 02/03/2011 Senate—Referred to Committee on Judiciary—SJ 89
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 219
 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 245
 02/24/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 251
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Judiciary—HJ 394
- S 80**
 Bill by Federal and State Affairs
Alcoholic beverages; amendments relating to beer and microbreweries.
 01/31/2011 Senate—Introduced—SJ 85
 02/03/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 89
 02/17/2011 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 209
 02/22/2011 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 225
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Federal and State Affairs—HJ 348
 03/17/2011 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 549
 03/29/2011 House—Committee of the Whole—Be passed as amended—HJ 789
 03/30/2011 House—Final Action—Passed as amended; Yea: 113 Nay: 11—HJ 825
 04/01/2011 Senate—Concurred with amendments; Yea: 38 Nay: 0—SJ 591
 04/18/2011 Senate—Approved by Governor on Monday, 18 April 2011—SJ 615
- S 81**
 Bill by Federal and State Affairs
Substitute for SB 81 by Committee on Judiciary – Children and minors; temporary custody; permanency planning; adoption.
 02/03/2011 Senate—Introduced—SJ 88
 02/04/2011 Senate—Referred to Committee on Judiciary—SJ 104
 03/09/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Judiciary—SJ 301
 03/15/2011 Senate—Committee of the Whole—Substitute bill be passed—SJ 357
 03/15/2011 Senate—Emergency Final Action—Substitute passed; Yea: 39 Nay: 0—SJ 359
 03/17/2011 House—Received and Introduced—HJ 536
 03/18/2011 House—Referred to Committee on Judiciary—HJ 564
- S 82**
 Bill by Federal and State Affairs
Amendments to laws regarding racial profiling.
 02/03/2011 Senate—Introduced—SJ 88
 02/04/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 104
- S 83**
 Bill by Judiciary
Court of appeals judges appointed by the governor with the consent of the Senate. Eliminating the nominating commission for the court of appeals appointments.
 02/03/2011 Senate—Introduced—SJ 88
 02/04/2011 Senate—Referred to Committee on Judiciary—SJ 104
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 219
 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 245
 02/24/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 251
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Judiciary—HJ 394

- 03/21/2011 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 597
- 03/23/2011 House—Committee of the Whole—Be passed as amended—HJ 700
- 03/23/2011 House—Emergency Final Action—Passed as amended; Yea: 66 Nay: 57—HJ 710
- 03/28/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Owens, Senator King and Senator Haley as conferees—SJ 519
- 03/29/2011 House—Motion to accede adopted; Representative Kinzer, Representative Patton and Representative Pauls appointed as conferees—HJ 782
- S 84** Bill by Federal and State Affairs
Relating to permanency planning.
02/03/2011 Senate—Introduced—SJ 88
02/04/2011 Senate—Referred to Committee on Judiciary—SJ 104
- S 85** Bill by Financial Institutions and Insurance
Removal of mandatory participation requirements for group life insurance.
02/03/2011 Senate—Introduced—SJ 88
02/04/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 104
02/17/2011 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 209
02/22/2011 Senate—Committee of the Whole—Be passed—SJ 234
02/23/2011 Senate—Final Action—Passed; Yea: 38 Nay: 0—SJ 238
02/23/2011 House—Received and Introduced—HJ 340
02/24/2011 House—Referred to Committee on Insurance—HJ 348
03/17/2011 House—Committee Report recommending bill be passed as amended by Committee on Insurance—HJ 551
03/28/2011 House—Stricken from Calendar by Rule 1507—HJ 719
- S 86** Bill by Assessment and Taxation
5 year phase out of capital gains tax.
02/03/2011 Senate—Introduced—SJ 88
02/04/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 104
02/25/2011 Senate—Withdrawn from Committee on Assessment and Taxation; Referred to Committee on Ways and Means—SJ 271
03/02/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Assessment and Taxation—SJ 273
- S 87** Bill by Assessment and Taxation
Property exempt from taxation; community service organizations providing humanitarian services.
02/03/2011 Senate—Introduced—SJ 88
02/04/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 104
02/25/2011 Senate—Withdrawn from Committee on Assessment and Taxation; Referred to Committee on Ways and Means—SJ 271
03/02/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Assessment and Taxation—SJ 273
- S 88** Bill by Public Health and Welfare
Naturopathic medicine; prescription, recommendation or administration of natural medicines.
02/03/2011 Senate—Introduced—SJ 88
02/04/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 104

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- S 89** Bill by Public Health and Welfare
Local health departments; funding reduction.
 02/03/2011 Senate—Introduced—SJ 88
 02/04/2011 Senate—Referred to Committee on Ways and Means—SJ 104
- S 90** Bill by Public Health and Welfare
Behavioral sciences regulatory board; licensure.
 02/03/2011 Senate—Introduced—SJ 88
 02/04/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 104
 02/10/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 151
 02/21/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 221
 02/22/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 230
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Health and Human Services—HJ 348
- S 91** Bill by Public Health and Welfare
Public health care; sexual assault survivors right to emergency contraception information.
 02/03/2011 Senate—Introduced—SJ 88
 02/04/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 104
- S 92** Bill by Public Health and Welfare
Substitute for SB 92 by Committee on Public Health and Welfare – Board of cosmetology licensing requirements.
 02/03/2011 Senate—Introduced—SJ 88
 02/04/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 104
 02/22/2011 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Ways and Means—SJ 224
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Public Health and Welfare—SJ 237
 03/07/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Public Health and Welfare—SJ 294
 03/15/2011 Senate—Committee of the Whole—Substitute bill be passed as amended—SJ 358
 03/15/2011 Senate—Emergency Final Action—Substitute passed as amended; Yea: 35 Nay: 4—SJ 359
 03/17/2011 House—Received and Introduced—HJ 536
 03/18/2011 House—Referred to Committee on Health and Human Services—HJ 564
- S 93** Bill by Federal and State Affairs
Law enforcement; racial profiling and biased policing.
 02/03/2011 Senate—Introduced—SJ 88
 02/04/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 104
 02/18/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 212
 02/22/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 235
 02/23/2011 Senate—Final Action—Passed as amended; Yea: 38 Nay: 0—SJ 238
 02/24/2011 House—Received and Introduced—HJ 348
 02/25/2011 House—Referred to Committee on Judiciary—HJ 394
 03/21/2011 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 597
 03/29/2011 House—Committee of the Whole—Be passed as amended—HJ 789
 03/30/2011 House—Final Action—Passed as amended; Yea: 88 Nay: 36—HJ 826

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 03/30/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Brungardt, Senator Reitz and Senator Faust-Goudeau as conferees—SJ 581
- 03/30/2011 House—Motion to accede adopted; Representative Kinzer, Representative Patton and Representative Pauls appointed as conferees—HJ 833
- 04/01/2011 House—Conference Committee Report agree to disagree adopted. Representative Kinzer, Representative Patton and Representative Pauls appointed as 2nd Conference conferees.—HJ 869
- 04/27/2011 Senate—Conference Committee Report agree to disagree adopted; Senator Brungardt, Senator Reitz and Senator Faust-Goudeau appointed as 2nd conferees—SJ 624
- 05/03/2011 House—Conference Committee Report was adopted; Yea: 96 Nay: 27—HJ 964
- 05/04/2011 Senate—Conference Committee Report was adopted; Yea: 33 Nay: 6—SJ 681
- 05/23/2011 Senate—Approved by Governor on Friday, 20 May 2011—SJ 1313
- S 94** Bill by Federal and State Affairs
Notification of parties of a temporary hearing.
 02/03/2011 Senate—Introduced—SJ 88
 02/04/2011 Senate—Referred to Committee on Judiciary—SJ 104
- S 95** Bill by Assessment and Taxation
Substitute for SB 95 by Committee on Assessment and Taxation -- Reduction to state income tax rates based on selected actual state general fund receipts computations, and sales tax rates and distribution.
 02/03/2011 Senate—Introduced—SJ 89
 02/04/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 104
 02/25/2011 Senate—Withdrawn from Committee on Assessment and Taxation; Referred to Committee on Ways and Means—SJ 271
 03/02/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Assessment and Taxation—SJ 273
 03/09/2011 Senate—Committee Report, be amended without recommendation by Committee on Assessment and Taxation—SJ 301
 03/09/2011 Senate—Withdrawn from Calendar; Referred to Committee on Assessment and Taxation—SJ 302
- S 96** Bill by Judiciary
Business entities; certificate of good standing; resident agents; reinstatement of articles of organization.
 02/03/2011 Senate—Introduced—SJ 89
 02/04/2011 Senate—Referred to Committee on Judiciary—SJ 104
- S 97** Bill by Judiciary
Concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund.
 02/03/2011 Senate—Introduced—SJ 89
 02/04/2011 Senate—Referred to Committee on Judiciary—SJ 104
 02/14/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 190
 02/21/2011 Senate—Committee of the Whole—Be passed as amended—SJ 221
 02/22/2011 Senate—Final Action—Passed as amended; Yea: 30 Nay: 9—SJ 230
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Judiciary—HJ 348

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 03/15/2011 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 505
- 03/23/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 697
- 03/31/2011 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 843
- 04/29/2011 House—Committee of the Whole—Be passed as amended—HJ 938
- 05/02/2011 House—Final Action—Passed as amended; Yea: 89 Nay: 30—HJ 943
- 05/04/2011 Senate—Concurred with amendments; Yea: 37 Nay: 2—SJ 667
- 05/20/2011 Senate—Approved by Governor on Thursday, 19 May 2011—SJ 1313
- S 98** Bill by Assessment and Taxation
Elimination of certain sales tax exemptions, imposition of sales tax on certain services, provision of sales tax exemption for certain purchases of food, and reduction of sales tax and certain income tax rates.
 02/03/2011 Senate—Introduced—SJ 89
 02/04/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 104
 02/25/2011 Senate—Withdrawn from Committee on Assessment and Taxation; Referred to Committee on Ways and Means—SJ 271
 03/02/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Assessment and Taxation—SJ 273
- S 99** Bill by Public Health and Welfare
Electronic transmission of prescription order.
 02/03/2011 Senate—Introduced—SJ 89
 02/04/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 104
- S 100** Bill by Public Health and Welfare
Additions counselor licensure act.
 02/04/2011 Senate—Introduced—SJ 103
 02/07/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 111
 02/18/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 214
 02/22/2011 Senate—Committee of the Whole—Be passed as amended—SJ 234
 02/23/2011 Senate—Final Action—Passed as amended; Yea: 38 Nay: 0—SJ 239
 02/24/2011 House—Received and Introduced—HJ 348
 02/25/2011 House—Referred to Committee on Health and Human Services—HJ 394
- S 101** Bill by Ethics and Elections
House Substitute for SB 101 by Committee on Local Government – Municipalities; sprinkler systems, residential housing; changes.
 02/04/2011 Senate—Introduced—SJ 103
 02/07/2011 Senate—Referred to Committee on Local Government—SJ 111
 02/24/2011 Senate—Committee Report recommending bill be passed by Committee on Local Government—SJ 260
 02/24/2011 Senate—Committee of the Whole—Referred to Committee on Ways and Means—SJ 265
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means and re-referred to Committee of the Whole—SJ 271
 03/03/2011 Senate—Committee of the Whole—Be passed—SJ 283
 03/03/2011 Senate—Emergency Final Action—Passed; Yea: 39 Nay: 0—SJ 285
 03/08/2011 House—Received and Introduced—HJ 431
 03/09/2011 House—Referred to Committee on Local Government—HJ 437

- 03/16/2011 House—Committee Report recommending substitute bill be passed by Committee on Local Government—HJ 533
- 03/21/2011 House—Committee of the Whole—Substitute bill be passed—HJ 593
- 03/22/2011 House—Final Action—Substitute passed; Yea: 112 Nay: 12—HJ 637
- 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Reitz, Senator Brungardt and Senator Faust-Goudeau as conferees—SJ 483
- 03/23/2011 House—Motion to accede adopted; Representative Huebert, Representative Seiwert and Representative Mah appointed as conferees—HJ 715
- 03/28/2011 Senate—Senator Kelsey replaces Senator Brungardt on the Conference Committee—SJ 520
- 03/30/2011 Senate—Concurred with amendments in conference; Yea: 33 Nay: 3—SJ 549
- 04/08/2011 Senate—Approved by Governor on Friday, 08 April 2011—SJ 615
- S 102** Bill by Ethics and Elections
Governmental ethics commission; candidate, lobbyist fee increases.
- 02/04/2011 Senate—Introduced—SJ 103
- 02/07/2011 Senate—Referred to Committee on Ethics and Elections—SJ 111
- 02/11/2011 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 158
- 02/22/2011 Senate—Committee of the Whole—Referred to Committee on Ways and Means—SJ 224
- 03/29/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Ethics and Elections—SJ 522
- S 103** Bill by Ethics and Elections
Elections; absentee voting by military and others; federal services absentee ballots.
- 02/04/2011 Senate—Introduced—SJ 104
- 02/07/2011 Senate—Referred to Committee on Ethics and Elections—SJ 111
- 02/11/2011 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 158
- 02/22/2011 Senate—Committee of the Whole—Be passed—SJ 234
- 02/23/2011 Senate—Final Action—Passed; Yea: 38 Nay: 0—SJ 239
- 02/23/2011 House—Received and Introduced—HJ 340
- 02/24/2011 House—Referred to Committee on Elections—HJ 348
- 03/14/2011 House—Committee Report recommending bill be passed by Committee on Elections—HJ 474
- 03/22/2011 House—Committee of the Whole—Be passed—HJ 643
- 03/23/2011 House—Final Action—Passed; Yea: 123 Nay: 1—HJ 679
- 04/07/2011 Senate—Approved by Governor on Thursday, 07 April 2011—SJ 615
- S 104** Bill by Judiciary
Tort claims act; dentistry by charitable health care providers.
- 02/07/2011 Senate—Introduced—SJ 106
- 02/08/2011 Senate—Referred to Committee on Judiciary—SJ 123
- 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 219
- 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 246
- 02/24/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 252
- 02/24/2011 House—Received and Introduced—HJ 360
- 02/25/2011 House—Referred to Committee on Judiciary—HJ 394

- S 105** Bill by Judiciary
Interest on judgments in civil actions.
 02/07/2011 Senate—Introduced—SJ 106
 02/08/2011 Senate—Referred to Committee on Judiciary—SJ 123
- S 106** Bill by Judiciary
Amending the consumer protection act.
 02/07/2011 Senate—Introduced—SJ 106
 02/08/2011 Senate—Referred to Committee on Judiciary—SJ 123
- S 107** Bill by Judiciary
Medical expenses; persons in custody of law enforcement, cities and counties.
 02/07/2011 Senate—Introduced—SJ 106
 02/08/2011 Senate—Referred to Committee on Judiciary—SJ 123
- S 108** Bill by Assessment and Taxation
Recording of plats; payment of taxes and assessments.
 02/07/2011 Senate—Introduced—SJ 106
 02/08/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 123
 02/15/2011 Senate—Committee Report recommending bill be passed as amended by
 Committee on Assessment and Taxation—SJ 197
 02/21/2011 Senate—Committee of the Whole—Be passed as amended—SJ 221
 02/22/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 230
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Taxation—HJ 348
- S 109** Bill by Assessment and Taxation
Tax credit for costs of installing electrical charging stations.
 02/07/2011 Senate—Introduced—SJ 106
 02/08/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 123
 02/25/2011 Senate—Withdrawn from Committee on Assessment and Taxation;
 Referred to Committee on Ways and Means—SJ 271
 03/02/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
 Committee on Assessment and Taxation—SJ 273
- S 110** Bill by Commerce
Transferring KTEC appointment authority to governor.
 02/07/2011 Senate—Introduced—SJ 106
 02/08/2011 Senate—Referred to Committee on Commerce—SJ 123
- S 111** Bill by Federal and State Affairs
**House Substitute for Substitute SB 111 by Committee on Appropriations --
 Expenditures of unencumbered balances in school funds for general operating
 expenses; postponing effective date of special education state aid provisions.**
 02/07/2011 Senate—Introduced—SJ 106
 02/08/2011 Senate—Referred to Committee on Education—SJ 123
 03/18/2011 Senate—Committee Report recommending substitute bill be passed by
 Committee on Education—SJ 384
 03/22/2011 Senate—Committee of the Whole—Substitute bill be passed—SJ 439
 03/23/2011 Senate—Final Action—Substitute passed; Yea: 39 Nay: 0—SJ 473
 03/23/2011 House—Received and Introduced—HJ 695
 03/28/2011 House—Referred to Committee on Education Budget—HJ 718
 03/29/2011 House—Withdrawn from Committee on Education Budget; Referred to
 Committee on Appropriations—HJ 789
 04/28/2011 House—Committee Report recommending substitute bill be passed by
 Committee on Appropriations—HJ 930

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 05/04/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 1020
- 05/05/2011 House—Final Action—Substitute passed as amended; Yea: 84 Nay: 33—HJ 1027
- 05/05/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Schodorf, Senator Vratil and Senator Hensley as conferees—SJ 697
- 05/05/2011 House—Motion to accede adopted; Representative Rhoades, Representative Kelley and Representative Feuerborn appointed as conferees—HJ 1067
- 05/09/2011 House—Representative Aurand replaces Representative Rhoades on the Conference Committee—HJ 1073
- 05/09/2011 House—Representative Huebert replaces Representative Kelley on the Conference Committee—HJ 1073
- 05/09/2011 House—Representative Ward replaces Representative Feuerborn on the Conference Committee—HJ 1073
- 05/12/2011 House—Conference Committee Report agree to disagree adopted; Representative Aurand, Representative Huebert and Representative Ward appointed as 2nd conferees—HJ 1266
- 05/12/2011 Senate—Conference Committee Report agree to disagree adopted; Senator Schodorf, Senator Vratil and Senator Hensley appointed as 2nd conferees—SJ 1213
- 05/12/2011 House—Conference Committee Report was adopted; Yea: 114 Nay: 9—HJ 1573
- 05/12/2011 Senate—Conference Committee Report was adopted; Yea: 34 Nay: 3—SJ 1305
- 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
- S 112** Bill by Federal and State Affairs
Amendments to statutes pertaining to land surveyors.
- 02/07/2011 Senate—Introduced—SJ 106
- 02/08/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 123
- 02/23/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 242
- 02/24/2011 Senate—Committee of the Whole—Be passed as amended—SJ 261
- 02/24/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 267
- 02/25/2011 House—Received and Introduced—HJ 411
- 03/02/2011 House—Referred to Committee on Local Government—HJ 415
- 03/18/2011 House—Committee Report recommending bill be passed by Committee on Local Government—HJ 582
- 03/23/2011 House—Committee of the Whole—Be passed as amended—HJ 713
- 03/23/2011 House—Emergency Final Action—Passed as amended; Yea: 109 Nay: 13—HJ 713
- 03/29/2011 Senate—Concurred with amendments; Yea: 39 Nay: 0—SJ 530
- 04/13/2011 Senate—Approved by Governor on Wednesday, 13 April 2011—SJ 615
- S 113** Bill by Senator Steineger
Selling KU hospital for not less than \$600 million and depositing the proceeds into the Kansas public employees retirement fund.
- 02/07/2011 Senate—Introduced—SJ 106
- 02/08/2011 Senate—Referred to Committee on Ways and Means—SJ 123

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- S 114** Bill by Ways and Means
Uniform common interest owners bill of rights act; changes.
 02/07/2011 Senate—Introduced—SJ 106
 02/08/2011 Senate—Referred to Committee on Local Government—SJ 123
 02/24/2011 Senate—Committee Report recommending bill be passed as amended by
 Committee on Local Government—SJ 260
 03/03/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 285
 03/03/2011 Senate—Emergency Final Action—Passed as amended; Yea: 36 Nay: 3—
 SJ 285
 03/08/2011 House—Received and Introduced—HJ 431
 03/09/2011 House—Referred to Committee on Local Government—HJ 437
- S 115** Bill by Ways and Means
**State agencies; employee award and recognition program; repealing certain
 committees, commissions and task forces.**
 02/07/2011 Senate—Introduced—SJ 106
 02/08/2011 Senate—Referred to Committee on Transportation—SJ 123
 02/17/2011 Senate—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Transportation—SJ 209
 02/22/2011 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 226
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Government Efficiency—HJ 348
 03/18/2011 House—Committee Report recommending bill be passed as amended by
 Committee on Government Efficiency—HJ 572
 03/22/2011 House—Committee of the Whole—Be passed as amended—HJ 670
 03/23/2011 House—Final Action—Passed as amended; Yea: 88 Nay: 36—HJ 679
 03/28/2011 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Umbarger, Senator Marshall and Senator Kultala
 as conferees—SJ 514
 03/29/2011 House—Motion to accede adopted; Representative Burgess, Representative
 Kleeb and Representative Trimmer appointed as conferees—HJ 788
 05/12/2011 House—Conference Committee Report was adopted; Yea: 124 Nay: 0—HJ
 1265
 05/12/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ
 1214
 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
- S 116** Bill by Ways and Means
Unclaimed property; disclosure of tax information to the state treasurer.
 02/07/2011 Senate—Introduced—SJ 106
 02/08/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 123
 02/22/2011 Senate—Committee Report recommending bill be passed by Committee on
 Assessment and Taxation—SJ 231
 02/24/2011 Senate—Committee of the Whole—Be passed—SJ 261
 02/24/2011 Senate—Emergency Final Action—Passed; Yea: 39 Nay: 0—SJ 267
 02/25/2011 House—Received and Introduced—HJ 411
 03/02/2011 House—Referred to Committee on Taxation—HJ 415
 03/29/2011 House—Withdrawn from Committee on Taxation; Referred to Committee
 on Government Efficiency—HJ 791
- S 117** Bill by Ways and Means
Drug utilization review program; subject to KOMA; rules and regulations.
 02/07/2011 Senate—Introduced—SJ 107

- 02/08/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 123
- S 118** Bill by Ways and Means
Changes to fees collected by the board of barbering.
 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Ways and Means—SJ 123
 03/09/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 302
 03/15/2011 Senate—Committee of the Whole—Be passed as amended—SJ 357
 03/15/2011 Senate—Emergency Final Action—Passed as amended; Yea: 34 Nay: 5—SJ 359
 03/17/2011 House—Received and Introduced—HJ 536
 03/18/2011 House—Referred to Committee on Appropriations—HJ 563
- S 119** Bill by Ways and Means
Rail service improvement program loans and grants.
 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Transportation—SJ 123
 02/17/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 209
 02/22/2011 Senate—Committee of the Whole—Be passed as amended—SJ 234
 02/23/2011 Senate—Final Action—Passed as amended; Yea: 33 Nay: 5—SJ 239
 02/24/2011 House—Received and Introduced—HJ 348
 02/25/2011 House—Referred to Committee on Local Government—HJ 394
 03/18/2011 House—Committee Report recommending bill be passed by Committee on Local Government—HJ 582
 03/22/2011 House—Committee of the Whole—Be passed—HJ 651
 03/23/2011 House—Final Action—Passed; Yea: 103 Nay: 21—HJ 680
 04/07/2011 Senate—Approved by Governor on Thursday, 07 April 2011—SJ 615
- S 120** Bill by Ways and Means
Vessel titling act.
 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Transportation—SJ 123
 02/17/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 210
 02/22/2011 Senate—Committee of the Whole—Be passed as amended—SJ 234
 02/23/2011 Senate—Final Action—Passed as amended; Yea: 33 Nay: 5—SJ 240
 02/24/2011 House—Received and Introduced—HJ 348
 02/25/2011 House—Referred to Committee on Transportation—HJ 394
- S 121** Bill by Ways and Means
Increasing licensing fees for real estate salespersons and brokers.
 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Ways and Means—SJ 123
 02/09/2011 Senate—Withdrawn from Committee on Ways and Means; Referred to Committee on Federal and State Affairs—SJ 143
- S 122** Bill by Natural Resources
Authorizing the director of the Kansas Water Office to grant easements on state property on the Arkansas, Kansas and Missouri rivers.
 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Natural Resources—SJ 123
 02/21/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 220

- 02/23/2011 Senate—Committee of the Whole—Be passed as amended—SJ 245
 02/24/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 252
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ 393
 03/17/2011 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 547
 03/21/2011 House—Committee of the Whole—Be passed as amended—HJ 599
 03/22/2011 House—Final Action—Passed as amended; Yea: 123 Nay: 1—HJ 637
 03/23/2011 Senate—Concurred with amendments; Yea: 39 Nay: 0—SJ 482
 04/07/2011 Senate—Approved by Governor on Thursday, 07 April 2011—SJ 615
- S 123** Bill by Natural Resources
Department of Wildlife and Parks; cabin fees; procedures for purchasing real property.
 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Natural Resources—SJ 123
 02/10/2011 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 151
 02/21/2011 Senate—Committee of the Whole—Be passed—SJ 221
 02/22/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 230
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ 348
 03/11/2011 House—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—HJ 458
 03/21/2011 House—Committee of the Whole—Be passed as amended—HJ 593
 03/22/2011 House—Final Action—Passed as amended; Yea: 102 Nay: 22—HJ 638
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Ostmeyer, Senator McGinn and Senator Francisco as conferees—SJ 483
 03/23/2011 House—Motion to accede adopted; Representative Powell, Representative Kerschen and Representative Williams appointed as conferees—HJ 715
 04/01/2011 House—Conference Committee Report was adopted; Yea: 99 Nay: 20—HJ 870
 04/27/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 624
 05/12/2011 Senate—Approved by Governor on Thursday, 12 May 2011—SJ 1313
- S 124** Bill by Natural Resources
Relating to the Lower Smoky Hill water supply access program, water rights conservation program abandonment, multi-year water flex accounts and the Arkansas river gaging fund.
 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Natural Resources—SJ 123
 02/22/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 233
 02/24/2011 Senate—Committee of the Whole—Be passed as amended—SJ 261
 02/24/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 267
 02/25/2011 House—Received and Introduced—HJ 411

- 03/02/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ 415
- 03/11/2011 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 458
- 03/21/2011 House—Committee of the Whole—Be passed as amended—HJ 591
- 03/22/2011 House—Final Action—Passed as amended; Yea: 122 Nay: 2—HJ 638
- 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Ostmeyer, Senator McGinn and Senator Francisco as conferees—SJ 483
- 03/23/2011 House—Motion to accede adopted; Representative Powell, Representative Kerschen and Representative Williams appointed as conferees—HJ 715
- 05/03/2011 House—Conference Committee Report was adopted; Yea: 124 Nay: 0—HJ 969
- 05/04/2011 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 1—SJ 682
- 05/20/2011 Senate—Approved by Governor on Thursday, 19 May 2011—SJ 1313
- S 125** Bill by Ethics and Elections
Elections; candidate filing deadline change.
- 02/07/2011 Senate—Introduced—SJ 107
- 02/08/2011 Senate—Referred to Committee on Ethics and Elections—SJ 123
- 02/18/2011 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 212
- 02/22/2011 Senate—Committee of the Whole—Be passed—SJ 234
- 02/23/2011 Senate—Final Action—Passed; Yea: 38 Nay: 0—SJ 240
- 02/23/2011 House—Received and Introduced—HJ 340
- 02/24/2011 House—Referred to Committee on Elections—HJ 348
- 03/17/2011 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 548
- 03/22/2011 House—Committee of the Whole—Be passed as amended—HJ 670
- 03/23/2011 House—Final Action—Passed as amended; Yea: 118 Nay: 6—HJ 680
- 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Huntington, Senator V. Schmidt and Senator Kultala as conferees—SJ 507
- 03/28/2011 House—Motion to accede adopted; Representative Schwab, Representative Goico and Representative Mah appointed as conferees—HJ 720
- 04/01/2011 Senate—Concurrent with amendments in conference; Yea: 38 Nay: 0—SJ 592
- 04/13/2011 Senate—Approved by Governor on Wednesday, 13 April 2011—SJ 615
- S 126** Bill by Ethics and Elections
Elections; campaign finance; public service ads by candidates restricted.
- 02/07/2011 Senate—Introduced—SJ 107
- 02/08/2011 Senate—Referred to Committee on Ethics and Elections—SJ 123
- 02/14/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 190
- 02/22/2011 Senate—Committee of the Whole—Be passed as amended—SJ 234
- 02/23/2011 Senate—Final Action—Passed as amended; Yea: 37 Nay: 1—SJ 240
- 02/24/2011 House—Received and Introduced—HJ 348
- 02/25/2011 House—Referred to Committee on Elections—HJ 393
- S 127** Bill by Ethics and Elections
House Substitute for Substitute SB 127 by Committee on Elections – Primary

elections; filing of campaign reports; campaign contributions.

- 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Ethics and Elections—SJ 123
 02/17/2011 Senate—Committee Report recommending substitute bill be passed by
 Committee on Ethics and Elections—SJ 207
 02/22/2011 Senate—Committee of the Whole—Substitute bill be passed—SJ 234
 02/23/2011 Senate—Final Action—Substitute passed; Yea: 38 Nay: 0—SJ 240
 02/23/2011 House—Received and Introduced—HJ 340
 02/24/2011 House—Referred to Committee on Elections—HJ 348
 03/17/2011 House—Committee Report recommending substitute bill be passed by
 Committee on Elections—HJ 549
 03/22/2011 House—Committee of the Whole—Substitute bill be passed as amended—
 HJ 650
 03/23/2011 House—Final Action—Substitute passed as amended; Yea: 80 Nay: 44—HJ
 681
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Huntington, Senator V. Schmidt and Senator
 Kultala as conferees—SJ 507
 03/28/2011 House—Motion to accede adopted; Representative Schwab, Representative
 Goico and Representative Mah appointed as conferees—HJ 720
 05/12/2011 House—Representative Rhoades replaces Representative Schwab on the
 Conference Committee—HJ 1186
 05/12/2011 House—Representative Kelley replaces Representative Goico on the
 Conference Committee—HJ 1186
 05/12/2011 House—Representative Feuerborn replaces Representative Mah on the
 Conference Committee—HJ 1186
 05/12/2011 Senate—Senator McGinn replaces Senator Huntington on the Conference
 Committee—SJ 879
 05/12/2011 Senate—Senator Vratil replaces Senator V. Schmidt on the Conference
 Committee—SJ 879
 05/12/2011 Senate—Senator Kelly replaces Senator Kultala on the Conference
 Committee—SJ 879
 05/12/2011 House—Conference Committee Report was adopted; Yea: 85 Nay: 37—HJ
 1577
 05/12/2011 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 1—SJ
 1305
 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313

S 128

Bill by Ethics and Elections

Presidential preference primary election; date delayed.

- 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Ethics and Elections—SJ 123
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on
 Ethics and Elections—SJ 219
 02/22/2011 Senate—Committee of the Whole—Be passed—SJ 234
 02/23/2011 Senate—Final Action—Passed; Yea: 25 Nay: 13—SJ 241
 02/23/2011 House—Received and Introduced—HJ 340
 02/24/2011 House—Referred to Committee on Elections—HJ 348

S 129

Bill by Ethics and Elections

**House Substitute for SB 129 by Committee on Elections -- Elections; voter
photographic identification requirements; election date changes; voter registration**

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

records.

- 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Ethics and Elections—SJ 123
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 219
 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 245
 02/24/2011 Senate—Final Action—Passed; Yea: 30 Nay: 9—SJ 252
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Elections—HJ 393
 03/18/2011 House—Committee Report recommending substitute bill be passed by Committee on Elections—HJ 570
 03/22/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 666
 03/23/2011 House—Final Action—Substitute passed as amended; Yea: 87 Nay: 37—HJ 681
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Huntington, Senator V. Schmidt and Senator Kultala as conferees—SJ 508
 03/28/2011 House—Motion to accede adopted; Representative Schwab, Representative Goico and Representative Mah appointed as conferees—HJ 720
 05/11/2011 Senate—Motion to concur with amendments in conference failed; Yea: 15 Nay: 23 (Remains in Conference)—SJ 804

S 130

Bill by Ethics and Elections

Elections; candidate filing deadlines; other.

- 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Ethics and Elections—SJ 123
 02/18/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics and Elections—SJ 212
 02/22/2011 Senate—Committee of the Whole—Rereferred to Committee on Ethics and Elections—SJ 224

S 131

Bill by Public Health and Welfare

Making methamphetamine precursors schedule III prescription drugs.

- 02/07/2011 Senate—Introduced—SJ 107
 02/08/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 123
 02/09/2011 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Local Government—SJ 146
 02/25/2011 Senate—Withdrawn from Committee on Local Government; Referred to Committee on Ways and Means—SJ 271
 03/02/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Local Government—SJ 273

S 132

Bill by Public Health and Welfare

Dental care; increasing availability and access to dental care.

- 02/07/2011 Senate—Introduced—SJ 108
 02/08/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 123
 02/22/2011 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Ways and Means—SJ 224
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Public Health and Welfare—SJ 237

S 133

Bill by Public Health and Welfare

Health information; technology and exchange of health information.

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 02/07/2011 Senate—Introduced—SJ 108
 02/08/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 123
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 220
 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 245
 02/24/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 253
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Health and Human Services—HJ 394
- S 134** Bill by Public Health and Welfare
Advanced practice registered nurse licensure.
 02/07/2011 Senate—Introduced—SJ 108
 02/08/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 123
 02/15/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 198
 02/21/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 222
 02/22/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 231
 02/23/2011 House—Received and Introduced—HJ 328
 02/24/2011 House—Referred to Committee on Health and Human Services—HJ 348
 03/18/2011 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 582
 03/22/2011 House—Committee of the Whole—Be passed as amended—HJ 669
 03/23/2011 House—Final Action—Passed as amended; Yea: 117 Nay: 7—HJ 682
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator V. Schmidt, Senator Brungardt and Senator Kelly as conferees—SJ 508
 03/28/2011 House—Motion to accede adopted; Representative Landwehr, Representative Donohoe and Representative Flaharty appointed as conferees—HJ 720
- S 135** Bill by Senators Petersen, Schodorf
Enacting the Kansas racketeer influenced and corrupt organization act (Kansas RICO act).
 02/08/2011 Senate—Introduced—SJ 122
 02/09/2011 Senate—Referred to Committee on Judiciary—SJ 143
 02/22/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 233
 02/23/2011 Senate—Committee of the Whole—Be passed as amended—SJ 246
 02/24/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 253
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Judiciary—HJ 394
- S 136** Bill by Financial Institutions and Insurance
No cause of action for recovery of certain losses while operating an uninsured motor vehicle.
 02/08/2011 Senate—Introduced—SJ 122
 02/09/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 143
 02/22/2011 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 232
 02/24/2011 Senate—Committee of the Whole—Be passed—SJ 261
 02/24/2011 Senate—Emergency Final Action—Passed; Yea: 36 Nay: 3—SJ 268
 02/25/2011 House—Received and Introduced—HJ 411

- 03/02/2011 House—Referred to Committee on Insurance—HJ 415
 03/17/2011 House—Committee Report recommending bill be passed as amended by Committee on Insurance—HJ 551
 03/21/2011 House—Committee of the Whole—Be passed as amended—HJ 599
 03/22/2011 House—Final Action—Passed as amended; Yea: 111 Nay: 13—HJ 639
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Teichman, Senator Masterson and Senator A. Schmidt as conferees—SJ 483
 03/23/2011 House—Motion to accede adopted; Representative Shultz, Representative Hermanson and Representative Burroughs appointed as conferees—HJ 715
 04/27/2011 Senate—Concurred with amendments in conference; Yea: 39 Nay: 0—SJ 627
 05/12/2011 Senate—Approved by Governor on Thursday, 12 May 2011—SJ 879
- S 137** Bill by Utilities
Employment security law; benefits for school bus drivers.
 02/08/2011 Senate—Introduced—SJ 122
 02/09/2011 Senate—Referred to Committee on Commerce—SJ 143
 02/22/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 232
 02/24/2011 Senate—Committee of the Whole—Referred to Committee on Ways and Means—SJ 265
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Commerce—SJ 271
- S 138** Bill by Public Health and Welfare
Substitute for SB 138 by Committee on Public Health and Welfare -- Pharmacy; creating the pharmacy audit integrity act.
 02/08/2011 Senate—Introduced—SJ 122
 02/09/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 143
 02/22/2011 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Ways and Means—SJ 224
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Public Health and Welfare—SJ 237
 03/11/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Public Health and Welfare—SJ 311
 03/15/2011 Senate—Committee of the Whole—Substitute bill be passed—SJ 357
 03/15/2011 Senate—Emergency Final Action—Substitute passed; Yea: 34 Nay: 5—SJ 359
 03/17/2011 House—Received and Introduced—HJ 536
 03/18/2011 House—Referred to Committee on Insurance—HJ 564
- S 139** Bill by Senator V. Schmidt
Members of regional trauma councils and advisory committee on trauma
 02/08/2011 Senate—Introduced—SJ 122
 02/09/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 143
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 220
 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 245
 02/24/2011 Senate—Final Action—Passed; Yea: 28 Nay: 11—SJ 253
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Health and Human Services—HJ 394

- S 140** Bill by Commerce
Kansas small and disadvantaged business development program act.
 02/08/2011 Senate—Introduced—SJ 122
 02/09/2011 Senate—Referred to Committee on Commerce—SJ 143
- S 141** Bill by Public Health and Welfare
School-located influenza vaccination programs.
 02/08/2011 Senate—Introduced—SJ 122
 02/09/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 143
- S 142** Bill by Judiciary
Making expressions of apology, sympathy, commiseration or condolence inadmissible as evidence of an admission of liability or an admission against interest.
 02/08/2011 Senate—Introduced—SJ 122
 02/09/2011 Senate—Referred to Committee on Judiciary—SJ 143
 02/24/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 249
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 271
 03/21/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 397
 03/23/2011 Senate—Committee of the Whole—Be passed as amended—SJ 481
 03/23/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 502
 03/28/2011 House—Received and Introduced—HJ 719
 03/29/2011 House—Referred to Committee on Judiciary—HJ 782
- S 143** Bill by Education
Amendments relating to postsecondary technical education; creating the postsecondary tiered technical education state aid act.
 02/08/2011 Senate—Introduced—SJ 122
 02/09/2011 Senate—Referred to Committee on Education—SJ 143
 02/21/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 219
 02/23/2011 Senate—Committee of the Whole—Be passed as amended—SJ 245
 02/24/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 254
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Education—HJ 393
 03/21/2011 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 602
 03/23/2011 House—Committee of the Whole—Be passed as amended—HJ 695
 03/23/2011 House—Emergency Final Action—Passed as amended; Yea: 123 Nay: 0—HJ 709
 03/29/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Schodorf, Senator Vratil and Senator Hensley as conferees—SJ 524
 03/29/2011 House—Motion to accede adopted; Representative Aurand, Representative Huebert and Representative Ward appointed as conferees—HJ 792
 05/04/2011 House—Conference Committee Report not adopted; Representative Aurand, Representative Huebert and Representative Ward appointed as 2nd conferees—HJ 1016

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 05/04/2011 Senate—Motion to accede adopted; Senator Schodorf, Senator Vratil and Senator Hensley appointed as 2nd conferees—SJ 687
- 05/09/2011 House—Conference Committee Report was adopted; Yea: 120 Nay: 0—HJ 1109
- 05/10/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 771
- 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
- S 144** Bill by Education
Providing bus transportation for school children subjected to hazardous walking conditions.
- 02/08/2011 Senate—Introduced—SJ 122
- 02/09/2011 Senate—Referred to Committee on Education—SJ 143
- S 145** Bill by Ethics and Elections
Elections; corrupt political advertising; stand by your ads requirement.
- 02/08/2011 Senate—Introduced—SJ 122
- 02/09/2011 Senate—Referred to Committee on Ethics and Elections—SJ 143
- 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Ethics and Elections—SJ 219
- 02/23/2011 Senate—Committee of the Whole—Be passed as amended—SJ 246
- 02/24/2011 Senate—Final Action—Passed as amended; Yea: 32 Nay: 7—SJ 254
- 02/24/2011 House—Received and Introduced—HJ 360
- 02/25/2011 House—Referred to Committee on Elections—HJ 393
- S 146** Bill by Senators Taddiken, Abrams, Apple, Bruce, Kelsey, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Umbarger, Wagle
Amending statutes regulating late-term and partial birth abortion.
- 02/08/2011 Senate—Introduced—SJ 122
- 02/09/2011 Senate—Referred to Committee on Judiciary—SJ 143
- 02/24/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 249
- 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 271
- S 147** Bill by Agriculture
Substitute for SB 147 by Committee on Agriculture – Funds related to interstate water litigation.
- 02/08/2011 Senate—Introduced—SJ 122
- 02/09/2011 Senate—Referred to Committee on Ways and Means—SJ 143
- 02/09/2011 Senate—Withdrawn from Committee on Ways and Means; Referred to Committee on Agriculture—SJ 146
- 02/23/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Agriculture—SJ 242
- 02/24/2011 Senate—Committee of the Whole—Referred to Committee on Ways and Means—SJ 265
- S 148** Bill by Agriculture
Amending the veterinarian-client privilege.
- 02/08/2011 Senate—Introduced—SJ 123
- 02/09/2011 Senate—Referred to Committee on Agriculture—SJ 143
- S 149** Bill by Senators Merrick, Abrams, Bruce, Marshall, Masterson, Olson, Ostmeyer, Petersen, Pilcher-Cook
Enacting the Kansas firearms freedom act.

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 02/08/2011 Senate—Introduced—SJ 123
 02/09/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 143
- S 150** Bill by Ways and Means
Cities; incorporation; number of residents.
 02/08/2011 Senate—Introduced—SJ 123
 02/09/2011 Senate—Referred to Committee on Local Government—SJ 143
 02/18/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Local Government—SJ 214
 02/22/2011 Senate—Committee of the Whole—Be passed as amended—SJ 234
 02/23/2011 Senate—Final Action—Passed as amended; Yea: 37 Nay: 1—SJ 241
 02/24/2011 House—Received and Introduced—HJ 348
 02/25/2011 House—Referred to Committee on Local Government—HJ 394
 03/17/2011 House—Committee Report recommending bill be passed as amended by Committee on Local Government—HJ 552
 03/22/2011 House—Committee of the Whole—Be passed as amended—HJ 670
 03/23/2011 House—Final Action—Passed as amended; Yea: 103 Nay: 21—HJ 682
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Brungardt, Senator Reitz and Senator Faust-Goudeau as conferees—SJ 508
 03/28/2011 House—Motion to accede adopted; Representative Huebert, Representative Seiwert and Representative Mah appointed as conferees—HJ 721
 05/11/2011 House—Conference Committee Report was adopted; Yea: 105 Nay: 17—HJ 1179
 05/11/2011 Senate—Conference Committee Report was adopted; Yea: 31 Nay: 6—SJ 848
- S 151** 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
 Bill by Ways and Means
Highway advertising; permitting spot zoning.
 02/08/2011 Senate—Introduced—SJ 123
 02/09/2011 Senate—Referred to Committee on Transportation—SJ 143
 02/22/2011 Senate—Withdrawn from Committee on Transportation; Referred to Committee on Ways and Means—SJ 224
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Transportation—SJ 237
- S 152** Bill by Natural Resources
Allowing lawfully-possessed concealed handguns and devices designed to suppress report of a firearm while hunting, fishing or furharvesting.
 02/09/2011 Senate—Introduced—SJ 139
 02/10/2011 Senate—Referred to Committee on Natural Resources—SJ 150
 02/21/2011 Senate—Withdrawn from Committee on Natural Resources; Referred to Committee on Ways and Means—SJ 217
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Natural Resources—SJ 237
 03/07/2011 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 294
 03/09/2011 Senate—Committee of the Whole—Be passed—SJ 302
 03/09/2011 Senate—Emergency Final Action—Passed; Yea: 38 Nay: 1—SJ 303
 03/11/2011 House—Received and Introduced—HJ 455
 03/14/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ 462

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 03/17/2011 House—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—HJ 547
- 03/21/2011 House—Committee of the Whole—Be passed—HJ 591
- 03/22/2011 House—Final Action—Passed; Yea: 124 Nay: 0—HJ 639
- 03/31/2011 Senate—Approved by Governor on Thursday, 31 March 2011—SJ 591
- S 153** Bill by Ways and Means
Authorizing contributions to accounts under the Kansas individual data on students program.
 02/09/2011 Senate—Introduced—SJ 139
 02/10/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 150
- S 154** Bill by Ways and Means
House Substitute for SB 154 by Committee on Appropriations -- Issuance of bonds by Kansas development finance authority, national bio and agro defense facility and university of Kansas engineering school expansion project.
 02/09/2011 Senate—Introduced—SJ 139
 02/10/2011 Senate—Referred to Committee on Ways and Means—SJ 150
 03/09/2011 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 302
 03/15/2011 Senate—Committee of the Whole—Be passed—SJ 357
 03/15/2011 Senate—Emergency Final Action—Passed; Yea: 34 Nay: 5—SJ 359
 03/17/2011 House—Received and Introduced—HJ 536
 03/18/2011 House—Referred to Committee on Appropriations—HJ 563
 05/10/2011 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 1130
 05/11/2011 House—Motion to move bill to Emergency Final Action Subject to Amendment, Debate and Roll call adopted.
 05/11/2011 House—Emergency Final Action—Substitute passed; Yea: 123 Nay: 0—HJ 1178
 05/11/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed McGinn, Vratil and Kelly Senator McGinn, Senator Vratil and Senator Kelly as conferees—SJ 804
 05/12/2011 House—Motion to accede adopted; Representative Rhoades, Representative Kelley and Representative Feuerborn appointed as conferees—HJ 1261
 05/12/2011 House—Conference Committee Report was adopted; Yea: 107 Nay: 15—HJ 1578
 05/12/2011 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 2—SJ 1309
- 05/25/2011 Senate—Approved by Governor on Wednesday, 25 May 2011—SJ 1313
- S 155** Bill by Ways and Means
Assessed valuation of certain school districts.
 02/09/2011 Senate—Introduced—SJ 139
 02/10/2011 Senate—Referred to Committee on Education—SJ 150
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 219
 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 245
 02/24/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 254
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Education—HJ 393

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- S 156** Bill by Joint Committee on State Building Construction
Kansas arts commission, transfer of Hiram Price Dillon House, programming, donations, charitable corporation.
 02/09/2011 Senate—Introduced—SJ 139
 02/10/2011 Senate—Referred to Committee on Ways and Means—SJ 150
- S 157** Bill by Commerce
Enforcement of employee misclassification by the attorney general.
 02/09/2011 Senate—Introduced—SJ 139
 02/10/2011 Senate—Referred to Committee on Commerce—SJ 150
 02/25/2011 Senate—Withdrawn from Committee on Commerce; Referred to Committee on Ways and Means—SJ 271
 03/02/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Commerce—SJ 274
- S 158** Bill by Utilities
Full and fair noneconomic damages act.
 02/09/2011 Senate—Introduced—SJ 139
 02/10/2011 Senate—Referred to Committee on Judiciary—SJ 150
- S 159** Bill by Senator Pilcher-Cook
Substitute for SB 159 by Committee on Judiciary – Conditions of release for parolees and probationers; searches; expunged records; petitions for relief of disabilities for firearms prohibitions.
 02/09/2011 Senate—Introduced—SJ 139
 02/10/2011 Senate—Referred to Committee on Judiciary—SJ 150
 02/24/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 249
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 271
 03/21/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Judiciary—SJ 397
 03/23/2011 Senate—Committee of the Whole—Substitute bill be passed as amended—SJ 502
 03/23/2011 Senate—Emergency Final Action—Substitute passed as amended; Yea: 24 Nay: 12—SJ 503
 03/28/2011 House—Received and Introduced—HJ 719
 03/29/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ 782
- S 160** Bill by Senator Lynn
Child support; collection of child support payments.
 02/09/2011 Senate—Introduced—SJ 139
 02/10/2011 Senate—Referred to Committee on Judiciary—SJ 150
 02/22/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 233
 02/23/2011 Senate—Committee of the Whole—Be passed as amended—SJ 246
 02/24/2011 Senate—Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 255
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Judiciary—HJ 394
- S 161** Bill by Senator Haley
Racial profiling; uniform citizen contact data form filled out by law enforcement on each traffic or pedestrian stop.
 02/09/2011 Senate—Introduced—SJ 139

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 02/10/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 150
S 162 Bill by Local Government
Residential real estate transactions; disclosure of methamphetamine production.
 02/09/2011 Senate—Introduced—SJ 139
- 02/10/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 150
S 163 Bill by Local Government
Counties; county administrators; procedure for abolishing office.
 02/09/2011 Senate—Introduced—SJ 139
- 02/10/2011 Senate—Referred to Committee on Local Government—SJ 150
S 164 Bill by Judiciary
Record requirements and civil penalties relating to sales of plastic bulk merchandise containers.
 02/09/2011 Senate—Introduced—SJ 139
- 02/10/2011 Senate—Referred to Committee on Judiciary—SJ 150
S 165 Bill by Senators Pilcher-Cook, Abrams, Bruce, Kelsey, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pyle, Taddiken, Wagle
Licensing of abortion clinics by department of health and environment.
 02/09/2011 Senate—Introduced—SJ 140
 02/10/2011 Senate—Referred to Committee on Judiciary—SJ 150
 02/24/2011 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 249
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 271
- S 166** Bill by Senators Hensley, Francisco, Kelly, Kultala
Prohibiting outside employment of certain state officials.
 02/09/2011 Senate—Introduced—SJ 140
- 02/10/2011 Senate—Referred to Committee on Ethics and Elections—SJ 150
S 167 Bill by Senators Pilcher-Cook, Abrams, Apple, Bruce, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pyle, Taddiken
Enacting the health care freedom act.
 02/09/2011 Senate—Introduced—SJ 140
 02/10/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 150
- S 168** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Holland, Kelly, Kultala
Campaign finance; reporting requirements for electioneering communications.
 02/09/2011 Senate—Introduced—SJ 140
 02/10/2011 Senate—Referred to Committee on Ethics and Elections—SJ 150
- S 169** Bill by Senators Hensley, Haley, Kelly, Kultala
County election officer, appointment by county commission.
 02/09/2011 Senate—Introduced—SJ 140
 02/10/2011 Senate—Referred to Committee on Ethics and Elections—SJ 150
- S 170** Bill by Financial Institutions and Insurance
Portable electronics insurance act.
 02/09/2011 Senate—Introduced—SJ 140
 02/10/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 150
 02/17/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 209
 02/22/2011 Senate—Committee of the Whole—Be passed as amended—SJ 234
 02/23/2011 Senate—Final Action—Passed as amended; Yea: 38 Nay: 0—SJ 242

- 02/24/2011 House—Received and Introduced—HJ 348
 02/25/2011 House—Referred to Committee on Insurance—HJ 394
 03/16/2011 House—Committee Report recommending bill be passed as amended by
 Committee on Insurance—HJ 519
 03/21/2011 House—Committee of the Whole—Be passed as amended—HJ 593
 03/22/2011 House—Final Action—Passed as amended; Yea: 87 Nay: 36—HJ 640
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Teichman, Senator Masterson and Senator A.
 Schmidt as conferees—SJ 483
 03/23/2011 House—Motion to accede adopted; Representative Shultz, Representative
 Hermanson and Representative Burroughs appointed as conferees—HJ 715
 04/29/2011 Senate—Concurred with amendments in conference; Yea: 39 Nay: 0—SJ
 636
 05/12/2011 Senate—Approved by Governor on Thursday, 12 May 2011—SJ 1313
- S 171** Bill by Senators Hensley, Francisco, Holland, Kultala
Reinstatement of prevailing wage for state construction projects.
 02/09/2011 Senate—Introduced—SJ 140
- S 172** Bill by Senators Hensley, Francisco, Kelly, Kultala
**Governmental ethics; two years restriction certain state officers and employees
 becoming lobbyists.**
 02/09/2011 Senate—Introduced—SJ 140
 02/10/2011 Senate—Referred to Committee on Commerce—SJ 150
- S 173** Bill by Senators Hensley, Haley
State educational institutions; tuition and student financial aid.
 02/09/2011 Senate—Introduced—SJ 140
 02/10/2011 Senate—Referred to Committee on Ways and Means—SJ 150
- S 174** Bill by Federal and State Affairs
Veterans service organizations, electronic gaming machines.
 02/10/2011 Senate—Introduced—SJ 148
- S 175** Bill by Judiciary
Videotaping felony interrogations.
 02/10/2011 Senate—Introduced—SJ 148
 02/11/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 154
- S 176** Bill by Judiciary
**House Substitute for SB 176 by Committee on Corrections and Juvenile Justice --
 Concerning criminal procedure; relating to conditions of release and bond;
 relating to house arrest; relating to employment of county and municipal
 prisoners.**
 02/10/2011 Senate—Introduced—SJ 148
 02/11/2011 Senate—Referred to Committee on Judiciary—SJ 154
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on
 Judiciary—SJ 219
 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 246
 02/24/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 255
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Corrections and Juvenile Justice—HJ
 393

- 03/16/2011 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 516
- 03/23/2011 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 714
- S 177** Bill by Utilities
Statute of limitations increased for taxpayers claiming certain refunds and credits.
 02/10/2011 Senate—Introduced—SJ 149
 02/11/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 154
 02/22/2011 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 231
 02/24/2011 Senate—Committee of the Whole—Be passed—SJ 261
 02/24/2011 Senate—Emergency Final Action—Passed; Yea: 39 Nay: 0—SJ 268
 02/25/2011 House—Received and Introduced—HJ 411
 03/02/2011 House—Referred to Committee on Taxation—HJ 415
- S 178** Bill by Financial Institutions and Insurance
Multi-State surplus lines agreement.
 02/10/2011 Senate—Introduced—SJ 149
 02/11/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 154
 02/22/2011 Senate—Withdrawn from Committee on Financial Institutions and Insurance; Referred to Committee on Ways and Means—SJ 224
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Financial Institutions and Insurance—SJ 237
- S 179** Bill by Financial Institutions and Insurance
Kansas life and health guaranty association act.
 02/10/2011 Senate—Introduced—SJ 149
 02/11/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 154
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 219
 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 245
 02/24/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 255
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Insurance—HJ 394
 03/17/2011 House—Committee Report recommending bill be passed by Committee on Insurance—HJ 551
 03/21/2011 House—Committee of the Whole—Be passed—HJ 591
 03/22/2011 House—Final Action—Passed; Yea: 111 Nay: 12—HJ 640
 03/31/2011 Senate—Approved by Governor on Thursday, 31 March 2011—SJ 591
- S 180** Bill by Local Government
Annexation procedures; deannexation; board of county commissioners duties; election required, when; homestead exemption; appeal process.
 02/10/2011 Senate—Introduced—SJ 149
 02/11/2011 Senate—Referred to Committee on Local Government—SJ 154
- S 181** Bill by Federal and State Affairs
Requiring use of e-verify by employers in the state of Kansas.
 02/10/2011 Senate—Introduced—SJ 149
 02/11/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 154
- S 182** Bill by Ways and Means
EMS board operating fund, fire service training program fund of university of

Kansas and fire marshal fee fund share administrative expense reimbursement to general fund.

02/10/2011 Senate—Introduced—SJ 149

02/11/2011 Senate—Referred to Committee on Financial Institutions and Insurance—
SJ 15403/02/2011 Senate—Committee Report recommending bill be passed by Committee on
Financial Institutions and Insurance—SJ 275

03/09/2011 Senate—Committee of the Whole—Be passed—SJ 302

03/09/2011 Senate—Emergency Final Action—Passed; Yea: 39 Nay: 0—SJ 304

03/11/2011 House—Received and Introduced—HJ 455

03/14/2011 House—Referred to Committee on Transportation and Public Safety
Budget—HJ 462**S 183** Bill by Ways and Means**Concerning motor vehicles; relating to safety belts.**

02/10/2011 Senate—Introduced—SJ 149

02/11/2011 Senate—Referred to Committee on Transportation—SJ 154

S 184 Bill by Ways and Means**Adult care home minimum nursing care requirements.**

02/10/2011 Senate—Introduced—SJ 149

02/11/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 154

S 185 Bill by Ways and Means**Insurance; allowing trust companies as a nominee.**

02/10/2011 Senate—Introduced—SJ 149

02/11/2011 Senate—Referred to Committee on Financial Institutions and Insurance—
SJ 15403/02/2011 Senate—Committee Report recommending bill be passed as amended by
Committee on Financial Institutions and Insurance—SJ 275

03/09/2011 Senate—Committee of the Whole—Be passed as amended—SJ 302

03/09/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—
SJ 304

03/11/2011 House—Received and Introduced—HJ 455

03/14/2011 House—Referred to Committee on Financial Institutions—HJ 462

03/18/2011 House—Committee Report recommending bill be passed by Committee on
Financial Institutions—HJ 571

03/22/2011 House—Committee of the Whole—Be passed—HJ 643

03/23/2011 House—Final Action—Passed; Yea: 121 Nay: 2—HJ 683

03/31/2011 Senate—Approved by Governor on Thursday, 31 March 2011—SJ 591

S 186 Bill by Agriculture**Pesticides; hearing prior to denial, suspension or revocation of license, registration or certification.**

02/10/2011 Senate—Introduced—SJ 149

02/11/2011 Senate—Referred to Committee on Agriculture—SJ 154

02/16/2011 Senate—Committee Report recommending bill be passed as amended by
Committee on Agriculture—SJ 203

02/22/2011 Senate—Committee of the Whole—Be passed as amended—SJ 234

02/23/2011 Senate—Final Action—Passed as amended; Yea: 37 Nay: 0—SJ 242

02/24/2011 House—Received and Introduced—HJ 348

02/25/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ
393

- 03/17/2011 House—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—HJ 547
- 03/21/2011 House—Committee of the Whole—Be passed—HJ 591
- 03/22/2011 House—Final Action—Passed; Yea: 116 Nay: 8—HJ 641
- 03/31/2011 Senate—Approved by Governor on Thursday, 31 March 2011—SJ 591
- S 187** Bill by Natural Resources
Allowing a water bank charter to become permanent.
 02/10/2011 Senate—Introduced—SJ 149
 02/11/2011 Senate—Referred to Committee on Natural Resources—SJ 154
 02/21/2011 Senate—Withdrawn from Committee on Natural Resources; Referred to Committee on Ways and Means—SJ 217
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Natural Resources—SJ 237
- S 188** Bill by Natural Resources
Amending the exemptions from a solid waste permit.
 02/10/2011 Senate—Introduced—SJ 149
 02/11/2011 Senate—Referred to Committee on Natural Resources—SJ 154
 02/21/2011 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 220
 02/23/2011 Senate—Committee of the Whole—Be passed—SJ 245
 02/24/2011 Senate—Final Action—Passed; Yea: 39 Nay: 0—SJ 255
 02/24/2011 House—Received and Introduced—HJ 360
 02/25/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ 393
 03/17/2011 House—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—HJ 547
 03/21/2011 House—Committee of the Whole—Be passed—HJ 591
 03/22/2011 House—Final Action—Passed; Yea: 120 Nay: 4—HJ 641
 03/31/2011 Senate—Approved by Governor on Thursday, 31 March 2011—SJ 591
- S 189** Bill by Commerce
Kansas Bioscience Authority; additional voting members.
 02/10/2011 Senate—Introduced—SJ 149
 02/11/2011 Senate—Referred to Committee on Commerce—SJ 154
- S 190** Bill by Utilities
Telecommunications and price regulation.
 02/11/2011 Senate—Introduced—SJ 153
 02/14/2011 Senate—Referred to Committee on Utilities—SJ 161
- S 191** Bill by Natural Resources
House Substitute for SB 191 by Agriculture and Natural Resources Budget Committee -- Appropriations; department of agriculture; laboratory testing.
 02/11/2011 Senate—Introduced—SJ 153
 02/14/2011 Senate—Referred to Committee on Natural Resources—SJ 161
 02/21/2011 Senate—Withdrawn from Committee on Natural Resources; Referred to Committee on Ways and Means—SJ 217
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Natural Resources—SJ 237
 03/14/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 344
 03/16/2011 Senate—Committee of the Whole—Be passed as amended—SJ 369
 03/17/2011 Senate—Final Action—Passed as amended; Yea: 38 Nay: 0—SJ 375

- 03/18/2011 House—Received and Introduced—HJ 564
- 03/21/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ 588
- 05/03/2011 House—Withdrawn from Committee on Agriculture and Natural Resources; Referred to Committee on Agriculture and Natural Resources Budget—HJ 970
- 05/04/2011 House—Committee Report recommending substitute bill be passed by Committee on Agriculture and Natural Resources Budget—HJ 1020
- 05/06/2011 House—Committee of the Whole – Passed over and retain a place on the calendar —HJ 1071
- S 192** Bill by Ways and Means
Kansas dental board; licensure of dental practitioners.
- 02/11/2011 Senate—Introduced—SJ 153
- 02/14/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 161
- S 193** Bill by Assessment and Taxation
Taxation, social security information required in support of certain credits, refunds and claims, recording of plats, PEAK, HPIP and certain sales tax exemptions.
- 02/11/2011 Senate—Introduced—SJ 154
- 02/14/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 160
- 02/22/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 231
- 02/24/2011 Senate—Committee of the Whole—Referred to Committee on Ways and Means—SJ 265
- 02/25/2011 Senate—Withdrawn from Committee on Ways and Means and re-referred to Committee of the Whole—SJ 271
- 03/03/2011 Senate—Committee of the Whole—Motion to refer to committee failed Committee on Assessment and Taxation—SJ 283
- 03/03/2011 Senate—Committee of the Whole—Be passed as amended—SJ 283
- 03/03/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 285
- 03/08/2011 House—Received and Introduced—HJ 431
- 03/09/2011 House—Referred to Committee on Taxation—HJ 437
- 03/14/2011 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 474
- 03/18/2011 House—Committee of the Whole—Be passed as amended—HJ 567
- 03/18/2011 House—Emergency Final Action—Passed as amended; Yea: 111 Nay: 9—HJ 585
- 03/22/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Apple, Senator King and Senator Holland as conferees—SJ 438
- 03/28/2011 House—Motion to accede adopted; Representative Carlson, Representative Kleeb and Representative Dillmore appointed as conferees—HJ 721
- 05/05/2011 House—Conference Committee Report was adopted; Yea: 107 Nay: 10—HJ 1066
- 05/09/2011 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 1—SJ 708
- 05/26/2011 Senate—Approved by Governor on Thursday, 26 May 2011—SJ 1313
- S 194** Bill by Agriculture
Allowing homestead rights to continue after annexation until land is sold after

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- annexation.**
 02/11/2011 Senate—Introduced—SJ 154
 02/14/2011 Senate—Referred to Committee on Local Government—SJ 161
- S 195** Bill by Public Health and Welfare
Relating to the licensure of acupuncturists.
 02/11/2011 Senate—Introduced—SJ 154
 02/14/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 161
- S 196** Bill by Assessment and Taxation
House Substitute for SB 196 by Committee on Taxation – Taxation, expensing of investment expenditures, IMPACT program, income tax credits, job creation fund, and Kansas hometown heroes checkoff fund.
 02/11/2011 Senate—Introduced—SJ 154
 02/14/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 160
 02/23/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 247
 02/24/2011 Senate—Committee of the Whole—Referred to Committee on Ways and Means—SJ 265
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means and re-referred to Committee of the Whole—SJ 271
 03/09/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 303
 03/09/2011 Senate—Emergency Final Action—Passed as amended; Yea: 34 Nay: 4—SJ 304
 03/11/2011 House—Received and Introduced—HJ 455
 03/14/2011 House—Referred to Committee on Taxation—HJ 462
 03/15/2011 House—Committee Report recommending substitute bill be passed by Committee on Taxation—HJ 509
 03/17/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 547
 03/18/2011 House—Final Action—Passed as amended; Yea: 105 Nay: 17—HJ 565
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Apple, Senator Apple, Senator King and Senator Holland as conferees—SJ 471
 03/23/2011 House—Motion to accede adopted; Representative Carlson, Representative Kleeb and Representative Dillmore appointed as conferees—HJ 716
 05/10/2011 House—Conference Committee Report was adopted; Yea: 122 Nay: 0—HJ 1116
 05/10/2011 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 3—SJ 797
- S 197** 05/26/2011 Senate—Approved by Governor on Thursday, 26 May 2011—SJ 1313
 Bill by Assessment and Taxation
Phase out of sales tax on food and food ingredients and food sales tax refund.
 02/11/2011 Senate—Introduced—SJ 154
 02/14/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 160
 02/25/2011 Senate—Withdrawn from Committee on Assessment and Taxation; Referred to Committee on Ways and Means—SJ 271
 03/02/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Assessment and Taxation—SJ 273
- S 198** Bill by Assessment and Taxation
Creating rural opportunity zones.
 02/11/2011 Senate—Introduced—SJ 154

- 02/14/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 160
 02/21/2011 Senate—Committee Report recommending bill be passed as amended by
 Committee on Assessment and Taxation—SJ 219
 02/24/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 262
 02/24/2011 Senate—Emergency Final Action—Passed as amended; Yea: 34 Nay: 5—
 SJ 268
 02/25/2011 House—Received and Introduced—HJ 411
 03/02/2011 House—Referred to Committee on Taxation—HJ 415
 03/16/2011 House—Committee Report recommending bill be passed by Committee on
 Taxation—HJ 534
 03/18/2011 House—Committee of the Whole—Be passed—HJ 566
 03/18/2011 House—Emergency Final Action—Passed; Yea: 102 Nay: 18—HJ 583
 03/31/2011 Senate—Approved by Governor on Thursday, 31 March 2011—SJ 615
- S 199** Bill by Ways and Means
Inmates in correctional facilities; medicaid eligibility.
 02/11/2011 Senate—Introduced—SJ 154
 02/14/2011 Senate—Referred to Committee on Ways and Means—SJ 161
- S 200** Bill by Natural Resources
Requiring certain beverage containers to be redeemable.
 02/11/2011 Senate—Introduced—SJ 154
 02/14/2011 Senate—Referred to Committee on Natural Resources—SJ 161
 02/21/2011 Senate—Withdrawn from Committee on Natural Resources; Referred to
 Committee on Ways and Means—SJ 217
 02/23/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
 Committee on Natural Resources—SJ 237
- S 201** Bill by Federal and State Affairs
Bingo games; prize limits, time, location and conduct of games.
 02/14/2011 Senate—Introduced—SJ 160
 02/15/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 194
 03/08/2011 Senate—Committee Report recommending bill be passed as amended by
 Committee on Federal and State Affairs—SJ 297
 03/15/2011 Senate—Committee of the Whole—Be passed as amended—SJ 357
 03/15/2011 Senate—Emergency Final Action—Passed as amended; Yea: 36 Nay: 2—
 SJ 360
 03/17/2011 House—Received and Introduced—HJ 536
 03/18/2011 House—Referred to Committee on Federal and State Affairs—HJ 564
- S 202** Bill by Federal and State Affairs
School districts; purpose of state aid to public schools.
 02/14/2011 Senate—Introduced—SJ 160
 02/15/2011 Senate—Referred to Committee on Education—SJ 194
 02/24/2011 Senate—Withdrawn from Committee on Education; Referred to Committee
 on Ways and Means—SJ 249
 02/25/2011 Senate—Withdrawn from Committee on Ways and Means; Rereferred to
 Committee on Education—SJ 271
- S 203** Bill by Ways and Means
Relating to the size of the Kansas legislature.
 02/14/2011 Senate—Introduced—SJ 160
 02/15/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 194
- S 204** Bill by Ways and Means
County consolidation commission established.

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 02/14/2011 Senate—Introduced—SJ 160
 02/15/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 194
- S 205** Bill by Ways and Means
Establishing the Kansas employment initiative act and the Kansas employment first oversight commission.
 02/14/2011 Senate—Introduced—SJ 160
 02/15/2011 Senate—Referred to Committee on Commerce—SJ 194
 03/08/2011 Senate—Withdrawn from Committee on Commerce; Referred to Committee on Ways and Means—SJ 296
- S 206** Bill by Ways and Means
Substitute for SB 206 by Committee on Financial Institutions and Insurance – Surplus Lines Insurance; Multi-State Compliance Compact.
 02/15/2011 Senate—Introduced—SJ 194
 02/16/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 203
 03/10/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Financial Institutions and Insurance—SJ 309
 03/11/2011 Senate—Withdrawn from Calendar; Referred to Committee on Financial Institutions and Insurance—SJ 311
- S 207** Bill by Federal and State Affairs
Counties; acceptance of credit cards, debit cards; payment of taxes, fees, other exactions.
 02/15/2011 Senate—Introduced—SJ 194
 02/16/2011 Senate—Referred to Committee on Local Government—SJ 203
- S 208** Bill by Ways and Means
Long-term capital improvement program and facilities plans by public safety state agencies.
 02/16/2011 Senate—Introduced—SJ 203
 02/17/2011 Senate—Referred to Committee on Ways and Means—SJ 206
- S 209** Bill by Ways and Means
For fiscal years 2012, 2013, 2014 and 2015, five centers of excellence and three centers of innovation receive \$2,000,000 from the increase in the tax base from bioscience development and investment.
 02/16/2011 Senate—Introduced—SJ 203
 02/17/2011 Senate—Referred to Committee on Ways and Means—SJ 206
- S 210** Bill by Ways and Means
Assessment on providers of developmental disability waiver program.
 02/16/2011 Senate—Introduced—SJ 203
 02/17/2011 Senate—Referred to Committee on Ways and Means—SJ 206
 03/17/2011 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 381
 03/21/2011 Senate—Committee of the Whole—Be passed—SJ 391
 03/21/2011 Senate—Emergency Final Action—Passed; Yea: 39 Nay: 0—SJ 426
 03/22/2011 House—Received and Introduced—HJ 672
 03/23/2011 House—Referred jointly to Committee on Aging and Long Term Care and Committee on Social Services Budget—HJ 674
 03/28/2011 House—Committee Report recommending bill be passed by Committee on Aging and Long Term Care and Committee on Social Services Budget—HJ 728
 03/30/2011 House—Committee of the Whole—Be passed—HJ 832

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 03/31/2011 House—Final Action—Passed; Yea: 89 Nay: 34—HJ 841
 04/18/2011 Senate—Approved by Governor on Monday, 18 April 2011—SJ 615
- S 211** Bill by Ways and Means
Pharmacists; dispensing prescriptions.
 02/16/2011 Senate—Introduced—SJ 203
 02/17/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 206
 03/18/2011 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 386
 03/23/2011 Senate—Committee of the Whole—Be passed—SJ 481
 03/23/2011 Senate—Emergency Final Action—Passed; Yea: 39 Nay: 0—SJ 503
 03/28/2011 House—Received and Introduced—HJ 719
 03/29/2011 House—Referred to Committee on Health and Human Services—HJ 782
- S 212** Bill by Federal and State Affairs
Annual report by secretary of revenue of abatements of tax liability.
 02/17/2011 Senate—Introduced—SJ 206
 02/18/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 212
 02/22/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 231
 02/24/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 262
 02/24/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 268
 02/25/2011 House—Received and Introduced—HJ 411
 03/02/2011 House—Referred to Committee on Taxation—HJ 415
 03/14/2011 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Taxation—HJ 474
 03/15/2011 House—Withdrawn from Consent Calendar and placed on General Orders—HJ 503
 03/22/2011 House—Committee of the Whole—Be passed—HJ 670
 03/23/2011 House—Final Action—Passed; Yea: 123 Nay: 1—HJ 683
 03/31/2011 Senate—Approved by Governor on Thursday, 31 March 2011—SJ 591
- S 213** Bill by Ways and Means
Lightweight roadable vehicles; registration and taxation.
 02/21/2011 Senate—Introduced—SJ 217
 02/22/2011 Senate—Referred to Committee on Transportation—SJ 224
 03/03/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 282
 03/09/2011 Senate—Committee of the Whole—Be passed as amended—SJ 302
 03/09/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 305
 03/11/2011 House—Received and Introduced—HJ 455
 03/14/2011 House—Referred to Committee on Transportation—HJ 462
 03/17/2011 House—Committee Report recommending substitute bill be passed by Committee on Transportation—HJ 560
 03/21/2011 House—Committee of the Whole—Substitute bill be passed as amended—HJ 601
 03/22/2011 House—Final Action—Substitute passed as amended; Yea: 115 Nay: 9—HJ 642
 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Umbarger, Senator Marshall and Senator Kultala as conferees—SJ 483

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 03/23/2011 House—Motion to accede adopted; Representative Hayzlett, Representative Prescott and Representative Wetta appointed as conferees—HJ 716
- 04/01/2011 House—Conference Committee Report was adopted; Yea: 116 Nay: 4—HJ 871
- 04/27/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 625
- S 214** 05/12/2011 Senate—Approved by Governor on Thursday, 12 May 2011—SJ 1313
Bill by Ways and Means
House Substitute for SB 214 by Committee on Agriculture and Natural Resources – Amendments related to groundwater management districts and stream obstruction permitting.
- 02/21/2011 Senate—Introduced—SJ 217
- 02/22/2011 Senate—Referred to Committee on Natural Resources—SJ 224
- 03/03/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Natural Resources—SJ 282
- 03/09/2011 Senate—Committee of the Whole—Be passed as amended—SJ 302
- 03/09/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 306
- 03/11/2011 House—Received and Introduced—HJ 455
- 03/14/2011 House—Referred to Committee on Agriculture and Natural Resources—HJ 462
- 03/17/2011 House—Committee Report recommending substitute bill be passed by Committee on Agriculture and Natural Resources—HJ 547
- 03/21/2011 House—Committee of the Whole—Substitute bill be passed—HJ 591
- 03/22/2011 House—Final Action—Substitute passed; Yea: 124 Nay: 0—HJ 642
- 03/23/2011 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Ostmeyer, Senator McGinn and Senator Francisco as conferees—SJ 483
- 03/23/2011 House—Motion to accede adopted; Representative Powell, Representative Kerschen and Representative Williams appointed as conferees—HJ 716
- 04/01/2011 House—Conference Committee Report was adopted; Yea: 120 Nay: 0—HJ 871
- 04/27/2011 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 625
- S 215** 05/12/2011 Senate—Approved by Governor on Thursday, 12 May 2011—SJ 879
Bill by Ways and Means
Abolishing the liquefied petroleum gas advisory board.
- 02/21/2011 Senate—Introduced—SJ 217
- 02/22/2011 Senate—Referred to Committee on Natural Resources—SJ 224
- 03/10/2011 Senate—Committee Report recommending bill be passed by Committee on Natural Resources—SJ 309
- 03/16/2011 Senate—Committee of the Whole—Be passed—SJ 369
- 03/17/2011 Senate—Final Action—Passed; Yea: 38 Nay: 0—SJ 376
- 03/18/2011 House—Received and Introduced—HJ 564
- 03/21/2011 House—Referred to Committee on Energy and Utilities—HJ 588
- 03/22/2011 House—Committee Report recommending bill be passed by Committee on Energy and Utilities—HJ 671
- 03/30/2011 House—Committee of the Whole—Be passed—HJ 827
- 03/31/2011 House—Final Action—Passed; Yea: 122 Nay: 1—HJ 841
- 04/13/2011 Senate—Approved by Governor on Wednesday, 13 April 2011—SJ 615

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- S 216** Bill by Ways and Means
House Substitute for SB 216 by Committee on Health and Human Services—Smoking regulations, casino exemption and annual smoking events.
 02/21/2011 Senate—Introduced—SJ 217
 02/22/2011 Senate—Referred to Committee on Public Health and Welfare—SJ 224
 03/18/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 386
 04/29/2011 Senate—Committee of the Whole—Be passed as further amended—SJ 648
 04/29/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—SJ 649
 05/04/2011 House—Received and Introduced—HJ 978
 05/04/2011 House—Referred to Committee on Health and Human Services—HJ 1021
 05/04/2011 House—Committee Report recommending substitute bill be passed by Committee on Health and Human Services—HJ 1021
- S 217** Bill by Ways and Means
Civil commitment of sexually violent predators; reimbursement for costs related to habeas corpus actions to the county from the sexually violent predator expense fund.
 02/21/2011 Senate—Introduced—SJ 217
 02/22/2011 Senate—Referred to Committee on Judiciary—SJ 224
- S 218** Bill by Ways and Means
Kansas Highway Patrol; vehicle inspection fees.
 02/22/2011 Senate—Introduced—SJ 224
 02/23/2011 Senate—Referred to Committee on Transportation—SJ 237
- S 219** Bill by Federal and State Affairs
Wage payment act; additional penalties for employers who repeatedly fail to pay wages.
 02/23/2011 Senate—Introduced—SJ 236
 02/24/2011 Senate—Referred to Committee on Commerce—SJ 249
- S 220** Bill by Ways and Means
Abolishing the office of the state fire marshal and transferring the duties and functions thereof to the division of facilities management, the Kansas bureau of investigation and the division of emergency management.
 03/03/2011 Senate—Introduced—SJ 278
 03/04/2011 Senate—Referred to Committee on Ways and Means—SJ 288
 03/08/2011 Senate—Withdrawn from Committee on Ways and Means; Referred to Committee on Federal and State Affairs—SJ 296
- S 221** Bill by Ways and Means
Prohibiting local community corrections programs from using state grant moneys to supplant local moneys; allowing the secretary of corrections to make certain payments in the next fiscal year; capping the costs DOC pays to counties for inmates in county jails.
 03/03/2011 Senate—Introduced—SJ 278
 03/04/2011 Senate—Referred to Committee on Ways and Means—SJ 288
- S 222** Bill by Ways and Means
Voter identification requirements.
 03/03/2011 Senate—Introduced—SJ 278
 03/04/2011 Senate—Referred to Committee on Ethics and Elections—SJ 288
- S 223** Bill by Ways and Means
Public facilities; accessibility standards, disabled persons.

- 03/03/2011 Senate—Introduced—SJ 278
 03/04/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 288
 03/16/2011 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 366
 03/21/2011 Senate—Committee of the Whole—Be passed—SJ 391
 03/21/2011 Senate—Emergency Final Action—Passed; Yea: 39 Nay: 0—SJ 426
 03/22/2011 House—Received and Introduced—HJ 672
 03/23/2011 House—Referred to Committee on Federal and State Affairs—HJ 674
- S 224** Bill by Federal and State Affairs
Utilities; report on electric supply and demand for electric utilities; gas safety and reliability surcharge, extension of time for filing rate schedule.
 03/03/2011 Senate—Introduced—SJ 278
 03/04/2011 Senate—Referred to Committee on Utilities—SJ 288
 03/10/2011 Senate—Committee Report recommending bill be passed by Committee on Utilities—SJ 309
 03/16/2011 Senate—Committee of the Whole—Be passed—SJ 369
 03/17/2011 Senate—Final Action—Passed; Yea: 38 Nay: 0—SJ 376
 03/18/2011 House—Received and Introduced—HJ 564
 03/21/2011 House—Referred to Committee on Energy and Utilities—HJ 588
 03/22/2011 House—Committee Report recommending bill be passed as amended by Committee on Energy and Utilities—HJ 671
 03/30/2011 House—Committee of the Whole—Be passed as amended—HJ 827
 03/31/2011 House—Final Action—Passed as amended; Yea: 121 Nay: 2—HJ 842
 04/01/2011 Senate—Concurred with amendments; Yea: 38 Nay: 0—SJ 592
 04/13/2011 Senate—Approved by Governor on Wednesday, 13 April 2011—SJ 615
- S 225** Bill by Federal and State Affairs
House Substitute for SB 225 by Committee on Transportation – Allowing transit buses to operate on certain right shoulders.
 03/03/2011 Senate—Introduced—SJ 278
 03/04/2011 Senate—Referred to Committee on Transportation—SJ 288
 03/16/2011 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 367
 03/21/2011 Senate—Committee of the Whole—Be passed—SJ 391
 03/21/2011 Senate—Emergency Final Action—Passed; Yea: 39 Nay: 0—SJ 426
 03/22/2011 House—Received and Introduced—HJ 672
 03/23/2011 House—Referred to Committee on Transportation—HJ 674
 03/30/2011 House—Committee Report recommending substitute bill be passed by Committee on Transportation—HJ 827
- S 226** Bill by Federal and State Affairs
Insurance; coverage for autism spectrum disorder.
 03/07/2011 Senate—Introduced—SJ 290
 03/08/2011 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 296
- S 227** Bill by Ways and Means
Renewable energy; anemometer towers; requiring wind and solar agreements to run with surface estate.
 03/08/2011 Senate—Introduced—SJ 296
 03/09/2011 Senate—Referred to Committee on Utilities—SJ 299
 03/16/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 367

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 03/21/2011 Senate—Committee of the Whole—Be passed as amended—SJ 392
 03/21/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—
 SJ 426
- 03/23/2011 House—Received and Introduced—HJ 695
 03/28/2011 House—Referred to Committee on Energy and Utilities—HJ 718
 03/28/2011 House—Committee Report recommending bill be passed as amended by
 Committee on Energy and Utilities—HJ 725
- 03/30/2011 House—Committee of the Whole—Be passed as amended—HJ 827
 03/31/2011 House—Final Action—Passed as amended; Yea: 123 Nay: 0—HJ 842
 04/01/2011 Senate—Concurred with amendments; Yea: 37 Nay: 1—SJ 592
 04/13/2011 Senate—Approved by Governor on Wednesday, 13 April 2011—SJ 615
- S 228** Bill by Ways and Means
Continuation of statewide tax levy for public schools.
 03/08/2011 Senate—Introduced—SJ 296
 03/09/2011 Senate—Referred to Committee on Education—SJ 299
- S 229** Bill by Ways and Means
**Fee agencies; implementing a 10% transfer for FY2012 then repealing the 20%
 transfer requirement.**
 03/08/2011 Senate—Introduced—SJ 296
 03/08/2011 Senate—Referred to Committee on Ways and Means—SJ 296
 03/16/2011 Senate—Committee Report recommending bill be passed as amended by
 Committee on Ways and Means—SJ 367
 03/21/2011 Senate—Committee of the Whole—Be passed as amended—SJ 392
 03/21/2011 Senate—Emergency Final Action—Passed as amended; Yea: 39 Nay: 0—
 SJ 427
- 03/28/2011 House—Received and Introduced—HJ 719
 03/29/2011 House—Referred to Committee on Appropriations—HJ 782
 03/31/2011 House—Committee Report recommending bill be passed by Committee on
 Appropriations—HJ 843
- 04/01/2011 House—Committee of the Whole—Be passed—HJ 861
 04/01/2011 House—Emergency Final Action—Passed; Yea: 121 Nay: 0—HJ 863
 04/13/2011 Senate—Approved by Governor on Wednesday, 13 April 2011—SJ 615
- S 230** Bill by Federal and State Affairs
Creating the relevant efficient academic learning education act.
 03/09/2011 Senate—Introduced—SJ 298
 03/10/2011 Senate—Referred to Committee on Education—SJ 308
- S 231** Bill by Federal and State Affairs
**Establishing the new Kansas parole board and the prisoner review board and
 transferring powers and duties from the Kansas parole board.**
 03/09/2011 Senate—Introduced—SJ 299
 03/10/2011 Senate—Referred to Committee on Judiciary—SJ 308
- S 232** Bill by Ways and Means
**Reduction to state income tax rates based on selected actual state general fund
 receipts computations, and sales tax rates and distribution.**
 03/09/2011 Senate—Introduced—SJ 299
 03/10/2011 Senate—Referred to Committee on Assessment and Taxation—SJ 308
- S 233** Bill by Ways and Means
**Appropriations for FY2011, FY2012 & FY2013 for capital improvements for
 various state agencies.**
 03/10/2011 Senate—Introduced—SJ 308

- 03/11/2011 Senate—Referred to Committee on Ways and Means—SJ 310
- S 234** Bill by Ways and Means
Substitute for SB 234 by Committee on Ways and Means -- Appropriations for FY 2011 through FY 2016 for various state agencies, capital improvements, special claims.
 03/10/2011 Senate—Introduced—SJ 308
 03/11/2011 Senate—Referred to Committee on Ways and Means—SJ 310
 03/22/2011 Senate—Committee Report recommending substitute bill be passed by Committee on Ways and Means—SJ 439
 03/29/2011 Senate—Committee of the Whole—Substitute bill be passed as amended—SJ 535
 03/29/2011 Senate—Emergency Final Action—Substitute passed as amended; Yea: 36 Nay: 3—SJ 541
 04/01/2011 House—Received and Introduced—HJ 861
 04/27/2011 House—Referred to Committee on Appropriations—HJ 881
- S 235** Bill by Ways and Means
University engineering initiative act.
 03/15/2011 Senate—Introduced—SJ 346
 03/16/2011 Senate—Referred to Committee on Ways and Means—SJ 364
- S 236** Bill by Ways and Means
Lodging inspection, lodging inspection fees.
 03/15/2011 Senate—Introduced—SJ 346
 03/16/2011 Senate—Referred to Committee on Ways and Means—SJ 364
- S 237** Bill by Federal and State Affairs
Amendments to the Kansas expanded lottery act.
 03/17/2011 Senate—Introduced—SJ 374
 03/18/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 384
- S 238** Bill by Ways and Means
Vietnam war era veterans' medallions and certificates.
 03/17/2011 Senate—Introduced—SJ 374
 03/18/2011 Senate—Referred to Committee on Ways and Means—SJ 384
- S 239** Bill by Ways and Means
Abolishing the death penalty; creating the crime of aggravated murder.
 03/17/2011 Senate—Introduced—SJ 374
 03/18/2011 Senate—Referred to Committee on Judiciary—SJ 384
- S 240** Bill by Ways and Means
Abolishing the joint committee on information technology; creating the committee on technology oversight.
 03/17/2011 Senate—Introduced—SJ 374
 03/18/2011 Senate—Referred to Committee on Ways and Means—SJ 384
 05/04/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 691
 05/12/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and Means—SJ 1296
- S 241** Bill by Federal and State Affairs
Amendments to the Kansas expanded lottery act.
 03/18/2011 Senate—Introduced—SJ 383
 03/21/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 391
 05/04/2011 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 690

- 05/12/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 1296
- S 242** Bill by Federal and State Affairs
Interstate compact on the agreement among the states to elect the president by national popular vote act.
 03/21/2011 Senate—Introduced—SJ 398
 03/22/2011 Senate—Referred to Committee on Ethics and Elections—SJ 432
- S 243** Bill by Ways and Means
Establishing the joint committee on state authorities oversight.
 03/21/2011 Senate—Introduced—SJ 398
 03/22/2011 Senate—Referred to Committee on Ways and Means—SJ 432
- S 244** Bill by Ways and Means
Municipalities; power to enter into agreements for renewable energy generation facilities.
 03/22/2011 Senate—Introduced—SJ 432
 03/23/2011 Senate—Referred to Committee on Local Government—SJ 471
- S 245** Bill by Federal and State Affairs
Allotments of state expenditures.
 03/28/2011 Senate—Introduced—SJ 511
 03/29/2011 Senate—Referred to Committee on Ways and Means—SJ 522
- S 246** Bill by Federal and State Affairs
Regulation of sexually oriented business location.
 03/29/2011 Senate—Introduced—SJ 522
 03/30/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 545
- S 247** Bill by Ways and Means
Reconciling amendments
 05/03/2011 Senate—Introduced—SJ 659
 05/03/2011 Senate—Referred to Committee of the Whole—SJ 666
 05/04/2011 Senate—Committee of the Whole—Be passed—SJ 688
 05/04/2011 Senate—Emergency Final Action—Passed; Yea: 39 Nay: 0—SJ 688
 05/05/2011 House—Received and Introduced—HJ 1023
 05/06/2011 House—Committee of the Whole—Be passed—HJ 1071
 05/09/2011 House—Final Action—Passed; Yea: 118 Nay: 0—HJ 1075
 05/20/2011 Senate—Approved by Governor on Thursday, 19 May 2011—SJ 1313
- S 248** Bill by Ways and Means
Legislative compensation and expenses; limited to 90 days.
 05/06/2011 Senate—Introduced—SJ 703
 05/06/2011 Senate—Referred to Committee on Ways and Means—SJ 703
 05/09/2011 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 706
 05/12/2011 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and Means—SJ 1296

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

- S 1601** Concurrent Resolution by Senator Kelsey
Rescinding the action of the legislature of the state of Kansas petitioning congress to call a convention for the purpose of proposing amendments to the constitution of the United States.
 01/13/2011 Senate—Introduced—SJ 27
 01/14/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 30
- S 1602** Concurrent Resolution by Senators Morris, Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Lee, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle
Congratulating Kansas' Sesquicentennial.
 01/28/2011 Senate—Introduced—SJ 80
 01/28/2011 Senate—Adopted without roll call—SJ 82
 01/28/2011 House—Received and Introduced—HJ 128
 01/28/2011 House—Adopted without roll call—HJ 128
 02/03/2011 Senate—Enrolled and presented to Secretary of State—SJ 99
- S 1603** Concurrent Resolution by Judiciary
Abolishing the supreme court nominating commission; supreme court justices appointed by the governor subject to consent by the house of representatives and the senate.
 02/07/2011 Senate—Introduced—SJ 108
 02/08/2011 Senate—Referred to Committee on Judiciary—SJ 123
- S 1604** Concurrent Resolution by Senators Pilcher-Cook, Abrams, Bruce, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pyle, Steineger, Taddiken
Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
 02/09/2011 Senate—Introduced—SJ 140
 02/10/2011 Senate—Referred to Committee on Judiciary—SJ 150
- S 1605** Concurrent Resolution by Senators Morris, Emler, Vratil, Abrams, Apple, Bruce, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Wagle
Urging Congress and Department of Homeland Security to act to fund NBAF.
 02/24/2011 Senate—Introduced—SJ 262
 02/24/2011 Senate—Adopted without roll call—SJ 265
 02/24/2011 House—Received and Introduced—HJ 392
 02/25/2011 House—Committee of the Whole—Be adopted—HJ 394
 02/25/2011 House—Emergency Final Action—Adopted; Yea: 119 Nay: 0—HJ 410
 02/25/2011 Senate—Enrolled and presented to Secretary of State—SJ 276
- S 1606** Concurrent Resolution by Special Natural Gas Storage Fields and Facilities
Urging the United States Department of Transportation to adopt regulations permitting the State Corporation Commission to regulate natural gas storage fields in Kansas.

- 03/03/2011 Senate—Introduced—SJ 278
 03/04/2011 Senate—Referred to Committee on Utilities—SJ 288
 03/16/2011 Senate—Committee Report recommending resolution be adopted by
 Committee on Utilities—SJ 367
 03/21/2011 Senate—Committee of the Whole—Be adopted—SJ 392
 03/21/2011 Senate—Emergency Final Action—Adopted; Yea: 39 Nay: 0—SJ 427
 03/22/2011 House—Received and Introduced—HJ 672
 03/23/2011 House—Referred to Committee on Energy and Utilities—HJ 674
- S 1607** Concurrent Resolution by Federal and State Affairs
Outlining the principles of the State of Kansas regarding immigration reform policies.
 03/28/2011 Senate—Introduced—SJ 511
 03/29/2011 Senate—Referred to Committee on Federal and State Affairs—SJ 522
- S 1608** Concurrent Resolution by Senators V. Schmidt, Brungardt, Emler, Faust-Goudeau,
 Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine,
 Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, A. Schmidt, Schodorf,
 Teichman, Umbarger, Vratil
**Urging the President and Congress not to authorize more than a 7% Community
 Services Block Grant program budget reduction for federal FY 2011 and 2012.**
 03/31/2011 Senate—Introduced—SJ 584
 03/31/2011 Senate—Adopted without roll call—SJ 585
 03/31/2011 House—Received and Introduced—HJ 854
 04/01/2011 House—Referred to Committee on Social Services Budget—HJ 860
- S 1609** Concurrent Resolution by Senators Morris, Emler, Hensley
Adjournment of the 2011 regular session of the legislative session.
 05/12/2011 Senate—Introduced—SJ 1310
 05/12/2011 Senate—Adopted without roll call—SJ 1311
 05/12/2011 House—Received and Introduced—HJ 1659
 05/12/2011 House—Adopted without roll call—HJ 1659
 05/20/2011 Senate—Enrolled and presented to Secretary of State—SJ 1313

TITLE AND HISTORY OF SENATE RESOLUTIONS

- S 1801** Resolution by Senators Morris, Emler, Hensley
Organization of the Senate 2011.
 01/10/2011 Senate—Introduced—SJ 5
 01/10/2011 Senate—Adopted without roll call—SJ 5
 01/13/2011 Senate—Enrolled—SJ 28
- S 1802** Resolution by Senators Morris, Emler, Hensley
Assignment of seats in Senate, 2011.
 01/10/2011 Senate—Introduced—SJ 5
 01/10/2011 Senate—Adopted without roll call—SJ 5
 01/13/2011 Senate—Enrolled—SJ 28
- S 1803** Resolution by Senators Morris, Emler
Amending Senate rule 7 relating to standing committees.
 01/10/2011 Senate—Introduced—SJ 6
 01/11/2011 Senate—Final Action—Adopted; Yea: 37 Nay: 0—SJ 20
 01/13/2011 Senate—Enrolled—SJ 28
- S 1804** Resolution by Senator Lee
Congratulating and commending Tad Felts for being inducted into the Kansas Association of Broadcasters Kansas Broadcasting Hall of Fame.
 01/18/2011 Senate—Introduced—SJ 33
 01/18/2011 Senate—Adopted without roll call—SJ 34
 01/19/2011 Senate—Enrolled—SJ 48
- S 1805** Resolution by Senator Schodorf
Congratulating and commending the members of the 2011 Kansas Teacher of the Year Team.
 01/18/2011 Senate—Introduced—SJ 35
 01/18/2011 Senate—Adopted without roll call—SJ 35
 01/19/2011 Senate—Enrolled—SJ 48
- S 1806** Resolution by Senator Bruce
Recognizing January 21, 2011, as Dentist Appreciation Day.
 01/19/2011 Senate—Introduced—SJ 45
 01/19/2011 Senate—Adopted without roll call—SJ 46
 01/20/2011 Senate—Enrolled—SJ 50
- S 1807** Resolution by Senator Owens
Urging the Government of Turkey to respect the Ecumenical Patriarchate and to uphold religious rights.
 01/19/2011 Senate—Introduced—SJ 46
 01/20/2011 Senate—Referred to Committee on Judiciary—SJ 50
 01/26/2011 Senate—Committee Report recommending resolution be adopted as amended by Committee on Judiciary—SJ 69
 02/03/2011 Senate—Committee of the Whole—Be adopted as amended—SJ 99
 02/03/2011 Senate—Emergency Final Action—Adopted as amended; Yea: 38 Nay: 0—SJ 101
 02/14/2011 Senate—Enrolled—SJ 191
- S 1808** Resolution by Senators Hensley, Morris, Emler, Abrams, Apple, Bruce, Brungardt, Donovan, Faust-Goudeau, Francisco, Haley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn,

Merrick, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle

- Congratulating and commending Senator Janis Lee.**
 01/25/2011 Senate—Introduced—SJ 64
 01/25/2011 Senate—Adopted without roll call—SJ 65
 01/26/2011 Senate—Enrolled—SJ 69
- S 1809** Resolution by Senator Lee
Congratulating KD Country 94.1 KDNS-FM and Z-96.3 KZDY-FM The Lake in Glen Elder-Beloit, Kansas, as 2010 Kansas Association of Broadcasters Award Winners for Excellence in radio broadcasting.
 01/26/2011 Senate—Introduced—SJ 68
 01/26/2011 Senate—Adopted without roll call—SJ 69
 01/27/2011 Senate—Enrolled—SJ 79
- S 1810** Resolution by Senator Taddiken
Recognizing Dr. John "Doc" Ferguson and the Ferguson family for preserving historical masonry tools used in the construction of the statehouse.
 01/28/2011 Senate—Introduced—SJ 82
 01/28/2011 Senate—Adopted without roll call—SJ 83
 01/31/2011 Senate—Enrolled—SJ 86
- S 1811** Resolution by Senator Steineger
Kansan-Turkish Friendship Network.
 02/08/2011 Senate—Introduced—SJ 135
 02/08/2011 Senate—Adopted without roll call—SJ 136
 02/09/2011 Senate—Enrolled—SJ 146
- S 1812** Resolution by Senator Schodorf
Congratulating and commending the 2011 Horizon Award Program educators.
 02/11/2011 Senate—Introduced—SJ 155
 02/11/2011 Senate—Adopted without roll call—SJ 156
 02/14/2011 Senate—Enrolled—SJ 191
- S 1813** Resolution by Senator Schodorf
Congratulating and commending the Kansas recipient of the 2010 Milken Family Foundation Educator Award.
 02/11/2011 Senate—Introduced—SJ 156
 02/11/2011 Senate—Adopted without roll call—SJ 157
 02/14/2011 Senate—Enrolled—SJ 191
- S 1814** Resolution by Senator Schodorf
Congratulating and commending the 2010 Kansas National Board Certified Teachers.
 02/11/2011 Senate—Introduced—SJ 157
 02/11/2011 Senate—Adopted without roll call—SJ 158
 02/14/2011 Senate—Enrolled—SJ 191
- S 1815** Resolution by Senators Morris, Emler, Hensley
Assignment of seats in the Senate, 2011.
 02/14/2011 Senate—Introduced—SJ 161
 02/14/2011 Senate—Adopted without roll call—SJ 161
 02/15/2011 Senate—Enrolled—SJ 198
- S 1816** Resolution by Senators Taddiken, Morris
Congratulating Jordy Nelson on his success in Super Bowl XLV.
 02/17/2011 Senate—Introduced—SJ 206
 02/17/2011 Senate—Adopted without roll call—SJ 207

(SJ and HJ Nos. refer to 2011 Senate and House Journals)

- 02/18/2011 Senate—Enrolled—SJ 215
- S 1817** Resolution by Judiciary
Resolution disapproving governor's executive reorganization order no. 34.
 02/24/2011 Senate—Introduced—SJ 265
 03/23/2011 Senate—Final Action—Not adopted; Yea: 20 Nay: 19—SJ 471
- S 1818** Resolution by Senator McGinn
Proclaiming March 3, 2011, as World Kidney Day and March as Kidney Awareness Month.
 03/03/2011 Senate—Introduced—SJ 280
 03/03/2011 Senate—Adopted without roll call—SJ 281
 03/04/2011 Senate—Enrolled—SJ 289
- S 1819** Resolution by Federal and State Affairs
Disapproving Executive Reorganization Order No. 39, abolishing the Kansas Arts Commission.
 03/03/2011 Senate—Introduced—SJ 281
 03/16/2011 Senate—Final Action—Adopted; Yea: 24 Nay: 13—SJ 364
 03/17/2011 Senate—Enrolled—SJ 382
- S 1820** Resolution by Senator Schodorf
Establishing Anti-Bullying Awareness Week in Kansas.
 03/04/2011 Senate—Introduced—SJ 288
 03/04/2011 Senate—Adopted without roll call—SJ 288
 03/08/2011 Senate—Enrolled—SJ 297
- S 1821** Resolution by Senators Umbarger, King
Congratulating and commending the Field Kindley Memorial High School debaters.
 03/07/2011 Senate—Introduced—SJ 291
 03/07/2011 Senate—Adopted without roll call—SJ 292
 03/08/2011 Senate—Enrolled—SJ 297
- S 1822** Resolution by Senators King, Umbarger
Congratulating and commending Independence High School debaters.
 03/07/2011 Senate—Introduced—SJ 292
 03/07/2011 Senate—Adopted without roll call—SJ 293
 03/08/2011 Senate—Enrolled—SJ 297
- S 1823** Resolution by Senators King, Umbarger
Congratulating and commending the Caney Valley High School debaters.
 03/07/2011 Senate—Introduced—SJ 293
 03/07/2011 Senate—Adopted without roll call—SJ 294
 03/08/2011 Senate—Enrolled—SJ 297
- S 1824** Resolution by Senator Vratil
Congratulating and commending Dr. Tom Trigg.
 03/09/2011 Senate—Introduced—SJ 300
 03/09/2011 Senate—Adopted without roll call—SJ 300
 03/10/2011 Senate—Enrolled—SJ 309
- S 1825** Resolution by Senator Hensley
Congratulating the Osage City High School girls volleyball team for winning the 2010 Class 3A State Volleyball Title.
 03/14/2011 Senate—Introduced—SJ 313
 03/14/2011 Senate—Adopted without roll call—SJ 314
 03/15/2011 Senate—Enrolled—SJ 357

- S 1826** Resolution by Senator Hensley
Congratulating and commending Sharon O'Connor Schwartz.
 03/14/2011 Senate—Introduced—SJ 314
 03/14/2011 Senate—Adopted without roll call—SJ 315
 03/15/2011 Senate—Enrolled—SJ 357
- S 1827** Resolution by Senator Vratil
Congratulating and commending Jeffrey Hansen for being named one of the top two youth volunteers in Kansas for 2011 by the prudential spirit of community awards.
 03/14/2011 Senate—Introduced—SJ 315
 03/14/2011 Senate—Adopted without roll call—SJ 316
 03/15/2011 Senate—Enrolled—SJ 357
- S 1828** Resolution by Senator Holland
Recognizing and commending sculptor Elden Tefft.
 03/15/2011 Senate—Introduced—SJ 349
 03/15/2011 Senate—Adopted without roll call—SJ 350
 03/17/2011 Senate—Enrolled—SJ 382
- S 1829** Resolution by Senators Abrams, Apple, Faust-Goudeau, Francisco, Hensley, Holland, Kelly, Kelsey, Kultala, Masterson, Owens, Petersen, Schodorf, Teichman, Umbarger, Wagle
Recognizing the Kansas Small Business Development Center's 2010 Businesses of the year.
 03/15/2011 Senate—Introduced—SJ 350
 03/15/2011 Senate—Adopted without roll call—SJ 351
 03/17/2011 Senate—Enrolled—SJ 382
- S 1830** Resolution by Senators A. Schmidt, Morris, Abrams, Holland, Kelly, Kultala, Masterson, Ostmeier, Pyle, V. Schmidt, Taddiken, Umbarger, Vratil
Congratulating and commending the Kansas Academy of Mathematics and Science.
 03/16/2011 Senate—Introduced—SJ 365
 03/16/2011 Senate—Adopted without roll call—SJ 366
 03/17/2011 Senate—Enrolled—SJ 382
- S 1831** Resolution by Senators King, Morris
In memory of Robert V. Talkington.
 03/21/2011 Senate—Introduced—SJ 400
 03/21/2011 Senate—Adopted without roll call—SJ 402
 03/22/2011 Senate—Enrolled—SJ 434
- S 1832** Resolution by Senators Taddiken, Abrams, Apple, Bruce, Brungardt, Emler, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Petersen, Pilcher-Cook, A. Schmidt, V. Schmidt, Schodorf, Steineger, Teichman, Umbarger
Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
 03/21/2011 Senate—Introduced—SJ 402
 03/21/2011 Senate—Adopted without roll call—SJ 403
 03/22/2011 Senate—Enrolled—SJ 434
- S 1833** Resolution by Senators V. Schmidt, Masterson
Designating March 22, 2011 as diabetes alert day.
 03/22/2011 Senate—Introduced—SJ 432

- 03/22/2011 Senate—Adopted without roll call—SJ 433
 03/23/2011 Senate—Enrolled—SJ 502
- S 1834** Resolution by Senators Kultala, Faust-Goudeau, Francisco, Huntington, Kelly, Lynn, McGinn, Pilcher-Cook, V. Schmidt, Schodorf, Teichman, Wagle
Recognizing March as National Women's History Month.
 03/23/2011 Senate—Introduced—SJ 480
 03/23/2011 Senate—Adopted without roll call—SJ 481
 03/28/2011 Senate—Enrolled—SJ 519
- S 1835** Resolution by Senator Emler
Congratulating the McPherson High School boys basketball team for winning the 2011 Class 5A State Basketball Championship.
 03/29/2011 Senate—Introduced—SJ 525
 03/29/2011 Senate—Adopted without roll call—SJ 526
 03/30/2011 Senate—Enrolled—SJ 579
- S 1836** Resolution by Senators Longbine, Brungardt, Pyle, Taddiken, Teichman, Vratil
Congratulating and commending the 2011 Kansas Master Teachers.
 03/29/2011 Senate—Introduced—SJ 526
 03/29/2011 Senate—Adopted without roll call—SJ 527
 03/30/2011 Senate—Enrolled—SJ 579
- S 1837** Resolution by Senator Ostmeyer
Congratulating the Tribune-Greeley County High School boys basketball team for winning the 2011 Class 1A Division II State Basketball Championship.
 03/30/2011 Senate—Introduced—SJ 545
 03/30/2011 Senate—Adopted without roll call—SJ 545
 03/31/2011 Senate—Enrolled—SJ 584
- S 1838** Resolution by Senator Ostmeyer
Congratulating the Norton Community High School girls cross country team for winning the 2010 Class 3A State Cross Country Championship.
 03/30/2011 Senate—Introduced—SJ 546
 03/30/2011 Senate—Adopted without roll call—SJ 546
 03/31/2011 Senate—Enrolled—SJ 584
- S 1839** Resolution by Senator Ostmeyer
Congratulating the Tribune-Greeley County High School girls and boys cross country teams for winning the Class 1A State Cross Country Championships.
 03/30/2011 Senate—Introduced—SJ 546
 03/30/2011 Senate—Adopted without roll call—SJ 547
 03/31/2011 Senate—Enrolled—SJ 584
- S 1840** Resolution by Senator Ostmeyer
Congratulating the Norton Community High School wrestling team for winning the 2011 Class 3-2-1A State Wrestling Championship.
 03/30/2011 Senate—Introduced—SJ 547
 03/30/2011 Senate—Adopted without roll call—SJ 548
 03/31/2011 Senate—Enrolled—SJ 584
- S 1841** Resolution by Senator Ostmeyer
Congratulating the Ness City girls and boys cross country teams for winning the 2010 Class 2A State Cross Country Championships.
 03/30/2011 Senate—Introduced—SJ 548
 03/30/2011 Senate—Adopted without roll call—SJ 548
 03/31/2011 Senate—Enrolled—SJ 584

- S 1842** Resolution by Senator Reitz
National Public Health Week.
 03/30/2011 Senate—Introduced—SJ 580
 03/30/2011 Senate—Adopted without roll call—SJ 581
 03/31/2011 Senate—Enrolled—SJ 584
- S 1843** Resolution by Senator Ostmeyer
Congratulating and commending the Scott Community High School boys basketball team.
 03/31/2011 Senate—Introduced—SJ 586
 03/31/2011 Senate—Adopted without roll call—SJ 586
 04/01/2011 Senate—Enrolled—SJ 609
- S 1844** Resolution by Senator Ostmeyer
Congratulating the Ness City High School boys track and field team for winning the 2010 State Championship Class 1A.
 03/31/2011 Senate—Introduced—SJ 586
 03/31/2011 Senate—Adopted without roll call—SJ 587
 04/01/2011 Senate—Enrolled—SJ 609
- S 1845** Resolution by Senator Faust-Goudeau
Designating May as lupus awareness month.
 03/31/2011 Senate—Introduced—SJ 587
 03/31/2011 Senate—Adopted without roll call—SJ 588
 04/01/2011 Senate—Enrolled—SJ 609
- S 1846** Resolution by Senator Longbine
Congratulating the Olpe High School girls basketball team.
 04/27/2011 Senate—Introduced—SJ 618
 04/27/2011 Senate—Adopted without roll call—SJ 619
 04/29/2011 Senate—Enrolled—SJ 651
- S 1847** Resolution by Senators Kelly, Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle
Recognizing April as the Month of the Military Child.
 04/27/2011 Senate—Introduced—SJ 619
 04/27/2011 Senate—Adopted without roll call—SJ 620
 04/29/2011 Senate—Enrolled—SJ 651
- S 1848** Resolution by Senators King, Longbine
Congratulating and commending Tyrel Reed.
 04/27/2011 Senate—Introduced—SJ 628
 04/27/2011 Senate—Adopted without roll call—SJ 628
 04/29/2011 Senate—Enrolled—SJ 651
- S 1849** Resolution by Senator Holland
Congratulating Miss Rodeo Kansas.
 04/28/2011 Senate—Introduced—SJ 631
 04/28/2011 Senate—Adopted without roll call—SJ 633
 04/29/2011 Senate—Enrolled—SJ 651
- S 1850** Resolution by Senator Hensley
Declaring April 28, 2011 as Workers' Memorial Day.
 04/28/2011 Senate—Introduced—SJ 633

- 04/28/2011 Senate—Adopted without roll call—SJ 634
04/29/2011 Senate—Enrolled—SJ 651
- S 1851** Resolution by Senator Merrick
Supporting the development of 4-H projects in south Johnson County.
04/28/2011 Senate—Introduced—SJ 634
04/28/2011 Senate—Adopted without roll call—SJ 635
04/29/2011 Senate—Enrolled—SJ 651
- S 1852** Resolution by Senator Umbarger
Congratulating and commending Columbus Unified High School for being named a 2011 MetLife Foundation-NASSP Breakthrough School.
04/29/2011 Senate—Introduced—SJ 650
04/29/2011 Senate—Adopted without roll call—SJ 651
05/02/2011 Senate—Enrolled—SJ 657
- S 1853** Resolution by Senators Morris, Emler, Hensley, V. Schmidt
Congratulating and commending Janet L. Locke.
05/03/2011 Senate—Introduced—SJ 660
05/03/2011 Senate—Adopted without roll call—SJ 661
05/05/2011 Senate—Enrolled—SJ 696
- S 1854** Resolution by Senator Haley
Recognizing the abuse of prescription drugs as a statewide and national problem.
05/03/2011 Senate—Introduced—SJ 661
05/04/2011 Senate—Adopted without roll call—SJ 667
05/05/2011 Senate—Enrolled—SJ 696
- S 1855** Resolution by Senator Brungardt
Recognizing and commending Sheriff Darrell Wilson.
05/04/2011 Senate—Introduced—SJ 666
05/04/2011 Senate—Adopted without roll call—SJ 666
05/05/2011 Senate—Enrolled—SJ 696
- S 1856** Resolution by Senator Umbarger
Congratulating and commending Erie High Charter School for being the first LEED Gold certified high school in the State of Kansas.
05/05/2011 Senate—Introduced—SJ 694
05/05/2011 Senate—Adopted without roll call—SJ 695
05/06/2011 Senate—Enrolled—SJ 703
- S 1857** Resolution by Senator Hensley
Congratulating Derek Ziegler for winning the 2011 Cross-Examination Debate Association's national tournament.
05/05/2011 Senate—Introduced—SJ 695
05/05/2011 Senate—Adopted without roll call—SJ 696
05/06/2011 Senate—Enrolled—SJ 703
- S 1858** Resolution by Senator Hensley
Congratulating and commending Donnie Lockhart for winning the 2011 Class 5A 189-pound state wrestling championship.
05/05/2011 Senate—Introduced—SJ 696
05/05/2011 Senate—Adopted without roll call—SJ 696
05/06/2011 Senate—Enrolled—SJ 703
- S 1859** Resolution by Senators Apple, Marshall
Congratulating and commending Rita Nienstedt on her retirement.
05/06/2011 Senate—Introduced—SJ 701
05/06/2011 Senate—Adopted without roll call—SJ 702

- 05/10/2011 Senate—Enrolled—SJ 759
- S 1860** Resolution by Senator Haley
25th anniversary of the Shepherd Center.
 05/06/2011 Senate—Introduced—SJ 702
 05/06/2011 Senate—Adopted without roll call—SJ 702
 05/10/2011 Senate—Enrolled—SJ 759
- S 1861** Resolution by Senators Vratil, Owens
Congratulating and commending Randy Hearrell.
 05/09/2011 Senate—Introduced—SJ 705
 05/09/2011 Senate—Adopted without roll call—SJ 705
 05/10/2011 Senate—Enrolled—SJ 759
- S 1862** Resolution by Senator Morris
**Congratulating and commending Victor Ortiz for becoming the WBC
 welterweight boxing champion.**
 05/09/2011 Senate—Introduced—SJ 705
 05/09/2011 Senate—Adopted without roll call—SJ 706
 05/10/2011 Senate—Enrolled—SJ 759
- S 1863** Resolution by Senators McGinn, Abrams, Apple, Bruce, Brungardt, Donovan, Emler,
 Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly,
 Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, Merrick,
 Morris, Olson, Ostmeyer, Owens, Petersen, Pyle, Reitz, A. Schmidt, V.
 Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle
**Congratulating and commending the Wichita State University Men's basketball
 team for winning the 2011 NIT Championship.**
 05/10/2011 Senate—Introduced—SJ 756
 05/10/2011 Senate—Adopted without roll call—SJ 756
 05/11/2011 Senate—Enrolled—SJ 853
- S 1864** Resolution by Senator Lynn
Congratulating Team Kansas from the Olathe Culinary Arts Program.
 05/10/2011 Senate—Introduced—SJ 757
 05/10/2011 Senate—Adopted without roll call—SJ 758
 05/11/2011 Senate—Enrolled—SJ 853
- S 1865** Resolution by Senators Haley, Faust-Goudeau
Recognizing the observance of an annual Juneteenth Day.
 05/10/2011 Senate—Introduced—SJ 758
 05/10/2011 Senate—Adopted without roll call—SJ 758
 05/11/2011 Senate—Enrolled—SJ 853
- S 1866** Resolution by Senators Haley, Morris, Emler, Hensley, Apple, Abrams, Bruce,
 Brungardt, Faust-Goudeau, Francisco, Holland, Huntington, Kelly, Kelsey,
 King, Kultala, Longbine, Love, Lynn, Marshall, McGinn, Merrick, Olson,
 Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, A. Schmidt, V. Schmidt,
 Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle
10th Anniversary of 9/11.
 05/11/2011 Senate—Introduced—SJ 851
 05/11/2011 Senate—Adopted without roll call—SJ 852
 05/13/2011 Senate—Enrolled—SJ 1310
- S 1867** Resolution by Senator Haley
**Congratulating Chief Bearskin on his service to all citizens in the State of Kansas
 and the United States of America.**
 05/12/2011 Senate—Introduced—SJ 1294

05/12/2011 Senate—Adopted without roll call—SJ 1295

05/13/2011 Senate—Enrolled—SJ 1310

S 1868

Resolution by Senator Apple

Congratulating and commending the Louisburg High School football team for winning the 2010 Class 4A state championship.

06/01/2011 Senate—Introduced—SJ 1315

06/01/2011 Senate—Adopted without roll call—SJ 1316

06/01/2011 Senate—Enrolled

S 1869

Resolution by Senator Lynn

Recognizing the Farmers Insurance Group and Be a Hero for Babies Day benefiting the March of Dimes.

06/01/2011 Senate—Introduced—SJ 1316

06/01/2011 Senate—Adopted without roll call—SJ 1317

06/01/2011 Senate—Enrolled

HISTORY OF SENATE PETITIONS

- SP 1** by Senator Terrie Huntington at the request of her constituents: The Supreme Court ruling in January of 2010 on Citizens United v. the Federal Elections Commission, a 5-4 decision that overturned prior campaign law, has extended First Amendment Rights to corporations. We, the undersigned, feel this decision corrupts our democratic process, and we ask the Kansas State Legislature to support an amendment to the U.S. Constitution that reverses the ruling and returns elections to the will of the voting public, signed by 55 constituents from Senate District #7, page 701.

TITLE AND HISTORY OF EXECUTIVE REORGANIZATION ORDERS

- ERO 34** Executive Reorganization Order No. 34 by Governor Brownback
Consolidation of parole review functions in the executive branch by abolishing the Parole Board as established by K.S.A. 22-3701 *et seq.* and establishing the Prisoner Review Board within the Department of Corrections.
 01/24/2011 Senate – Received
 01/24/2011 Senate – Introduced and read by title – SJ 54
 01/25/2011 Senate – Referred to Committee on Judiciary – SJ 60
 02/24/2011 Senate – Introduced **SR 1817**. Disapproving **ERO 34** – SJ 265
 02/25/2011 Senate – Referred to Special Order of Business on the Calendar, March 23, 2011
 03/23/2011 Senate – **SR 1817**, disapproving **ERO 34**, not adopted. Yeas 20, Nays 19 – SJ 471
 06/01/2011 Senate – Time limit for action expired; ERO becomes effective July 1, 2011
- ERO 35** Executive Reorganization Order No. 35 by Governor Brownback
Transferring the functions of the Commission on Disability under K.S.A. 74-6701 *et seq.* from the Department of Commerce to the Office of the Governor.
 01/25/2011 Senate – Received
 01/25/2011 Senate – Introduced and read by title – SJ 61
 01/26/2011 Senate – Referred to Committee on Ways and Means – SJ 67
 06/01/2011 Senate – Time limit for action expired; ERO becomes effective July 1, 2011
- ERO 36** Executive Reorganization Order No. 36 by Governor Brownback
Renaming the Department of Wildlife and Parks as the Department of Wildlife, Parks and Tourism; abolishing the Assistant Secretary of Operations position and creating an Assistant Secretary of Wildlife, Fisheries, and Boating and an Assistant Secretary of Parks and Tourism; and transferring the Division of Travel and Tourism Development at the Department of Commerce to the Department of Wildlife, Parks and Tourism.
 01/27/2011 Senate – Received
 01/27/2011 Senate – Introduced and read by title – SJ 72
 01/28/2011 Senate – Referred to Committee on Natural Resources – SJ 82
 06/01/2011 Senate – Time limit for action expired; ERO becomes effective July 1, 2011
- ERO 37** Executive Reorganization Order No. 37 by Governor Brownback
Abolishing Kansas Inc. as established by K.S.A. 74-8001 *et seq.* and appointing the Secretary of Administration to efficiently wrap up and conclude the affairs of Kansas, Inc. and to satisfy any outstanding liabilities or commitments of Kansas Inc.
 02/03/2011 Senate – Received
 02/03/2011 Senate – Introduced and read by title – SJ 112
 02/08/2011 Senate – Referred to Committee on Commerce – SJ 123
 06/01/2011 Senate – Time limit for action expired; ERO becomes effective July 1, 2011
- ERO 38** Executive Reorganization Order No. 38 by Governor Brownback
Reorganizing the Kansas Health Policy Authority as established by K.S.A. 2010 Supp. 75-7401 *et seq.* into the Division of Health Care Finance within the Department of Health and Environment.
 02/03/2011 Senate – Received
 02/03/2011 Senate – Introduced and read by title – SJ 115
 02/08/2011 Senate – Referred to Committee on Ways and Means – SJ 123

- ERO 39** 06/01/2011 Senate – Time limit for action expired; ERO becomes effective July 1, 2011
 Executive Reorganization Order No. 39 by Governor Brownback
Abolishing the Kansas Arts Commission established by K.S.A. 74-5202 and the office of executive director of the commission established by K.S.A. 74-5204 and transferring the powers, duties, and functions to the state historical society.
 02/08/2011 Senate – Received
 02/08/2011 Senate – Introduced and read by title – SJ 123
 02/09/2011 Senate – Referred to Committee on Federal and State Affairs – SJ 143
 03/03/2011 Senate – Introduced **SR 1819**. Disapproving **ERO 39** – SJ 281
 03/04/2011 Senate – Referred to Special Order of Business on the Calendar, March 16, 2011
 03/16/2011 Senate – **SR 1819**, disapproving **ERO 39**, adopted. Yeas 24, Nays 13 – SJ 363
- ERO 40** Executive Reorganization Order No. 40 by Governor Brownback
Transferring the Agriculture Products Development Division within the Department of Commerce to the Department of Agriculture and renaming the Marketing and Promotions Program; consolidating the Kansas Animal Health Department and the Livestock Commissioner within the Department of Agriculture as the Animal Health Division; consolidating the State Conservation Commission within the Department of Agriculture as the Conservation Division.
 02/08/2011 Senate – Received
 02/08/2011 Senate – Introduced and read by title – SJ 126
 02/09/2011 Senate – Referred to Committee on Agriculture– SJ 143
 06/01/2011 Senate – Time limit for action expired; ERO becomes effective July 1, 2011

FINAL
SENATE CALENDAR
 No. 66

JANUARY 10, 2011 THROUGH ADJOURNMENT JUNE 1, 2011
NUMERICAL SCHEDULE OF SENATE BILLS 2011 SESSION

H Sub	28 H Ed Budget	52 H Judiciary
1 Assess & Tax	29 Pub H & Wel	53 Fed & St Aff
2 Ways & Means	30 Utilities	54 Fed & St Aff
3 Ways & Means	31 Ethics & Elect	H Sub
4 Pub H & Wel	32 Education	55 Signed, St Bk
5 H Health/Hum	Sub	56 Judiciary
H Sub	33 Rejected, House	57 Education
6 Signed, St Bk	H Sub	58 H Transportation
Sub	34 H Gen Orders	59 H Taxation
7 Judiciary	H Sub	H Sub
8 H Ed Budget	35 H Fed & St Aff	60 Conf Com
9 Signed, St Bk	H Sub	61 Signed, Pub
10 Signed, Pub	36 Signed, St Bk	6/2/2011
5/26/2011	H Sub	62 H Judiciary
11 Conf Com	37 Signed, St Bk	H Sub
12 Signed, Pub	38 Signed, St Bk	63 Signed, St Bk
4/14/2011	39 Judiciary	64 Fin Inst & Ins
13 H Education	40 H Approp	65 Rejected, House
14 Conf Com	41 H Ed Budget	66 Ethics & Elect
15 Signed, St Bk	42 Commerce,	67 Signed, Pub
16 Ways & Means	Ways & Means	5/19/2011
17 H Elections	(Separately)	68 Education
18 Education	43 Ethics & Elect	69 Education
19 Education	44 Judiciary	70 Education
20 Education	H Sub	71 Fin Inst & Ins
21 Signed, St Bk	45 H Insurance	Sub
22 Education	46 H Judiciary	72 Signed, St Bk
H Sub	47 Judiciary	73 Judiciary
23 Signed, St Bk	48 Judiciary	74 H Judiciary
24 Signed, St Bk	49 KPERS Select	75 Education
H Sub	Sub	76 Signed, St Bk
25 Fed & St Aff	50 Signed, Pub	77 Signed, Pub
26 Fed & St Aff	5/26/2011	5/19/2011
27 Education	51 H Education	78 Ways & Means

79 H Judiciary	112 Signed, St Bk	149 Fed & St Aff
80 Signed, Pub 4/28/2011	113 Ways & Means	150 Signed, Pub 6/2/2011
Sub	114 H Local Gov	151 Transportation
81 H Judiciary	115 Signed, St Bk	152 Signed, St Bk
82 Fed & St Aff	116 H Gov Efficiency	153 Fin Inst & Ins H Sub
83 Conf Com	117 Pub H & Wel	154 Signed, Pub 6/2/2011
84 Judiciary	118 H Approp	155 H Education
85 Rejected, House	119 Signed, St Bk	156 Ways & Means
86 Assess & Tax	120 H Transportation	157 Commerce
87 Assess & Tax	121 Fed & St Aff	158 Judiciary Sub
88 Pub H & Wel	122 Signed, St Bk	159 H Corr & Juv Jus
89 Ways & Means	123 Signed, St Bk	160 H Judiciary
90 H Health/Hum	124 Signed, St Bk	161 Fed & St Aff
91 Pub H & Wel	125 Signed, St Bk	162 Fed & St Aff
Sub	126 H Elections	163 Local Gov
92 H Health/Hum	H Sub	164 Judiciary
93 Signed, Pub 5/26/2011	Sub	165 Judiciary
94 Judiciary	127 Signed, St Bk	166 Ethics & Elect
Sub	128 H Elections	167 Fin Inst & Ins
95 Assess & Tax	H Sub	168 Ethics & Elect
96 Judiciary	129 Conf Com	169 Ethics & Elect
97 Signed, St Bk	130 Ethics & Elect	170 Signed, St Bk
98 Assess & Tax	131 Local Gov	171 Commerce
99 Pub H & Wel	132 Pub H & Wel	172 Ethics & Elect
100 H Health/Hum	133 H Health/Hum	173 Ways & Means
H Sub	134 Conf Com	174 Fed & St Aff
101 Signed, Pub 4/14/2011	135 H Judiciary	175 Judiciary
102 Ethics & Elect	136 Signed, St Bk	H Sub
103 Signed, St Bk	137 Commerce	176 H Approp
104 H Judiciary	Sub	177 H Taxation
105 Judiciary	138 H Insurance	178 Fin Inst & Ins
106 Judiciary	139 H Health/Hum	179 Signed, St Bk
107 Judiciary	140 Commerce	180 Local Gov
108 H Taxation	141 Pub H & Wel	181 Fed & St Aff
109 Assess & Tax	142 H Judiciary	182 H Tran/Pub Safe
110 Commerce	143 Signed, St Bk	183 Transportation
H Sub	144 Education	184 Pub H & Wel
Sub	145 H Elections	185 Signed, St Bk
111 Signed, St Bk	146 Judiciary Sub	
	147 Ways & Means	
	148 Agriculture	

HISTORY OF BILLS

1401

186 Signed, St Bk	207 Local Gov	226 Fin Inst & Ins
187 Natural Res	208 Ways & Means	227 Signed, St Bk
188 Signed, St Bk	209 Ways & Means	228 Education
189 Commerce	210 Signed, Pub	229 Signed, St Bk
190 Utilities	4/28/2011	230 Education
H Sub	211 H Health/Hum	231 Judiciary
191 H Gen Orders	212 Signed, Pub	232 Assess & Tax
192 Pub H & Wel	4/7/2011	233 Ways & Means
193 Signed, St Bk	213 Signed, St Bk	Sub
194 Local Gov	H Sub	234 H Approp
195 Pub H & Wel	214 Signed, St Bk	235 Ways & Means
H Sub	215 Signed, St Bk	236 Ways & Means
196 Signed, St Bk	H Sub	237 Fed & St Aff
197 Assess & Tax	216 H Gen Orders	238 Ways & Means
198 Signed, St Bk	217 Judiciary	239 Judiciary
199 Ways & Means	218 Transportation	240 Ways & Means
200 Natural Res	219 Commerce	241 Fed & St Aff
201 H Fed & St Aff	220 Fed & St Aff	242 Ethics & Elect
202 Education	221 Ways & Means	243 Ways & Means
203 Fed & St Aff	222 Ethics & Elect	244 Local Gov
204 Fed & St Aff	223 H Fed & St Aff	245 Ways & Means
205 Ways & Means	224 Signed, St Bk	246 Fed & St Aff
Sub	H Sub	247 Signed, St Bk
206 Fin Inst & Ins	225 H Gen Orders	248 Ways & Means

**NUMERICAL SCHEDULE OF SENATE CONCURRENT
RESOLUTIONS 2011 SESSION**

1601 Fed & St Aff	1604 Judiciary	1607 Fed & St Aff
1602 Adopted & Enr	1605 Adopted & Enr	1608 H Soc/Ser Budget
1603 Judiciary	1606 H Energy & Util	1609 Adopted & Enr

**NUMERICAL SCHEDULE OF SENATE RESOLUTIONS
2011 SESSION**

1801 Adopted & Enr	1824 Adopted & Enr	1847 Adopted & Enr
1802 Adopted & Enr	1825 Adopted & Enr	1848 Adopted & Enr
1803 Adopted & Enr	1826 Adopted & Enr	1849 Adopted & Enr
1804 Adopted & Enr	1827 Adopted & Enr	1850 Adopted & Enr
1805 Adopted & Enr	1828 Adopted & Enr	1851 Adopted & Enr
1806 Adopted & Enr	1829 Adopted & Enr	1852 Adopted & Enr
1807 Adopted & Enr	1830 Adopted & Enr	1853 Adopted & Enr
1808 Adopted & Enr	1831 Adopted & Enr	1854 Adopted & Enr
1809 Adopted & Enr	1832 Adopted & Enr	1855 Adopted & Enr
1810 Adopted & Enr	1833 Adopted & Enr	1856 Adopted & Enr
1811 Adopted & Enr	1834 Adopted & Enr	1857 Adopted & Enr
1812 Adopted & Enr	1835 Adopted & Enr	1858 Adopted & Enr
1813 Adopted & Enr	1836 Adopted & Enr	1859 Adopted & Enr
1814 Adopted & Enr	1837 Adopted & Enr	1860 Adopted & Enr
1815 Adopted & Enr	1838 Adopted & Enr	1861 Adopted & Enr
1816 Adopted & Enr	1839 Adopted & Enr	1862 Adopted & Enr
1817 Killed, Fin Act	1840 Adopted & Enr	1863 Adopted & Enr
1818 Adopted & Enr	1841 Adopted & Enr	1864 Adopted & Enr
1819 Adopted & Enr	1842 Adopted & Enr	1865 Adopted & Enr
1820 Adopted & Enr	1843 Adopted & Enr	1866 Adopted & Enr
1821 Adopted & Enr	1844 Adopted & Enr	1867 Adopted & Enr
1822 Adopted & Enr	1845 Adopted & Enr	1868 Adopted & Enr
1823 Adopted & Enr	1846 Adopted & Enr	1869 Adopted & Enr

**SENATE ACTION ON
EXECUTIVE REORGANIZATION ORDERS
2011 SESSION**

ERO 34	SR 1817 to disapprove failed March 23, 2011
ERO 35	No action taken to disapprove by the Senate
ERO 36	No action taken to disapprove by the Senate
ERO 37	No action taken to disapprove by the Senate
ERO 38	No action taken to disapprove by the Senate
ERO 39	SR 1819 disapproving ERO 39 adopted March 16, 2011
ERO 40	No action taken to disapprove by the Senate

**SENATE ACTION ON HOUSE BILLS
2011 SESSION**

2001 Passed	S Sub	2147 CCR Adopted
2003 Passed	2071 CCR Adopted	S Sub
Sub	2074 Passed	2149 P Am, H Con
2004 Education	2075 CCR Adopted	2151 CCR Adopted
2006 Dead CR	2076 CCR Adopted	2157 Assess & Tax
S Sub	2077 Fin Inst & Ins	S Sub
2008 P Am, H Con	2078 Passed	2158 P Am, H Con
2010 CCR Adopted	S Sub	Sub
2013 Passed	2080 CCR Adopted	2161 Assess & Tax
S Sub	2082 Passed	2169 Transportation
2014 CCR Adopted	2083 Passed	2172 CCR Adopted
2015 CCR Adopted	2087 Judiciary	2175 Conf Com
2017 Ways & Means	2088 Local Gov	Sub
2020 CCR Adopted	2101 Judiciary	2178 Fed & St Aff
2023 Passed	2104 CCR Adopted	2182 CCR Adopted
2027 P Am, H Con	2105 CCR Adopted	2184 Passed
2028 P Am, H Con	2107 Fed & St Aff	Sub
2029 Passed	2117 Assess & Tax	2188 Fed & St Aff
2030 Passed	2118 P Am, H Con	Sub
2031 Ways & Means	2119 CCR Adopted	2191 CCR Adopted
2033 Passed	2120 Fed & St Aff	2192 CCR Adopted
2034 Transportation	2122 P Am, H Con	S Sub
2035 P Am, H Con	2124 Passed	2194 CCR Adopted
2038 Passed	2125 P Am, H Con	2195 P Am, H Con
2042 Ways & Means	2128 Ways & Means	2196 Ways & Means
2044 CCR Adopted	2130 Ethics & Elect	2200 Education
S Sub	S Sub	2205 Passed
2049 CCR Adopted	2132 P Am, H Con	2218 P Am, H Con
2054 P Am, H Con	S Sub	Sub
2056 Passed	2133 P Am, H Con	2221 Ways & Means
2057 Passed	Sub	2227 Passed
2060 Passed	2134 CCR Adopted	Sub
2066 Local Gov	Sub	2229 Fed & St Aff
2067 P Am, H Con	2135 P Am, H Con	2230 Transportation
Sub	2139 CCR Adopted	2231 Ways & Means
2069 Ways & Means	2140 Ways & Means	2240 P Am, H Con
2070 Judiciary	2141 Utilities	2241 Ways & Means

1404

HISTORY OF BILLS

S Sub	2294 Local Gov	Sub
2249 Ways & Means	Sub	2340 Fed & St Aff
S Sub	2296 Ways & Means	S Sub
2251 P Am, H Con	2312 CCR Adopted	2357 Ways & Means
2258 Passed	2314 Ways & Means	2371 Judiciary
S Sub	Sub	2374 Ways & Means
2267 Conf Com	2318 Judiciary	2382 Ways & Means
2269 Education	2329 Judiciary	S Sub
Sub	Sub	2383 Ways & Means
2271 CCR Adopted	2333 KPERS Select	2386 Fed & St Aff
2282 P Am, H Con	2336 P Am, H Con	2390 Utilities
	2339 Passed	2392 Passed

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS
2011 SESSION**

5001 Adopted	5014 Adopted	5021 Adopted
5002 Adopted	5016 Fed & St Aff	5022 Utilities
5003 Adopted	5017 Assess & Tax	5023 Utilities
5007 Judiciary	5020 Fed & St Aff	5024 Adopted
5009 Adopted		

SENATE BILLS CARRIED OVER TO 2012 SESSION

H Sub	43 Ethics & Elect	88 Pub H & Wel
1 Assess & Tax	44 Judiciary	89 Ways & Means
2 Ways & Means	H Sub	90 H Health/Hum
3 Ways & Means	45 H Insurance	91 Pub H & Wel
4 Pub H & Wel	46 H Judiciary	Sub
5 H Health/Hum	47 Judiciary	92 H Health/Hum
Sub	48 Judiciary	94 Judiciary
7 Judiciary	49 KPERS Select	Sub
8 H Ed Budget	51 H Education	95 Assess & Tax
11 Conf Com	52 H Judiciary	96 Judiciary
13 H Education	53 Fed & St Aff	98 Assess & Tax
14 Conf Com	54 Fed & St Aff	99 Pub H & Wel
16 Ways & Means	56 Judiciary	100 H Health/Hum
17 H Elections	57 Education	102 Ethics & Elect
18 Education	58 H Transportation	104 H Judiciary
19 Education	59 H Taxation	105 Judiciary
20 Education	H Sub	106 Judiciary
22 Education	60 Conf Com	107 Judiciary
H Sub	62 H Judiciary	108 H Taxation
25 Fed & St Aff	64 Fin Inst & Ins	109 Assess & Tax
26 Fed & St Aff	66 Ethics & Elect	110 Commerce
27 Education	68 Education	113 Ways & Means
28 H Ed Budget	69 Education	114 H Local Gov
29 Pub H & Wel	70 Education	116 H Gov Efficiency
30 Utilities	71 Fin Inst & Ins	117 Pub H & Wel
31 Ethics & Elect	73 Judiciary	118 H Approp
32 Education	74 H Judiciary	120 H Transportation
H Sub	75 Education	121 Fed & St Aff
34 H Gen Orders	78 Ways & Means	126 H Elections
H Sub	79 H Judiciary	128 H Elections
35 H Fed & St Aff	Sub	H Sub
39 Judiciary	81 H Judiciary	129 Conf Com
40 H Approp	82 Fed & St Aff	130 Ethics & Elect
41 H Ed Budget	83 Conf Com	131 Local Gov
42 Commerce, Ways & Means (Separately)	84 Judiciary	132 Pub H & Wel
	86 Assess & Tax	133 H Health/Hum
	87 Assess & Tax	134 Conf Com

135 H Judiciary	172 Ethics & Elect	211 H Health/Hum
137 Commerce	173 Ways & Means	H Sub
Sub	174 Fed & St Aff	216 H Gen Orders
138 H Insurance	175 Judiciary	217 Judiciary
139 H Health/Hum	H Sub	218 Transportation
140 Commerce	176 H Approp	219 Commerce
141 Pub H & Wel	177 H Taxation	220 Fed & St Aff
142 H Judiciary	178 Fin Inst & Ins	221 Ways & Means
144 Education	180 Local Gov	222 Ethics & Elect
145 H Elections	181 Fed & St Aff	223 H Fed & St Aff
146 Judiciary	182 H Tran/Pub Safe	H Sub
Sub	183 Transportation	225 H Gen Orders
147 Ways & Means	184 Pub H & Wel	226 Fin Inst & Ins
148 Agriculture	187 Natural Res	228 Education
149 Fed & St Aff	189 Commerce	230 Education
151 Transportation	190 Utilities	231 Judiciary
153 Fin Inst & Ins	H Sub	232 Assess & Tax
155 H Education	191 H Gen Orders	233 Ways & Means
156 Ways & Means	192 Pub H & Wel	Sub
157 Commerce	194 Local Gov	234 H Approp
158 Judiciary	195 Pub H & Wel	235 Ways & Means
Sub	197 Assess & Tax	236 Ways & Means
159 H Corr & Juv Jus	199 Ways & Means	237 Fed & St Aff
160 H Judiciary	200 Natural Res	238 Ways & Means
161 Fed & St Aff	201 H Fed & St Aff	239 Judiciary
162 Fed & St Aff	202 Education	240 Ways & Means
163 Local Gov	203 Fed & St Aff	241 Fed & St Aff
164 Judiciary	204 Fed & St Aff	242 Ethics & Elect
165 Judiciary	205 Ways & Means	243 Ways & Means
166 Ethics & Elect	Sub	244 Local Gov
167 Fin Inst & Ins	206 Fin Inst & Ins	245 Ways & Means
168 Ethics & Elect	207 Local Gov	246 Fed & St Aff
169 Ethics & Elect	208 Ways & Means	248 Ways & Means
171 Commerce	209 Ways & Means	

**SENATE CONCURRENT RESOLUTIONS
CARRIED OVER TO 2012 SESSION**

1601 Fed & St Aff	1604 Judiciary	1607 Fed & St Aff
1603 Judiciary	1606 H Energy/Util	1608 H Soc/Serv Budget

**SUMMARY OF ACTIONS ON SENATE BILLS
AND SENATE RESOLUTIONS**

Senate Bills

Senate bills introduced in the 2011 session	248
Senate bills signed by Governor	55
Senate bills vetoed by Governor	0
Senate bills killed in Senate	0
Senate bills killed in House	3
Senate bills carried over to 2012 session	<u>190</u>
Senate bills in Senate Committees	135
Senate bills in House Committees	45
Senate bills on Senate Calendar	0
Senate bills on House Calendar	4
Senate bills in Conference Committees	6
(SB 11, SB 14, H Sub SB 60, SB 83, H Sub SB 129 and SB 134)	
TOTAL	248

Senate Concurrent Resolutions

Senate concurrent resolutions introduced in 2011 session	9
Senate concurrent resolutions adopted by both houses	3
Senate concurrent resolutions killed in Senate	0
Senate concurrent resolutions carried over to 2012 session	<u>6</u>
Concurrent resolutions in Senate Committees	4
Concurrent resolutions in House Committees	2
Concurrent resolutions on House Calendar	0
TOTAL	9

Senate Resolutions

Senate resolutions introduced in the 2011 session	69
Senate resolutions adopted	68
Senate resolutions killed in Senate	1
Senate resolutions that died in Senate Committees	0
Senate resolutions that died on Senate Calendar	<u>0</u>
TOTAL	69

Status of Bills and Resolutions

Senate bills signed by the governor: Nos. H Sub 6, 9, 10, 12, 15, 21, H Sub 23, 24, H Sub 36, H Sub 37, 38, Sub 50, H Sub 55, 61, H Sub 63, 67, Sub 72, 76, 77, 80, 93, 97, H Sub 101, 103, H Sub for Sub 111, 112, 115, 119, 122, 123, 124, 125, H Sub for Sub 127, 136, 143, 150, 152, H Sub 154, 170, 179, 185, 186, 188, 193, H Sub 196, 198, 210, 212, 213, H Sub 214, 215, 224, 227, 229, 247

Senate bills published in Kansas register: Nos. 10, 12, Sub 50, 61, 67, 77, 80, 93, H Sub 101, 150, H Sub 154, 210, 212

Senate resolutions adopted: Nos. 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869

Senate resolutions killed: No. 1817

Senate concurrent resolutions adopted by both Houses: Nos. 1602, 1605, 1609

Senate bills killed: Nos. Sub 33, 65, 85

Senate bills in conference: Nos. 11, 14, H Sub 60, 83, H Sub 129, 134

**APPOINTMENTS, COMMUNICATIONS, CONFIRMATIONS, MESSAGES
FROM THE GOVERNOR, SPECIAL EVENTS AND GUESTS
2011 SENATE JOURNAL**

APPOINTMENTS

SR 1801, relating to the organization of the Senate and appointments of the president, vice president, majority leader, minority leader, secretary and sergeant at arms, page 5.

SR 1802, relating to seating assignments, page 5.

Reverend Fred S. Hollomon, Topeka, to serve as Chaplain of the Senate, page 19.

SR 1815, relating to seating assignments, page 161.

COMMUNICATIONS FROM STATE OFFICERS

Secretary of State Chris Biggs certified that Terrie Huntington, Senate District 7 and Jeff Longbine, Senate District 17 were elected members of the Senate of the State of Kansas for the remainder of the unexpired four year term, page 2.

Secretary of State Chris Biggs certified that Raymond Merrick, Stilwell, was appointed by the Governor effective January 10, 2011, for the unexpired term, Thirty Seventh Senatorial District, to fill the vacancy created by the resignation of Jeff Colyer, page 2.

Secretary of State Chris Biggs certified that Jeff King, Independence, was appointed by the Governor effective January 10, 2011, for the unexpired term, Fifteenth Senatorial District, to fill the vacancy created by the resignation of Derek Schmidt, page 2.

Secretary of State Chris Biggs certified that Robert Olson, Olathe, was appointed by the Governor effective January 10, 2011, for the unexpired term, Twenty Third Senatorial District, to fill the vacancy created by the resignation of Karin Brownlee, page 3.

Secretary of State Chris Biggs certified that Garrett Love, Montezuma, was appointed by the Governor effective January 5, 2011, for the unexpired term, Thirty Eighth Senatorial District, to fill the vacancy created by the resignation of Tim Huelskamp, page 3.

President Morris introduced the Honorable Marla Lukert, Justice of the Kansas Supreme Court, who administered the Oath of Office to the newly elected and appointed senators, page 3.

Secretary of the Senate, Pat Saville, received from Governor Mark Parkinson, since the adjournment of the 2010 session of the legislature, the following communications: Executive Directives Nos. 10-410, 10-411, 10-412, 10-413, 10-414, 10-415, 10-416, and 10-417, all relating to Authorizing Personnel Transactions and Expenditure of Federal Funds, page 12.

Also, Executive Order No. 10-04 establishing the Commission on Graduation and Dropout Prevention and Recovery to ensure that dropping out is no longer an option and that every young Kansan will graduate prepared for life, work and/or postsecondary education/training, issued June 15, 2010, page 12.

Executive Order No. 10-05 establishing the Kansas Early Childhood Advisory Council to build on the work of the Kansas Children's Cabinet, Kansas Early Childhood

Comprehensive Systems Plan and the Kansas Early Learning Coordinating Council, issued June 17, 2010, page 12.

Executive Order No. 10-06 establishing the Kansas Health Information Exchange Inc. to assist in widespread adoption and meaningful use of health information technology, ensure appropriate and secure electronic exchange and consequent use of health information to improve quality and coordination of care as a critical enabler of a high performance health care system, and to facilitate and expand the secure, electronic movement and use of health information among organizations according to nationally recognized standards, issued June 30, 2010, page 12.

Executive Order No. 10-07 continuing the moratorium on employee bonuses for fiscal year 2011 and maintain the dollar amount limit that was established in fiscal year 2006 to continue to provide for flexibility when awards are given through the State of Kansas Award and Recognition Program, issued July 1, 2010, page 12.

Executive Order No. 10-08 establishing the Kansas Broadband Advisory Task Force because of the vital importance of broadband services to economic development, Tele-Health and Tele-Medicine, E-government and education in the State of Kansas, issued July 12, 2010, page 12.

Executive Order No. 10-09 establishing the Governor's Excellence Awards, to be awarded annually, related to public health issues, issued August 27, 2010, page 12.

Executive Order No. 10-10 directing all state agency heads to increase coordination and collaboration across state agencies to provide Kansans with disabilities optimum opportunity to be competitively employed in equal numbers to their peers without disabilities and to help Kansas businesses, issued August 27, 2010, page 12.

Executive Order No. 10-11 establishing the Kansas Food Security Task Force to provide advice and counsel to the Governor on issues that concern food insecurity and hunger in Kansas, issued September 1, 2010, page 13.

Executive Order No. 10-12 establishing the appropriate times for displaying the flag of the United States half-staff at state buildings, grounds, and facilities, issued September 23, 2010, page 13.

Executive Order No. 10-13 creating the Interagency Working Group for Wind Energy to promote advancement for wind energy potential and wind energy development as an important part of our state's economy, issued October 27, 2010, page 13.

Secretary of the Senate, Pat Saville, submitted the following communications received during the interim since adjournment of the 2010 Regular Session of the Legislature:

City of St. Marys, Kansas submitted information the city had assembled to request that the legislature study the viability of extending the deadline required by municipalities to annually certify their ad valorem tax (K.S.A. 79-1801) during the summer of 2011, page 13.

Kansas Department of Health and Environment submitted the Treece Relocation Assistance Project Monthly Expenditures/Income Report for the October 2010 reporting period in accordance with K.S.A. 49-512(h), page 13.

University of Kansas Hospital submitted the 2010 Annual Report, page 14.

Governor's Task Force on Racial Profiling submitted recommendations and a final report for the 2011 legislative session, page 14.

Kansas Public Employees Retirement System submitted the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2010, page 14.

Kansas Department of Corrections submitted the Statewide Risk Reduction Initiative Annual Report, page 14.

State Treasurer submitted a copy of the State Treasurer's FY2010 annual report, page 14.

Kansas Pooled Money Investment Board submitted a copy of the Annual Report of the Pooled Money Investment Board for Fiscal Year 2010, page 14.

State of Alabama, Office of Secretary of the Senate McDowell Lee, submitted **Senate Joint Resolution 27** adopted by the Legislature of Alabama claiming sovereignty under the tenth amendment to the Constitution of the United States over certain powers, serving notice to the federal government to cease and desist certain mandates, and providing that certain federal legislation be prohibited or repealed, page 14.

Kansas Corporation Commission, Doug Louis, Director, submitted a report on the Remediation Site Status Report and the Conservation Division Abandoned Oil & Gas Well Status Report, page 23.

Department of Labor, Jim Garner, Secretary, submitted the Unemployment Insurance Modernization (UIM) Project Progress Report, page 23.

Kansas Board of Pharmacy, Debra L. Billingsley, Executive Secretary, submitted the report on Proposed Controlled Substances for Scheduling, Rescheduling or Deletion, page 28.

Kansas Prescription Drug Monitoring Program, Advisory Committee, submitted a Legislative Report, page 28.

Kansas Bureau of Investigation (KBI), Robert E. Blecha, Director, submitted a report regarding the status of the KBI State Forfeiture Fund, page 30.

Kansas Department of Administration, Kent E. Olson, Director, Division of Accounts and Reports, submitted the 57th Annual Financial Report of the State of Kansas for the fiscal year ended June 30, 2010, page 33.

Kansas Corporation Commissioners, Thomas E. Wright, Chairman; Joseph F. Harkins and Ward Loyd submitted a report to the Legislature concerning the availability of Broadband services in the State of Kansas, page 33.

Kansas Department of Wildlife and Parks, J. Michael Hayden, Secretary, submitted a report regarding land acquisition and renewals, page 33.

Kansas Health Policy Authority, Mike Michael, Deputy Director, State Employee Health Plan, submitted a compact disc (CD) containing the Kansas State Employees Health Care Commission 2010 Annual Report, page 39.

Johnson County Education Research Triangle Authority, Ed Eilert, Chairman, submitted the Annual Report concerning the financial activities of the Authority, page 50.

Kansas Highway Patrol, Ernest E. Garcia, Superintendent, submitted a report regarding the Kansas Highway Patrol state forfeiture funds, page 52.

Kansas Board of Regents, Gary Alexander, Vice President of Academic Affairs, submitted the report on the Implementation of Qualified Admissions, page 57.

Regional Economic Area Partnership (REAP) submitted the report on the expenditures of the state annual grant and local matching moneys under the program to date, page 63.

Kansas Insurance Department, Sandy Praeger, Commissioner of Insurance, submitted the 2010 Year Fiscal End Report on the Kansas Workers' Compensation Fund, page 67.

Department of Revenue, Nick Jordan, Secretary, submitted the annual report providing tax credit information through the Declared Disaster Capital Investment Credit program, page 85.

Kansas Corporation Commission, Thomas E. Wright, Chairman, submitted the 2011 Report on Price Deregulation, page 98.

Kansas Corporation Commission, Thomas E. Wright, Chairman, submitted the annual report on Changes in Rates and Schedules, page 104.

Department of Commerce, Pat George, Secretary, submitted the annual report for projects funded with special obligation bond or STAR bonds, page 135.

Secretary of State, Kris W. Kobach, certifying that Allen Schmidt, Hays, was appointed by the Governor effective February 10, 2011, to replace Senator Janis Lee. Senator Schmidt introduced his wife, Ellen, son, Brett and his fiancée, Ashley. Also introduced were Senator Schmidt's brother, Chuck Schmidt and his son, Nathan as well as his aunt and uncle, Ruth and Ralph Pfeifer, page 148.

Kansas Insurance Department, Sandy Praeger, Commissioner, submitted the 2010 Annual Report, page 217.

Kansas Parole Board, Robert Sanders, Chairman, submitted the annual report, page 217.

Department of Health and Environment, Bob Jurgens, Chief, Assessment and Restoration Section, Bureau of Environmental Remediation, submitted the Treece Relocation Assistance Project Monthly Expenditures/Income Report for the January 2011 reporting period, page 224.

Supreme Court of Kansas, Howard Schwartz, Judicial Administrator, submitted the 2010 Annual Report of the Statement of Alcohol Drug Safety Action program, page 275.

Secretary of State, State of Arizona, Fiftieth Legislature, submitting **SR 1001**, a resolution resolving intent to affirm the sovereignty of the state of Arizona under the tenth amendment to the United States Constitution and to oppose the creation of a new Indian Reservation for gaming purposes with the exterior boundaries of a municipality, page 291.

Department of Corrections, Ray Roberts, Secretary, submitted the report for the Kansas Department of Corrections' State Forfeiture Fund for the period of December 1, 2009 through December 1, 2010, page 347.

Department of Revenue, Mark S. Beck, Director, Division of Property Valuation, submitted the 2010 Preliminary Real Estate Appraisal/Sales Ratio Study, page 347.

Department of Health and Environment, Bob Jurgens, Chief, Assessment & Restoration Section, Bureau of Environmental Remediation, submitted the TRA Trust Expenditures/Income Report for the February 2011 reporting period, page 384.

State of Idaho, Bonnie Alexander, Chief Clerk of the House of Representatives, transmitted information on the adoption of **House Joint Memorial No. 1**, regarding the right of parents to direct the upbringing and education of their children by the Constitution of the United States and the State of Idaho, page 617.

State of North Dakota, Alvin A. Jaeger, Secretary of State, transmitted information on **House Concurrent Resolution No. 3048**, a resolution urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to avoid a "runaway convention", which was recently passed by the 62nd Legislative Assembly for the State of North Dakota, page 617.

Department of Health and Environment, Bob Jurgens, Chief, Assessment and Restoration Section, Bureau of Environmental Remediation, provided the Treece Relocation Assistance Project Monthly Expenditures/Income Report for March 2011, page 653.

Kansas Human Rights Commission, William V. Minner, Executive Director, submitted the Annual Report for the Fiscal Year 2010, July 1, 2009 - June 30, 2010, page 653.

State of Utah, Utah State Legislature, transmitted **SJR 12**, urging Congress to resolve immigration policy issues or give states the authority to address these issues within their own borders; **SCR 15**, urging the United States Congress to exempt wolves from the Endangered Species Act in every state; and **HJR 19**, expressing opposition to the Environmental Protection Agency's regulation of green house gasses without Congressional approval, page 1314.

CONFIRMATION OF APPOINTMENTS

Consideration of confirmation of appointments, pages 40, 41, 42, 43, 44, 45, 57, 58, 77, 78, 98, 144, 195, 225, 348, 349, 375, 399, 400, 471, 472, 473, 574, 575, 655, 656, 687, 688, 698, 699.

MESSAGES FROM THE GOVERNOR

Submitted for confirmation, Colonel Bradley Link, Brigadier General, Kansas National Guard, Derby; Marc S. Wilson, Commissioner, State Securities Commission, Overland Park; Betty Ann Corbin, Pooled Money Investment Board, Towanda; Lawrence L. McCants, Kansas, Inc., Goodland; Donald P. Schnacke, Kansas, Inc., Topeka; Antonio Villegas, Kansas Human Rights Commission, Kansas City; Clyde Howard, Kansas Human Rights Commission, Manhattan; Timothy R. Emert, Kansas Board of Regents, Topeka; Mildred Edwards, Kansas Board of Regents, Topeka, page 8.

Submitted for confirmation, A. E. McKechnie, Kansas Board of Regents, Arcadia; Lee Tafanelli, Brigadier General, Kansas Army National Guard; Dale E. Koch, State Banking Board; Wilbert J. Leiker, State Civil Service Board; Kenneth Frahm, Kansas Technology Enterprise Corporation; Robert Regnier, University of Kansas Hospital Authority; Charles Sunderland, University of Kansas Hospital Authority, page 9.

Submitted for confirmation, Victor Braden, Brigadier General, Kansas Army National Guard; Eric Peck, Brigadier General, Kansas Army National Guard; Trevor Wohlford, Court of Tax Appeals, Lawrence; Janis Lee, Chief Hearing Officer, Court of Tax Appeals, Kensington; David Sanford, Kansas Health Policy Authority, Wichita; Jerome Williams, Kansas Human Rights Commission, Wichita, page 10.

Submitted for confirmation, James Colgan, State Board of Indigent Services, Lenexa; John Poertner, State Board of Indigent Services, Lawrence; John Weber, State Board of Indigent Services, Wichita; Franklin Diehl, Kansas Lottery Commission, Lawrence; Kyle Elliott, Kansas Technology Enterprise Corporation, Shawnee, page 11.

Submitted herewith to the Senate by the Governor of the State of Kansas, John Poertner, State Board of Indigent Services was withdrawn January 5, 2011, page 11.

Executive Directive No. 10-418, Authorizing Expenditure of Federal Funds, page 27.

JaLynn Copp, Chief Counsel, submitted a report of the pardons granted by Governor Mark Parkinson for the preceding year, page 27.

Submitted for confirmation, Dale Rodman, Secretary, Department of Agriculture, page 32.

Submitted for confirmation, Pat George, Secretary, Department of Commerce; Karin Brownlee, Secretary, Department of Labor; Nick Jordan, Secretary, Department of Revenue; Dennis Taylor, Secretary, Department of Administration; Aaron Jack, Commissioner, Securities Commission; Lee Tafanelli, Adjutant General, page 33.

Executive Reorganization Order No. 34, abolishing the Parole Board and establishing within the Department of Corrections the Prisoner Review Board, page 54.

Executive Order No. 11-01, creating the office of Repealer within the Kansas Department of Administration, page 57.

Executive Reorganization Order No. 35, transferring the functions of the Commission on Disability from the Department of Commerce to the Office of the Governor, page 60.

Executive Reorganization Order No. 36, renaming the Department of Wildlife and Parks as the Department of Wildlife, Parks and Tourism; transferring the Division of Travel and Tourism Development at the Department of Commerce to the Department of Wildlife, Parks and Tourism, page 71.

Executive Reorganization Order No. 35, corrected, page 90.

Executive Reorganization Order No. 36, corrected, page 92.

Submitted for confirmation, Kansas Department of Health and Environment, Robert Moser, Wichita, to serve at the pleasure of the Governor, page 112.

Executive Reorganization Order No. 37, abolishing Kansas, Inc., page 112.

Executive Reorganization Order No. 38, reorganizing the Kansas Health Policy Authority, page 115.

Executive Reorganization Order No. 39, abolishing the Kansas Arts Commission, page 123.

Executive Reorganization Order No. 40, consolidating agriculture-related functions, page 126.

Executive Order No. 11-02, regarding Citizens Utility Ratepayer Board (CURB), page 150.

Executive Order No. 11-03, regarding the Governor's Military Council, page 274.

Submitted for confirmation, Ernie Garcia, Superintendent, Kansas Highway Patrol; Rob Siedlecki, Secretary, Department of Social and Rehabilitation Services; Edwin Splichal, State Banking Commissioner; Mike King, Member, Lottery Commission; Tracy Streeter, Director, Water Office; Patti Petersen-Klein, Board of Directors, Kansas Development Finance Authority, page 274.

Executive Order No. 11-04, directing and ordering that all non-Regents human resource directors and staff performing human resource functions of all state agencies, departments or other entities under the Governor's jurisdiction shall report directly to the Director of the Division of Personnel Services, page 291.

Executive Order No. 11-05, authorizing the Governor's appointment of the Adjutant General of Kansas as the Homeland Security Advisor of the State of Kansas, page 291.

Mike King, submitted for confirmation on February 22, 2011, herewith is to succeed Jeanine McKenna, page 308.

Submitted for confirmation, Dennis McKinney, Racing and Gaming Commission, page 312.

Submitted for confirmation, Jennie Chinn, Executive Director, Historical Society; Shari Feist-Albrect, Central Interstate Low-Level Radioactive Waste Commission; Larry Williams, State Banking Board; Tim Shultz, Racing and Gaming Commission; Raymond Roberts, Secretary, Corrections; Kurt Knutson, State Banking Board; Jay Shadwick, Racing and Gaming Commission, page 313.

Submitted for confirmation, Robin Jennison, Secretary, Wildlife and Parks and Joanne Budler, State Librarian, page 615.

Submitted for confirmation, Patricia Bossert, Employment Security Board of Review; Hylaurd Wayne Maichel, Employment Security Board of Review; Robert Chestnut, Pooled Money Investment Board; Donald Linville, Kansas Development Finance Authority; Keith Lang, Brigadier General, Kansas National Guard; Mark Dodd, Executive Director, State Gaming Agency; Phillis Setchell, State Civil Service Board; Rick Petersen-Klein, Executive Director, Racing and Gaming; Terry Matlack, Kansas Public Employees' Retirement Board of Trustees, page 616.

Submitted for confirmation, Mark Sievers, Kansas Corporation Commission, page 617.

Executive Order No. 11-06, regarding drought conditions within the state, page 617.

Executive Order No. 11-07, regarding conditional and temporary relief from Motor Carrier Rules and Regulations, page 617.

Executive Order No. 11-08, for Local Emergencies Concerning Conditional and Temporary Relief from Motor Carrier Rules and Regulations, page 653.

Executive Order No. 11-09, authorizing conditional and temporary relief from Motor Carrier Rules and Regulations, page 1314.

Executive Order No. 11-10, authorizing conditional and temporary relief from Healing Arts Act Rules and Regulations, page 1314.

Executive Order No. 11-11, authorizing conditional and temporary relief from Kansas Banking Code, page 1314.

SPECIAL EVENTS AND GUESTS

Guest chaplain Senator Dick Kelsey, page 1.

President Morris introduced the reader, Stephen Jones, a third year law student at Washburn University, page 1.

President Morris introduced Dr. Jen Brull, President of the Kansas Academy of Family Physicians. Dr. Brull is the Academy's 63rd President and fourth woman president. She is a family physician at Prairie Star Family Practice in Plainville. She also serves on the national level, serving on the American Academy of Family Physicians' Commission on Membership and Member services. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session, page 4.

Senator Hensley rose on a Point of Personal Privilege concerning the tragedy in Arizona, page 15.

Reverend Fred S. Hollomon, Topeka, to serve as Chaplain of the Senate, page 19.

President Morris introduced Cindy Shepard and Mona Gambone, new members of the Secretary of the Senate's staff, page 20.

Guest chaplain Pastor Larry Latham, West Ridge Baptist Church, Topeka, page 22.

Guest chaplain Reverend Cecil T. Washington, Jr., Senior Pastor at the New Beginning Baptist Church, Topeka, page 24.

Senator Haley rose on a Point of Personal Privilege in commemoration of the Dr. King Holiday, page 24.

Guest chaplain Reverend Leon Parker, First Baptist Church of Lyndon, page 29.

Senator Lee introduced and congratulated Tad Felts for being inducted by the Kansas Association of Broadcasters into the KAB Kansas Broadcasting Hall of Fame, page 33.

Senator Schodorf introduced and congratulated Curtis Chandler, 2011 Kansas Teacher of the Year from Wamego. Also congratulated were the following regional finalists: Nikki M. Chamberlain, Salina; Kim A. Morrissey, Wichita; Holly R. Schreiber, DeSoto; C. Dow Tate, Shawnee Mission; Jodi A. Testa, Geary County; LuAnne Vides, El Dorado and Linda G. Wiersma, Paola, page 35.

In recognition of January 21, 2011, as Dentist Appreciation Day, Senator Bruce introduced the following dentists: Max McReynolds, Humboldt, Statewide KMOM Chairman; Jeff Stasch, Garden City, KMOM Founder; Jon Tilton, Wichita, KMOM Founder and Dave Hammell, KDA President, page 45.

Senators Apple, Emler, Haley, Hensley, Kelly, McGinn, Morris, Ostmeyer, Schodorf, Taddiken and Vratil rose on a Point of Personal Privilege to pay tribute to Senator Lee upon her retirement of 23 years service to the Senate. Congratulations were in order for her new role as Chief Hearing Officer for the State Court of Tax Appeals. Lyn Lee, Senator Lee's husband was introduced, page 64.

President Morris introduced special guests, District Judges Nancy Parrish and Eric Yost, who were senators twenty-five years ago when Kansas was celebrating its 125th birthday, page 83.

The swearing in ceremony of Brigadier General Lee Tafanelli as Adjutant General of Kansas was done by Chief Justice Nuss. Also attending were Mrs. Tafanelli, son Nick and daughter Francesca, page 83.

Senator Steineger introduced the following guests representing the Kansas-Turkish Friendship Network: Fehmi Husrev Kutlu, Fatos Gurkan and Dr. Mithat Ekiei, page 136.

Senator Kelly rose on a Point of Personal Privilege to pay tribute to the following visitors and representatives of the Youth Wing of the United Russia Party: Ilya Sergeyeovich Berezkin, Nikolay Yuryevich Korchagin, Mikhail Aleksandrovich Ratmanov, Igor Nikolayevich Shipkov, Igor Yevgenyevich Volkov and Denis Viktorovich Pryamonosov. Ilya Papinako, Translator, was also introduced, page 160.

The Senate welcomed CJ Wei, KCCAA President of the Transworld Group of China who introduced the following members of Consul General's Group: General Guoqiang Yang, Xueyong Yu and Xiaocheng Wang. Tammy Wang, Kansas City Ethnic Enrichment Commissioner for China was also introduced, page 194.

Senator Taddiken introduced and congratulated Jordy Nelson on his success in Super Bowl XLV. His wife, Emily, was also introduced, page 206.

Senator Emler rose on a Point of Personal Privilege to pay tribute to Col. Ballard and Col. Donlon, who were recipients of the Medal of Honor, the highest military award of our Armed Forces, page 216.

Guest chaplain (Major) Lawrence Dabeck, U.S. Army, Fort Leavenworth, in observance of Armed Forces Appreciation Day, page 248.

Senator Apple rose on a Point of Personal Privilege to introduce and congratulate Susana Kingsley, Mrs. Kansas 2011. Also introduced were Mike Quilling and Fred Burrack, members of the Kansas Music Educators Association, page 278.

Senator McGinn recognized Cindy Zielke, Johnye Van Hekken, Tom Musick and Carol Musick for their participation in World Kidney Day in the Capitol, page 281.

Senator McGinn rose on a Point of Personal Privilege to pay tribute to Sister Helen Prejean, author of the book “Dead Man Walking” and her involvement regarding the death penalty. Donna Schneweis was also introduced, page 288.

Senator Umbarger introduced and congratulated the Field Kindley Memorial High School Debate Team, Coffeyville, Kansas, on winning the 2011 class 4A four-speaker state debate tournament. The debate team including Tiffany Lin, Eric Mueller, Jordan Mecom, Ben Wright, Grant Hendrix and Taylor Stringer along with the coaches Darrel Harbaugh and Kris Crane were in attendance, page 292.

Senator King introduced and congratulated Dalton Mott and Skylar Stacy from Independence High School on winning the 2011 class 4A two-speaker state debate tournament. Also in attendance was Roni Burris, Coach and Mike Long, Assistant Principal, page 292.

Senator King introduced and congratulated Kurt Lockwood and Jessica Wells from Caney Valley High School for being the 2011 two-speaker class 3-2-1A state champions in debate. Caleb McIntosh and Bruce Williams were also congratulated for placing third in the two-speaker class 3-2-1A debate tournament. Also in attendance were coach Amber Toth and assistant coach Tina McCammon, page 293.

Senator Vratil introduced and congratulated Dr. Tom Trigg, Superintendent of Blue Valley School District, for being selected the 2011 Kansas Superintendent of the Year, page 300.

Senator Longbine rose on a Point of Personal Privilege to pay tribute to the following exchange students: Dusan Bogicevic, a student from Serbia and Yasmine El’Baggari, a student from Morocco. Don Marsolek, a member of American Council of Student Exchange and John O’Connor, an adult sponsor were also introduced, page 308.

Guest chaplain Reverend Jeff Davis, Christian Education Director/Children’s Minister, Tyro Christian Church, Tyro, Kansas, page 312.

Senator Hensley introduced and congratulated Sharon Schwartz, office manager of Legislative Administrative Services, retiring after 29 years of dedicated service. Sharon’s husband Dennis was introduced, page 314.

Senator Vratil introduced and congratulated Jeffrey Owen Hanson for being named one of the top two youth volunteers in Kansas for 2011 by the Prudential Spirit of Community Awards. Also introduced were his parents, Hal and Julie Hanson, page 315.

Senator Holland welcomed and recognized Elden Tefft for his outstanding talents of becoming a nationally recognized sculptor of bronze. His son and wife, Kim and Wanda Tefft, and their children Jared, Janell, Jonathan and Jonanna were introduced as well as guests Mary Weisert, Maura Landry, Chuck Schlitter and John and Teresa McCoy, page 349.

Senator Holland recognized the participants of the Kansas Small Business Development Center’s 2010 Businesses of the year, page 350.

Senator A. Schmidt introduced Dr. Edward H. Hammond, President of Ft. Hays State University. Also introduced were the following Kansas Academy of Math and Science Students from Ft. Hays State University: Justin Arnspiger, Peter Betzen, Rachel Bieniecki, Krysten Brake, Bria Carder, Janae Carter, Jonathan Folkerts, Kaylin Hawman, Clint Herrmann, Chance Kahle, Taylor Kane, Abbey Killinger, Soo Bum Kim, Alexander Lee, Nyasha Maforo, Manvitha Marni, Aleta Martin, Alondra Meraz,

Cole Mosier, Rachel Schmidt, Kara Schnake, Logan Smith, Elsie Suhr and Shaley White, page 365.

Senator King recognized former Senate President, Robert V. Talkington, who passed away December 26, 2010. Senator Talkington served the Senate from 1973 to 1988 and House of Representatives from 1969 to 1972. The following family members were introduced: Jill McCaskill, Jacki Chase, Bob Chase, Jim Talkington, Staci Talkington, Will Talkington, Tom Talkington, Sherlyn Talkington, Jack Talkington, Camille Talkington, Lisa Dreasher, John Dreasher, Robbie Dreasher, Camden Dreasher, Fred Shaw, Kay Shaw and Bill Maness, page 401.

Senator V. Schmidt introduced Mark Stubbs, Executive Director of the American Diabetes Association; Dr. Gwen Lehlitner, Manager at Sanofi Avertis; and Karen Rooney-Cuevas, Manager at Blue Cross Blue Shield of Kansas, page 432.

Senator Masterson introduced his daughter, Kenzy, who has diabetes. The Senate acknowledged Kenzy by singing Happy Birthday. His wife, Marlo and their children Abby, Marshal, T.J., Kaely and Mendy were introduced, page 433.

Senator Emler introduced and congratulated the McPherson High School boys basketball team for winning the 2011 Class 5A State Basketball Championship. Team members were: Marcus Houghton, Kevin Spencer, Chase Miller, Cory Horton, Jordan Hart, Jack Pyle, Parker Hambley, Travell Robinson, Keaton Sorenson, Luke Moore, Cody Cape, Christian Ulsaker. Also in attendance was head coach Kurt Kinnamon, assistant coaches: Gordon Peck, John Lujano, Dustin Kanitz and managers Whitney McGill and Kaley Kinnamon, page 525.

Senator Longbine congratulated and commended the 2011 Kansas Master Teachers. Senator Longbine introduced Master Teachers: Teresa Disberger and Janice Romeiser as well as guests: Dr. Lori Mann, Tyler Curtis and Marjorie Werly. Senators from their respective districts introduced the following Master Teachers: Senator Brungardt introduced Marcia Troutfetter and her dog, Camry; Senator Pyle introduced Sondra Copeland; Senator Teichman introduced Martha Hadsall; Senator Vratil introduced Nancy Pence, page 526.

Special remarks were given by Senator Faust-Goudeau designating May as National Lupus Awareness Month, page 588.

Senator Longbine congratulated and introduced the Olpe High School girl's basketball team for winning the State Basketball Championship Class 1A Division 1. Members of the basketball team present were: Katelyn Henderson, Natalie Kuhlmann, Jill Cole, Elena Flott, and Dalton Benton. Also in attendance were Head Coach Jesse Nelson and Assistant Coach Carolyn Davis, page 618.

Senator Kelly congratulated and commended Kansas military children in recognizing April as the month of the military child. Students introduced were: Ty Shafer, Toby Sullivan, Jared Brown, Jacob Brown, Ryan Brunner, Jahna Yuhn, Cassidy Seaba, Skylar Dickey, Allyson Henry, Sawyer Green, Mary Powledge, Preston Henry and Reed Wheeler. Also in attendance were: Brigadier General Randal Dragon, Brigadier General Bradley Link, Denise Winton, SPC Stephanie Hodges, Tsgt Deanna Davis, Sophia Olsen, Laura Wheeler, Major Robert Stinson, Cheryl Brown, Richard Sullivan and Lisa Webster, page 619.

Senator King introduced and congratulated Tyrel Reed for being the winningest player in the history of the University of Kansas men's basketball and the second

winningest player in NCAA Division I men's basketball. Also introduced were his parents, Stacy and Debbie Reed and Assistant Coach Barry Hinson, page 628.

Senator Haley rose on a Point of Personal Privilege to introduce his youngest child, Malori Simone Haley, age 9, who was present for National Take Your Child to Work Day, page 630.

Senator Holland welcomed and recognized Alyssa Morrison as 2011 Miss Rodeo Kansas. Also introduced were her parents, Al and Joyce Morrison and family friend, Jamie Knabe, page 631.

Senator V. Schmidt introduced and congratulated Janet (Jan) Locke upon her retirement after serving the Kansas Legislative Research Department for over 23 years. Her husband, Michael was also introduced, page 660.

Senator Francisco introduced the following guests in recognition of their involvement in Leocompton as a Territorial Capital: Paul Bahnmaier, Jason Dexter, Opal Goodrick, Elsie Middleton, Keith Noe, Deb Powell, Tim Rues, Iona Spencer, Georgia Trammel, Johnny Trammel, and Charlene Winter, page 689.

Senator Marshall introduced and congratulated Rita Nienstedt upon her retirement as a consumer science teacher at Fort Scott High School after 33 years of dedicated service. Her husband, Richard, was also introduced, page 701.

Senator Vratil introduced and congratulated Randy Hearrell upon his retirement from the Kansas Judicial Council as Executive Director. He also served as director of the Judicial Performance Commission since its inception. His wife Carla was also introduced, page 705.

Senator Morris introduced and congratulated Victor Ortiz as the World Boxing Council Welterweight Champion of the World. Also introduced were guests: Elias Garcia and Eloy Gallegos, page 705.

Senator McGinn congratulated and commended the Wichita State University Men's Basketball Team for winning the 2011 National Invitation Tournament. The team members were introduced as follows: Gabe Blair, Derek Brown, J. T. Durley, Aaron Ellis, Jerome Hamilton, Graham Hatch, Trey Jones, David Kyles, Toure' Murry, Ehimen Orukpe, Joe Ragland, Tyler Richardson, Ben Smith, Garrett Stutz, Randall Vautravers, Josh Walker, Demetric William. Also in attendance were Head Coach Gregg Marshall, Athletic Director Eric Sexton and Assistant Coach Devon Smith, page 755.

Special remarks by Senator David Haley regarding the 10th Anniversary of September 11, 2001, page 852.

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Minority Party Caucus report from Senator Anthony Hensley, Chairperson, submitting names of officers of the Minority Party, page 161.

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- Morris, Steve**
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SCR 1608 Urging the President and Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal FY 2011 and 2012.
- SCR 1609 Adjournment of the 2011 regular session of the legislative session.
- SR 1801 Organization of the Senate 2011.
- SR 1802 Assignment of seats in Senate, 2011.
- SR 1803 Amending Senate rule 7 relating to standing committees.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1815 Assignment of seats in the Senate, 2011.
- SR 1816 Congratulating Jordy Nelson on his success in Super Bowl XLV.
- SR 1830 Congratulating and commending the Kansas Academy of Mathematics and Science.
- SR 1831 A resolution in memory of Robert V. Talkington.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1853 Congratulating and commending Janet L. Locke.
- SR 1862 Congratulating and commending Victor Ortiz for becoming the WBC welterweight boxing champion.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11
- Olson, Robert**
- SB 39 Creating the classification of "aggravated sex offender;" creating additional penalties and restrictions for sex offenders.
- SB 146 Amending statutes regulating late-term and partial birth abortion.
- SB 149 Enacting the Kansas firearms freedom act.
- SB 165 Licensing of abortion clinics by department of health and environment.
- SB 167 Enacting the health care freedom act.
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1604 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.

- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11
- Ostmeyer, Ralph**
- SB 146 Amending statutes regulating late-term and partial birth abortion.
- SB 149 Enacting the Kansas firearms freedom act.
- SB 165 Licensing of abortion clinics by department of health and environment.
- SB 167 Enacting the health care freedom act.
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1604 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SCR 1608 Urging the President and Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal FY 2011 and 2012.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1830 Congratulating and commending the Kansas Academy of Mathematics and Science.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1837 Congratulating the Tribune-Greeley County High School boys basketball team for winning the 2011 Class 1A Division II State Basketball Championship.
- SR 1838 Congratulating the Norton Community High School girls cross country team for winning the 2010 Class 3A State Cross Country Championship.
- SR 1839 Congratulating the Tribune-Greeley County High School girls and boys cross country teams for winning the Class 1A State Cross Country Championships.
- SR 1840 Congratulating the Norton Community High School wrestling team for winning the 2011 Class 3-2-1A State Wrestling Championship.
- SR 1841 Congratulating the Ness City girls and boys cross country teams for winning the 2010 Class 2A State Cross Country Championships.
- SR 1843 Congratulating and commending the Scott Community High School boys basketball team.
- SR 1844 Congratulating the Ness City High School boys track and field team for winning the 2010 State Championship Class 1A.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11
- Owens, Tim**
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SCR 1608 Urging the President and Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal FY 2011 and 2012.
- SR 1807 Urging the Government of Turkey to respect the Ecumenical Patriarchate and to uphold religious rights.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1829 Recognizing the Kansas Small Business Development Center's 2010 Businesses of the year.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1861 Congratulating and commending Randy Hearrell.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11

Petersen, Mike

- SB 135 Enacting the Kansas racketeer influenced and corrupt organization act (Kansas RICO act).
- SB 146 Amending statutes regulating late-term and partial birth abortion.
- SB 149 Enacting the Kansas firearms freedom act.
- SB 165 Licensing of abortion clinics by department of health and environment.
- SB 167 Enacting the health care freedom act.
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1604 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1829 Recognizing the Kansas Small Business Development Center's 2010 Businesses of the year.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11

Pilcher-Cook, Mary

- SB 146 Amending statutes regulating late-term and partial birth abortion.
- SB 149 Enacting the Kansas firearms freedom act.
- SB 159 Requiring certain conditions for violent offenders and sex offenders placed on parole or postrelease supervision.
- SB 165 Licensing of abortion clinics by department of health and environment.
- SB 167 Enacting the health care freedom act.
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1604 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SR 1808 Congratulating and commending Senator Janis Lee.

- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1834 Recognizing March as National Women's History Month.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1866 10th Anniversary of 9/11

Pyle, Dennis

- SB 146 Amending statutes regulating late-term and partial birth abortion.
- SB 165 Licensing of abortion clinics by department of health and environment.
- SB 167 Enacting the health care freedom act.
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1604 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1830 Congratulating and commending the Kansas Academy of Mathematics and Science.
- SR 1836 Congratulating and commending the 2011 Kansas Master Teachers.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.

Reitz, Roger

- SB 40 Counties; certain contracts exempt from bidding
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SCR 1608 Urging the President and Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal FY 2011 and 2012.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1842 National Public Health Week
- SR 1847 Recognizing April as the Month of the Military Child.

- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11
- Schmidt, Allen**
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SCR 1608 Urging the President and Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal FY 2011 and 2012.
- SR 1830 Congratulating and commending the Kansas Academy of Mathematics and Science.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11
- Schmidt, Vicki**
- SB 139 Members of regional trauma councils and advisory committee on trauma
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SCR 1608 Urging the President and Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal FY 2011 and 2012.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1830 Congratulating and commending the Kansas Academy of Mathematics and Science.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1833 Designating March 22, 2011 as diabetes alert day.
- SR 1834 Recognizing March as National Women's History Month.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1853 Congratulating and commending Janet L. Locke.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11
- Schodorf, Jean**
- SB 135 Enacting the Kansas racketeer influenced and corrupt organization act (Kansas RICO act).
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SCR 1608 Urging the President and Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal FY 2011 and 2012.
- SR 1805 Congratulating and commending the members of the 2011 Kansas Teacher of the Year Team.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1812 Congratulating and commending the 2011 Horizon Award Program educators.
- SR 1813 Congratulating and commending the Kansas recipient of the 2010 Milken Family Foundation Educator Award.
- SR 1814 Congratulating and commending the 2010 Kansas National Board Certified Teachers.
- SR 1820 Establishing Anti-Bullying Awareness Week in Kansas.
- SR 1829 Recognizing the Kansas Small Business Development Center's 2010 Businesses of the year.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1834 Recognizing March as National Women's History Month.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11

Steineger, Chris

- SB 113 Selling KU hospital for not less than \$600 million and depositing the proceeds into the Kansas public employees retirement fund.
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1604 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1811 Kansan-Turkish Friendship Network.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.

Taddiken, Mark

- SB 146 Amending statutes regulating late-term and partial birth abortion.
- SB 165 Licensing of abortion clinics by department of health and environment.
- SB 167 Enacting the health care freedom act.
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1604 Constitutional amendment to preserve right to choose health care services and participate in health insurance plan.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1810 Recognizing Dr. John "Doc" Ferguson and the Ferguson family for preserving historical masonry tools used in the construction of the statehouse.
- SR 1816 Congratulating Jordy Nelson on his success in Super Bowl XLV.
- SR 1830 Congratulating and commending the Kansas Academy of Mathematics and Science.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1836 Congratulating and commending the 2011 Kansas Master Teachers.
- SR 1847 Recognizing April as the Month of the Military Child.

- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11

Teichman, Ruth

- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SCR 1608 Urging the President and Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal FY 2011 and 2012.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1829 Recognizing the Kansas Small Business Development Center's 2010 Businesses of the year.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1834 Recognizing March as National Women's History Month.
- SR 1836 Congratulating and commending the 2011 Kansas Master Teachers.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11

Umberger, Dwayne

- SB 146 Amending statutes regulating late-term and partial birth abortion.
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SCR 1608 Urging the President and Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal FY 2011 and 2012.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1821 Congratulating and commending the Field Kindley Memorial High School debaters.

- SR 1822 Congratulating and commending Independence High School debaters.
- SR 1823 Congratulating and commending the Caney Valley High School debaters.
- SR 1829 Recognizing the Kansas Small Business Development Center's 2010 Businesses of the year.
- SR 1830 Congratulating and commending the Kansas Academy of Mathematics and Science.
- SR 1832 Urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1852 Congratulating and commending Columbus Unified High School for being named a 2011 MetLife Foundation-NASSP Breakthrough School.
- SR 1856 Congratulating and commending Erie High Charter School for being the first LEED Gold certified high school in the State of Kansas.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11

Vrtil, John

- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SCR 1608 Urging the President and Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal FY 2011 and 2012.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1824 Congratulating and commending Dr. Tom Trigg.

- SR 1827 Congratulating and commending Jeffrey Hansen for being named one of the top two youth volunteers in Kansas for 2011 by the prudential spirit of community awards.
- SR 1830 Congratulating and commending the Kansas Academy of Mathematics and Science.
- SR 1836 Congratulating and commending the 2011 Kansas Master Teachers.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1861 Congratulating and commending Randy Hearrell.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11

Wagle, Susan

- SB 146 Amending statutes regulating late-term and partial birth abortion.
- SB 165 Licensing of abortion clinics by department of health and environment.
- SCR 1602 Congratulating Kansas' Sesquicentennial.
- SCR 1605 Urging Congress and Department of Homeland Security to act to fund NBAF.
- SR 1808 Congratulating and commending Senator Janis Lee.
- SR 1829 Recognizing the Kansas Small Business Development Center's 2010 Businesses of the year.
- SR 1834 Recognizing March as National Women's History Month.
- SR 1847 Recognizing April as the Month of the Military Child.
- SR 1863 Congratulating and commending the Wichita State University Men's basketball team for winning the 2011 NIT Championship.
- SR 1866 10th Anniversary of 9/11

LEGISLATIVE COMMITTEES

State Legislature, Senate Committees

(Various)

Agriculture

- SB 147 Changing the allocation of moneys in the interstate water litigation fund
- Sub
- SB 147 Funds related to interstate water litigation.
- SB 148 Amending the veterinarian-client privilege.
- SB 186 Pesticides; hearing prior to denial, suspension or revocation of license, registration or certification.
- SB 194 Allowing homestead rights to continue after annexation until land is sold after annexation.

Assessment and Taxation

- SB 59 Property tax; interest rate charged; delinquent or unpaid tax and overpayment of taxes; clerical errors.
- SB 61 Increasing income tax credit for contributions made by program contributors under the individual development account program.
- SB 86 5 year phase out of capital gains tax.
- SB 87 Property exempt from taxation; community service organizations providing humanitarian services.
- SB 95 Five-year phase out of income tax on corporations.
- Sub
- SB 95 Reduction to state income tax rates based on selected actual state general fund receipts computations, and sales tax rates and distribution.
- SB 98 Elimination of certain sales tax exemptions, imposition of sales tax on certain services, provision of sales tax exemption for certain purchases of food, and reduction of sales tax and certain income tax rates.
- SB 108 Recording of plats; payment of estimated taxes.
- SB 109 Tax credit for costs of installing electrical charging stations.
- SB 193 Taxation, social security information, required in support of certain credits, refunds and claims, recording of pats, PEAK, HPIP and certain sales tax exemptions.

- SB 196 Authorizing expensing of investment expenditures as a deduction in calculating Kansas income tax liability and IMPACT program changes.
- SB 197 Phase out of sales tax on food and food ingredients and food sales tax refund.
- SB 198 Creating rural opportunity zones.

Commerce

- SB 42 Abolishing KTEC: transferring duties to department of commerce and board of regents.
- SB 77 Employment security law; interest payment assessment; duties of secretary.
- SB 78 Transferring KTEC appointment authority to Governor.
- SB 110 Transferring KTEC appointment authority to governor.
- SB 140 Kansas small and disadvantaged business development program act.
- SB 157 Enforcement of employee misclassification by the attorney general.
- SB 189 Kansas Bioscience Authority; additional voting members.

Education

- SB 17 Increasing campaign contribution limits for candidates for the state board of education.
- SB 27 School districts; finance; bilingual weighting based on program enrollment.
- SB 68 Creating the Kansas healthy youth act.
- SB 69 Requiring school districts to adopt policies against dating violence.
- SB 75 Dyslexia and other reading problems; requiring certain testing.
- Sub
- SB 111 Postponing effective date of minimum and maximum calculations of special education state aid.
- SB 143 Amendments relating to postsecondary technical education; creating the postsecondary tiered technical education state aid act.
- SB 144 Providing bus transportation for school children subjected to hazardous walking conditions.

- S Sub for
 HB 2251 Continuation of statewide tax levy for public schools.
- Ethics and Elections*
- SB 31 Campaign finance; electioneering communications; reporting.
- SB 43 Campaign finance; transfer of campaign money to another candidacy.
- SB 66 Elections; campaign finance; public service advertisements near elections; civil fine.
- SB 67 Gubernatorial inauguration donations; disposition of residual monies
- SB 101 Uniform common interest owners bill of rights act; exclusion of certain communities.
- SB 102 Governmental ethics commission; candidate, lobbyist fee increases.
- SB 103 Elections; absentee voting by military and others; federal services absentee ballots.
- SB 125 Elections; candidate filing deadline change.
- SB 126 Elections; campaign finance; public service ads by candidates restricted.
- SB 127 Elections; certain local units of governments; primaries.
- Sub
- SB 127 Elections; certain local units of governments; primaries.
- SB 128 Presidential preference primary election; date delayed.
- SB 129 Elections; vacancies; state senators.
- SB 130 Elections; candidate filing deadlines; other.
- SB 145 Elections; corrupt political advertising; stand by your ads requirement.
- S Sub for
 HB 2080 Election and campaign finance charges.
- Federal and State Affairs*
- SB 25 Authorizing temporary licenses for on-premises sales of cereal malt beverage.
- SB 52 Concerning grandparent's custody of children.
- SB 53 Inclusion of sexual orientation and gender identity in Kansas act against discrimination.
- SB 54 Creating classes of license to sell alcoholic beverages at retail; fees, term and eligibility.
- SB 80 Alcoholic beverages; amendments relating to beer and microbreweries.
- SB 81 Relating to custody for adoption.
- SB 82 Amendments to laws regarding racial profiling.
- SB 84 Relating to permanency planning.
- SB 93 Law enforcement; racial profiling and biased policing
- SB 94 Notification of parties of a temporary hearing.
- SB 111 Eliminating minimum and maximum calculation of special education state aid.
- SB 112 Amendments to statutes pertaining to land surveyors.
- SB 174 Veterans service organizations, electronic gaming machines.
- SB 181 Requiring use of e-verify by employers in the state of Kansas.
- SB 201 Bingo games; prize limits, time, location and conduct of games.
- SB 202 School districts; purpose of state aid to public schools.
- SB 207 Counties; acceptance of credit cards, debit cards; payment of taxes, fees, other exactions.
- SB 212 Annual report by secretary of revenue of abatements of tax liability.
- SB 219 Wage payment act; additional penalties for employers who repeatedly fail to pay wages.
- SB 224 Utilities; report on electric supply and demand for electric utilities; gas safety and reliability surcharge, extension of time for filing rate schedule.
- SB 225 Renaming a portion of Interstate 70 as the Eisenhower/Truman Presidential highway.
- SB 226 Insurance; coverage for autism spectrum disorder.
- SB 230 Creating the relevant efficient academic learning education act.
- SB 231 Establishing the new Kansas parole board and the prisoner review board and transferring powers and duties from the Kansas parole board.
- SB 237 Amendments to the Kansas expanded lottery act.
- SB 241 Amendments to the Kansas expanded lottery act.
- SB 242 Interstate compact on the agreement among the states to elect the president by national popular vote act.
- SB 245 Allotments of state expenditures.
- SB 246 Regulation of sexually oriented business location.
- SCR 1607 Outlining the principles of the State of Kansas regarding immigration reform policies.

SR 1819 Disapproving Executive Reorganization Order No. 39, abolishing the Kansas Arts Commission.

Financial Institutions and Insurance

- SB 14 Health care; Kansas uninsurable health insurance plan act; lifetime limit; participation by in certain children; health care freedom act.
- SB 15 Insurance; risk-based capital requirements.
- SB 64 Banking; criminal record history information, requiring fingerprints.
- SB 65 Health insurance; internal and external review of health care decisions.
- SB 71 Increasing continuing education requirements for insurance agents.
- SB 85 Removal of mandatory participation requirements for group life insurance.
- SB 136 No cause of action for recovery of certain losses while operating an uninsured motor vehicle.
- SB 170 Portable electronics insurance act.
- SB 178 Multi-State surplus lines agreement.
- SB 179 Kansas life and health guaranty association act.

Sub

SB 206 Surplus Lines Insurance; Multi-State Compliance Compact.

Judiciary

- SB 6 Criminal procedure; search incident to arrest.
- SB 7 Driving under the influence
- Sub
- SB 7 Driving under the influence.
- SB 9 Amendments to the code of civil procedure.
- SB 23 Jury trials for juvenile offenders.
- SB 24 Domestic relations; relating to the recodification of certain domestic relations matters
- SB 34 Driver's licenses; habitual violators; motorized bicycles.
- SB 35 Attorney-client privilege and work-product protection.
- SB 36 Exemption from creditors for assets held in qualified retirement plans and regular and Roth individual retirement accounts.
- SB 37 Sentencing; payment of fines; employment of county and city prisoners.
- SB 38 Children; permanency and priority of orders.

SB 44 Removing the gifts from a spouse exception from marital property in a divorce.

SB 45 Removing the trust's taxpayer identification number from the certification of trust.

SB 46 Amending civil procedure code general provisions relating to electronic filing.

SB 47 Amendments to the uniform trust code.

SB 48 Amendments to the probate code.

SB 55 Amending the crime of harassment by telecommunication device.

SB 56 Amending the crime of criminal sodomy.

SB 60 Eliminating direct appeals to the supreme court for certain off-grid felonies.

SB 62 Assessment of court costs under the Kansas standard asset seizure and forfeiture act.

SB 63 Amending the crime of sexual exploitation of a child.

SB 73 Amending criminal discovery statute to prohibit release of child pornography evidence to the defense.

SB 74 Conduct and offenses giving rise to forfeiture.

SB 79 Requiring the debt setoff collection assistance fee to be an additional cost to all debts owed to the court.

Sub

SB 81 Children and minors; temporary custody; permanency planning; adoption.

SB 83 Court of appeals judges appointed by the governor with the consent of the Senate. Eliminating the nominating commission for the court of appeals appointments.

SB 96 Business entities; certificate of good standing; resident agents; reinstatement of articles of organization.

SB 97 Concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund.

SB 104 Tort claims act; dentistry by charitable health care providers

SB 105 Interest on judgments in civil actions.

SB 106 Amending the consumer protection act.

SB 107 Medical expenses; persons in custody of law enforcement, cities and counties.

SB 142 Making expressions of apology, sympathy, commiseration or condolence inadmissible as evidence of an admission of liability or an admission against interest.

- Sub
- SB 159 Conditions of release for parolees and probationers; searches; expunged records; petitions for relief of disabilities for firearms prohibitions.
- SB 164 Record requirements and civil penalties relating to sales of plastic bulk merchandise containers.
- SB 175 Videotaping felony interrogations.
- SB 176 Making lawful presence in the United States a specific consideration in determining conditions of release for a person charged with a crime.
- SCR 1603 Abolishing the supreme court nominating commission; supreme court justices appointed by the governor subject to consent by the house of representatives and the senate.
- SR 1817 Resolution disapproving governor's executive reorganization order no. 34.
- S Sub for
HB 2008 Creating a special sentencing rule for identity theft and identity fraud.
- S Sub for
HB 2071 Civil commitment of sexually violent predators; reimbursement for costs related to habeas corpus actions to the county from the sexually violent predator expense fund; amending the rules of evidence regarding expert testimony.
- KPERS Select*
- S Sub for
HB 2194 KPERS, employer and employee contributions, benefit multiplier, certain elections and KPERS study commission.
- Local Government*
- SB 162 Residential real estate transactions; disclosure of methamphetamine production.
- SB 163 Counties; county administrators; procedure for abolishing office.
- SB 180 Annexation procedures; deannexation; board of county commissioners duties; election required, when; homestead exemption; appeal process.
- S Sub for
HB 2267 Uniform common interest owners bill of rights act; changes.
- Natural Resources*
- SB 122 Authorizing the director of the Kansas Water Office to grant easements on state property on the Arkansas, Kansas and Missouri rivers.
- SB 123 Department of Wildlife and Parks; cabin fees; procedures for purchasing real property.
- SB 124 Relating to the Lower Smoky Hill water supply access program, water rights conservation program abandonment, multi-year water flex accounts and the Arkansas river gaging fund.
- SB 152 Allowing lawfully-possessed concealed handguns and devices designated to suppress report of a firearm while hunting, fishing or furharvesting.
- SB 187 Allowing a water bank charter to become permanent.
- SB 188 Amending the exemptions from a solid waste permit.
- SB 191 Water rights conservation program.
- SB 200 Requiring certain beverage containers to be redeemable.
- Public Health and Welfare*
- SB 29 Amending the drug schedule by adding additional unlawful substances.
- SB 33 School sports head injury prevention.
Sub
SB 33 School sports head injury prevention act.
- SB 76 Operation and management of bingo games.
- SB 88 Naturopathic medicine; prescription, recommendation or administration of natural medicines.
- SB 89 Local health departments; funding reduction.
- SB 90 Behavioral sciences regulatory board; licensure
- SB 91 Public health care; sexual assault survivors right to emergency contraception information.
- SB 92 State board of cosmetology licensing requirements.
Sub
SB 92 Board of cosmetology licensing requirements.
- SB 99 Electronic transmission of prescription order.
- SB 100 Addictions counselor licensure act
- SB 131 Making methamphetamine precursors schedule III prescription drugs.

- SB 132 Dental care; increasing availability and access to dental care.
- SB 133 Health information; technology and exchange of health information.
- SB 134 Advanced practice registered nurse licensure.
- SB 138 Pharmacy audit integrity act
Sub
- SB 138 Pharmacy; creating the pharmacy audit integrity act.
- SB 141 School-located influenza vaccination programs.
- SB 195 Relating to the licensure of acupuncturists.
- S Sub for
HB 2049 Controlled substances.
- S Sub for
HB 2249 Health information; Kansas health information technology and exchange act.
- Transportation*
- SB 58 Designating the US-24 and KS-7 highway the Representative Margaret Long inter-change.
- S Sub for
HB 2132 Issuance of Family of the Fallen license plates.
- Utilities*
- SB 30 Concerning 911 emergency services; prepaid wireless fees, collection and distribution.
- SB 50 Concerning emergency communications service; relating to fees, charges, collection and distribution.
Sub
- SB 50 Emergency communications service; relating to fees, charges, collection and distribution.
- SB 72 Telecommunications and price deregulation.
Sub
- SB 72 Telecommunications.
- SB 137 Employment security law; benefits for school bus drivers.
- SB 158 Full and fair noneconomic damages act.
- SB 177 Statute of limitations increased for taxpayers claiming certain refunds and credits.
- SB 190 Telecommunications and price regulation.
- Ways and Means*
- SB 10 Countywide retailer's sales tax, periods of limitation for certain refunds and credits; property taxation, delinquent or underpaid taxes and overpayment of taxes, clerical errors, rate of interest.
- SB 11 Authorizing attendance and transportation of certain nonresident pupils by school district.
- SB 12 Allowing debtors to exempt the right to receive earned income tax credits from bankruptcy proceedings
- SB 16 Supplemental appropriations for FY 2011 for various state agencies.
- SB 57 School districts; amendments to base state aid per pupil for local option budget purposes.
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- SB 115 State agencies; employee award and recognition program; repealing certain committees, commissions and task forces.
- SB 116 Unclaimed property; disclosure of tax information to the state treasurer.
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- SB 155 Assessed valuation of certain school districts.
- SB 182 EMS board operating fund, fire service training program fund of university of Kansas and fire marshal fee fund share administrative expense reimbursement to general fund
- SB 183 Concerning motor vehicles; relating to safety belts.

- SB 184 Adult care home minimum nursing care requirements.
- SB 185 Insurance; allowing trust companies as a nominee
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- SB 199 Inmates in correctional facilities; medicaid eligibility.
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- SB 206 Surplus Lines Insurance Multi-State Compliance Compact.
- SB 208 Long-term capital improvement program and facilities plans by public safety state agencies.
- SB 209 For fiscal years 2012, 2013, 2014 and 2015, five centers of excellence and three centers of innovation receive \$2,000,000 from the increase in the tax base from bioscience development and investment.
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- SB 211 Pharmacists; dispensing prescriptions.
- SB 213 Lightweight roadable vehicles; registration and taxation.
- SB 214 Redefining "person" in the groundwater management district act.
- SB 215 Abolishing the liquefied petroleum gas advisory board.
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- SB 217 Civil commitment of sexually violent predators; reimbursement for costs related to habeas corpus actions to the county from the sexually violent predator expense fund.
- SB 218 Kansas Highway Patrol; vehicle inspection fees.
- SB 220 Abolishing the office of the state fire marshal and transferring the duties and functions thereof to the division of facilities management, the Kansas bureau of investigation and the division of emergency management.
- SB 221 Prohibiting local community corrections programs from using state grant moneys to supplant local moneys; allowing the secretary of corrections to make certain payments in the next fis-cal year; capping the costs DOC pays to counties for inmates in county jails.
- SB 222 Voter identification requirements.
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- SB 227 Renewable energy; anemometer towers; requiring wind and solar agreements to run with surface estate.
- SB 228 Continuation of statewide tax levy for public schools.
- SB 229 Fee agencies; implementing a 10% transfer for FY2012 then repealing the 20% transfer requirement.
- SB 232 Reduction to state income tax rates based on selected actual state general fund receipts computations, and sales tax rates and distribution.
- SB 233 Appropriations for FY2011, FY2012 & FY2013 for capital improvements for various state agencies.
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- SB 234 Appropriations for FY 2011 through FY 2016 for various agencies.
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- SB 239 Abolishing the death penalty; creating the crime of aggravated murder.
- SB 240 Abolishing the joint committee on information technology; creating the committee on technology oversight.
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- S Sub for
- HB 2014 Appropriations for FY 2011 through FY 2016 for various state agencies, omnibus appropriation act and omnibus reconciliation spending limit bill, capital improvements, special claims.

- S Sub for
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- S Sub for
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- S Sub for
HB 2383 Appropriations for FY 2011 through FY 2016 for various state agencies, omnibus appropriation act and omnibus reconciliation spending limit bill.

State Legislature, Joint Committees

Joint Committee on Energy and Environmental Policy

- HCR 5009 Urging the EPA to develop regulations that minimize adverse impacts.

Joint Committee on Legislative Post Audit

- SB 2 Requiring bidders on state contracts to sign a statement they will not hire former state employees that participated in awarding the contract unless otherwise allowed by law.
- SB 3 Concerning water; establishing the Kansas natural resources subcabinet.
- SB 26 Concerning the state lottery; relating to security audits; background investigation requirements.

Joint Committee on Pensions, Investments, and Benefits

- SB 49 Increased employee and employer contribution rates and benefit formula multiplier.
- HB 2086 Increasing KPERs employer contribution rate cap.

Joint Committee on Special Claims Against the State

- HB 2133 Claims against the state; appropriations.

Joint Committee on State Building Construction

- SB 156 Kansas arts commission, transfer of Hiram Price Dillon House, programing, donations, charitable corporation.

Legislative Educational Planning Committee

- SB 8 Defining information technology project for state universities under the control of the state board of regents.
- SB 13 Career and technical education; amendments.
- SB 19 School districts; finance; KPERs weighting.
- SB 21 Amendments relating to school district funds; enacting the uniform financial accounting and reporting act.
- SB 28 Johnson county education research triangle authority; interest earnings on fund.
- SB 41 Private and out of state postsecondary educational institution act; fees.
- HB 2011 Tax credits for certain contributions to community colleges.
- HB 2012 The duties of the legislative educational planning committee include matters or issues relating to school finance.
- HB 2015 Extending the expiration date of special local option budget provisions; continuation of the statewide property tax levy for public schools.
- HB 2020 Postsecondary educational institutions; funds; certain veterinary practices by students.
- HB 2021 KAN-ED; membership.

State Legislature, Special Committees

Special Committee on Education

- SB 18 School districts; finance; at-risk funds; limits on use.
- SB 20 School districts; at-risk pupils; age limit.
- SB 22 School districts; finance; transportation state aid.
- SB 32 School districts; finance; at-risk weighting calculated on FTE basis.
- HB 2016 School districts; finance; bilingual weighting based on program enrollment.
- HB 2017 School districts; calculating adjusted enrollment if determined that pupils are ineligible for free meals.

- HB 2018 School districts; finance; high density at-risk weighting.
HB 2019 School districts; interdistrict agreements; termination

Special Committee on Judiciary

- HB 2030 Continuation of certain exceptions to disclosure under the open records act.

Special Committee on Legislative Streamlining

- HB 2140 Repealing certain expired committees, task forces and reports to the legislature.

Special Committee on Natural Gas Storage Fields and Facilities

- SCR 1606 Urging the United States Department of Transportation to adopt regulations permitting the State Corporation Commission to regulate natural gas storage fields in Kansas.
HCR 5022 Urging adoption of federal regulations or policies permitting Kansas to regulate the underground storage of natural gas in interstate transportation.

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- Poertner, John
State Board of Indigent Services
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- Pooled Money Investment Board
Robert Chestnut
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Betty Ann Corbin
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- Public Employees' Retirement, Kansas, Board of Trustees
Terry Matlack
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Appointment confirmed: SJ p 698
- Racing and Gaming Commission
Dennis McKinney
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Rick Petersen-Klein, Executive Director
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Jay Shadwick
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Tim Shultz
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- Regents, Board of, Kansas
Mildred Edwards
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Timothy R. Emert
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A. E. McKechnie
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- Regnier, Robert
University of Kansas Hospital Authority
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- Revenue, Department of
Nick Jordan, Secretary
Appointment submitted for confirmation: SJ p 33
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- Roberts, Raymond, Secretary
Department of Corrections
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- Rodman, Dale, Secretary
Department of Agriculture
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- Sanford, David
Kansas Health Policy Authority
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- Schnacke, Donald P.
Kansas, Inc.
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- Securities Commission, State
Aaron Jack, Commissioner
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Marc S. Wilson, Commissioner
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- Setchell, Phillis
State Civil Service Board
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- Shadwick, Jay
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- Shultz, Tim
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- Siedlecki, Rob, Secretary
Department of Social and Rehabilitation Services
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- Sievers, Mark
Kansas Corporation Commission
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- Social and Rehabilitation Services, Department of
Rob Siedlecki, Secretary
Appointment submitted for confirmation: SJ p 274
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- Splichal, Edwin
State Banking Commissioner
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- Streeter, Tracy, Director
Water Office
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- Sullivan, Shawn, Secretary
Department of Aging
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- Sunderland, Charles
University of Kansas Hospital Authority
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- Tafanelli, Lee
Adjutant General
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- Tafanelli, Lee, Brigadier General
Kansas National Guard
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- Tax Appeals, Court of
Janis Lee, Chief Hearing Officer
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Trevor Wohlford
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Appointment confirmed: SJ p 45
- Taylor, Dennis, Secretary
Department of Administration
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- Technology Enterprise Corporation, Kansas
Kyle Elliott
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Kenneth Frahm
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- Transportation, Department of
Deb Miller, Secretary
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- Villegas, Antonio
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- Water Office
Tracy Streeter, Director
Appointment submitted for confirmation: SJ p 275
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- Weber, John
State Board of Indigent Services
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- Wildlife and Parks
Robin Jennison, Secretary
Appointment submitted for confirmation: SJ p 615
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- Williams, Jerome
Kansas Human Rights Commission
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Williams, Larry
State Banking Board
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Wilson, Marc S., Commissioner
State Securities Commission
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